



CRIMINAL JUDICIAL COOPERATION GLOSSARY

**Language Training in the Field of Judicial Cooperation in Criminal Matters in the EU
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Republic of Croatia
Ministry of Justice



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abduction /æb'dʌkʃn/ *n.* The illegal carrying or enticing away of a person, esp. by interfering with a relationship, as the taking of a child from its parents.

abscond /əb'skɒnd/ *v.* To go in a clandestine manner out of the jurisdiction of the courts, or to lie concealed, in order to avoid legal process; to flee from arresting or prosecuting officers of the state.

absentia *n.* (*Latin* for **absence**) *in absentia* When a trial is held without the presence of the accused person. The phrase does not refer to any specific legal procedure applicable in any of the countries, only to the physical presence of the accused at the trial, especially at the time when the court decision was announced. The New EAW framework decision expressly deals with the question of in absentia, and the reasons/exceptions for denying the execution of an EAW in case of an in absentia judgement (council framework decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial).

accessibility /æk'sesə'bɪləti/ *n.* The quality of being accessible.

accessibility of premises A feature of buildings that makes them accessible to all users, in particular to persons with disabilities. Directive 2012/29/EU pays particular attention to victims with disabilities and obliges Member States to ensure that victims with disabilities are able to access the premises where criminal proceedings are conducted and thus benefit fully from the rights set out in the Directive, on an equal basis with others.

accessory /æk'sesəri/ *n.* A person who knowingly promotes or contributes to the crime without being present at the crime; *an accessory before/after the fact.*

accomplice /ə'kʌmplɪs/ *n.* One who knowingly, voluntarily, and with common intent unites with the principal offender in the commission of a crime; *guilty of complicity.*

accrue /ə'kru:/ *v.* Become bigger or more by addition (interests accrue on a bank account); come as a gain or additional advantage, the right that may be exercised by a person under the law of a state.

accusation /,ækju'zeɪʃn/ *n.* A formal criminal charge against a person alleged to have committed an offense punishable by law, which is presented before a court or a magistrate having jurisdiction to inquire into the alleged crime.

accusatorial /ə'kju:zə'təriəl/ *a.* Indicating the form of criminal prosecution in which a person is accused of a crime and is tried in public by a judge who is not also the prosecutor; also called: **adversarial**; contrast with **inquisitorial**.

accused /ə'kju:zd/ *n.* A person formally charged with committing a crime.

acquis /áki/ *n.* (**Community acquis** /kə'mju:nətiáki/, **acquis communautaire** /aki kəmünotɛr/, **EU acquis** /,i: 'ju: áki/) The term *acquis* refers to the body of common rights and obligations which bind all the Member States and the European Union. *Acquis* as the body of EU law comprises:

- the primary legislation,
- the secondary legislation,
- case law of the Court of Justice of the European Union,
- international agreements concluded by the EU with third countries or other international organisations.

acquit /ə'kwɪt/ *v.* Decide officially in a lawsuit that someone is not guilty of a particular crime.

acquittal /ə'kwɪtl/ *n.* The legal and formal certification of the innocence of a person who has been charged with a crime; **acquittal in fact** takes place when a jury finds a verdict of not guilty; **acquittal in law** takes place by operation of law such as when a person has been charged as an **accessory** to a crime and the **principal** has been acquitted.

act /ækt/ *n.* A statute or law made by a legislative body; Act of Parliament, Act of Congress, etc.

action for annulment /'ækʃn fə(r) ə'nɒlmənt/ (**Article 263 TFEU**) Member States, the institutions of the EU and individuals (natural or legal persons) may challenge the legal acts of the EU before the Court of Justice of the European Union. The Court of Justice has jurisdiction to hear cases brought by a Member State against the European Parliament and/or against the Council (apart from Council measures in respect of State aid, dumping and implementing powers) or brought by one institution against another. The General Court has jurisdiction, at first instance, in all other actions of this type and particularly in actions brought by individuals. Natural or legal persons may bring an action against legal acts which are addressed to them or are of direct and individual concern to them and against regulatory acts which concern them directly and which do not entail implementing measures.

action for failure to act /'ækʃn fə(r) 'feɪljə(r) tə ækt/ (**Article 265 TFEU**) If an EU institution is obliged under EU law to adopt a legal act but has failed to do so, the Member States, the institutions of the EU and individuals (natural or legal persons) may ask the Court of Justice of the European Union to review the legality of such an omission. Such an action may be brought only after the institution concerned has been called on to act. Where the failure to act is held to be unlawful, it is for the institution concerned to put an end to the failure by appropriate measures. Jurisdiction to hear actions for failure to act is shared between the Court of Justice and the General Court according to the same criteria as for actions for annulment.

action for failure to fulfil obligations /'ækʃn fə(r) 'feɪljə(r) təfʊl'fɪl ˌɒblɪ'geɪʃnz/ (**Article 258, 259, 260 TFEU**) If a Member State fails to fulfilled its obligations under EU law, the European Commission or another Member State may bring an action before the Court of Justice, which has exclusive jurisdiction to hear such cases. Before the Commission introduces the action, it conducts a preliminary procedure (pre-litigation phase) in which the Member State concerned is given the opportunity to reply to the complaints addressed to it. If that procedure does not result in the Member State terminating the failure, an action for infringement of EU law may be brought before the Court of Justice. If the Court of Justice finds that an obligation has not been fulfilled, the State must bring the failure to an end without delay. If, after a further action is brought by the Commission, the Court of Justice finds that the Member State concerned has not complied with its judgment, it may impose a fixed or periodic financial penalty. However, if measures transposing a directive are not notified to the Commission, it may propose that the Court impose a financial penalty on the Member State concerned already in the judgment establishing a failure to fulfil obligations.

action seeking compensation for damage /'ækʃn si:kɪŋ ˌkɒmpen'seɪʃnfə(r)'dæmɪdʒ/ (**Article 268 TFEU**) Individuals (natural or legal persons) who have suffered damage as a result of the action or inaction of the institutions, bodies, offices or agencies of the Union or its staff may bring an action seeking compensation before the General Court.

adjudge /ə'dʒʌdʒ/ *v.* Make a decision about somebody/something based on the facts that are available.

adjudication /əˌdʒuːdɪ'keɪʃn/ *n.* The legal process of determining a dispute.

administering state /əd'mɪnɪstə(r)ɪŋ stert/ The State to which the sentenced person may be, or has been, transferred in order to serve his sentence.

administration of justice /əd'mɪnɪ'streɪʃn əv 'dʒʌstɪs/ The process and structure which allows conflicts between parties to be settled by a body dedicated to that purpose. The personnel, activity and structure of the justice system.

Administrative Director (AD) of the Eurojust /əd'mɪnɪstrətɪv də'rektə(r) əv ðə 'jʊərəʊdʒʌst/ The Administrative Director (AD), as head of the Eurojust administration, provides leadership to the Heads of Units and Services and to all Eurojust staff. The AD shall be responsible, under the supervision of the President, for the day-to-day administration of Eurojust and for staff management [Article 29(5) of EJ Decision]. The AD has to supervise the implementation of the Administrative Work Program in order to provide the necessary infrastructure and services that enable the College and the College Teams to perform its operational tasks. As Authorizing Officer, the AD has to implement the Eurojust budget. Furthermore the AD has to ensure the adequacy, effectiveness and efficiency of all administrative operations including the sound financial management of the budget.

admissibility of evidence /əd'mɪsə'bɪləti əv 'eɪvɪdəns/ Evidence is admissible if it can be used successfully before a court (i.e. it was collected in a lawful way).

admission of evidence /əd'mɪʃn əv 'eɪvɪdəns/ A judge's acceptance of evidence in a trial.

adopt measures /ə'dɒpt 'meʒə(r)z/ Take actions in order to achieve a set goal.

adversarial/adversary /,ædvə'seəriəl/'ædvəsəri/ *adj.* (also: **accusatorial**/,ækju:zə'təriəl/) A legal system used in the common law countries where two advocates represent their parties' positions before an impartial person or group of people, usually a jury or judge, who attempt to determine the truth of the case.

adversary /'ædvəsəri/ *n.* A person that somebody is opposed to and competing with in an argument or a battle.

adverse consequence /'ædvɜ:s 'kɒnsɪkwəns/ In the context of Council Framework Decision 2009/948/JHA the negative consequences which can be caused by carrying out parallel proceedings in different Member States.

advocate general /'ædvəkeɪt'dʒenrəl/ The judges of the Court of Justice (one of the three judicial instances of the Court of Justice of the European Union) are assisted by 9 advocates general, who deliver their opinion on the cases in which such an opinion is sought by the Court of Justice. The advocate general analyses the legal aspects of the case and independently suggests a response to the Court of Justice which he or she considers should be given to the problem raised. The delivery of the opinion of the advocate general intervenes after the oral hearing, if one is held, before the judgment is delivered.

age of sexual consent /eɪdʒ əv 'seksjuəl kən'sent/ As defined by Directive 2011/92/EU, age of sexual consent means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child.

aggravating circumstance /'ægrəveɪtɪŋ 'sɜ:kəmstəns/ Circumstance that adds to the gravity of an offence. For instance, committing a crime against a particularly vulnerable victim, such as a child with a mental or physical disability, constitutes an aggravating factor to a number of offences. Member States should provide for aggravating circumstances in their national law in accordance with the applicable rules established by their legal systems on aggravating circumstances. They should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply them.

aggravation /,ægrə'veɪʃn/ *n.* The act of making a situation worse or more serious.

aggrieved party /ə'gri:vɪd 'pɑ:ti/ A party suffering unfair or illegal treatment and making a complaint. See also: **injured party**

A-item /eɪ'aɪtəm/ Council agendas are divided into A and B items. A-items are those on which agreement has been reached and which can be adopted without debate. This does not exclude any Council or Commission member expressing an opinion when the item is put to the vote.

Alert in the Schengen Information System II (SIS II) /ə'lɜ:t ɪn ðə sɛnʒen ɪnfə'meɪʃn 'sɪstəm/ A set of data which allows competent authorities of a Member State to identify a person or an object with a view to taking specific action e.g. to arrest for surrender purposes on the basis of a European Arrest Warrant (as regards a person) or to seize (as regards an object).

allegation /ˌæləˈgeɪʃn/ *n.* Any unproved statement of fact in a legal proceeding. It is usually the duty of the party who makes an allegation to produce evidence in support of it at trial – for example, for the prosecution to bring before the court evidence in support of its contention that the defendant committed the alleged crime.

alleged /əˈledʒd/ *adj.* Stated as a fact but without any proof.

allowances to witnesses /əˈlaʊənsɪz tə ˈwɪtnəs/ Costs incurred by witnesses as a result of testifying before judicial authorities such as loss of income, transportation expenses etc.

amnesty /ˈæmnəsti/ *n.* An act erasing from legal memory some aspect of criminal conduct by an offender.

Antici group Diplomats of the Permanent Representations, who prepare **COREPER II** meetings. (Named after the Italian diplomat, who was the first chairman of the group).

appeal /əˈpi:l/ *n.* A formal request to a court or to somebody in authority for a judgement or a decision to be changed. The judgments of the General Court may be appealed before the Court of Justice, whereas the judgments of the Civil Service Tribunal may be appealed before the General Court. Appeals may only be based on points of law. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself decide the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal

appellant /əˈpelənt/ *n.* One who files an appeal against a decision.

appellate court /əˈpelət kɔ:t/ A court in which people can appeal against decisions made in other courts of law.

application /ˌæplɪˈkeɪʃn/ *n.* A formal (often written) request for something.

apply mutatis mutandis /əˈplai mjuːˌtɑːtɪs mjuːˈtændɪs/ A given provision, condition, etc. applies to a new situation once the necessary changes have been made; e.g. where a transit concerns a person who is to be extradited from a third State to a Member State this Article will apply mutatis mutandis. In particular the expression "European arrest warrant" shall be deemed to be replaced by "extradition request".

apprehend /ˌæprɪˈhend/ *v.* To catch and arrest somebody.

apprehension /ˌæprɪˈhenʃn/ *n.* The seizure and arrest of a person who is suspected of having committed a crime.

approximation of laws /əˌprɒksɪˈmeɪʃn əv lɔːz/ The course of (international) legislation, legislative cooperation that results in the derogation of differences among different legal systems or specific legal regulations, as result of which the legal acts became more and more similar to each other.

Area of Freedom, Security and Justice /'eəriə əv'fri:dəm sɪ'kjʊərətɪ ənd 'dʒʌstɪs/ It was created to ensure the free movement of persons and to offer a high level of protection to citizens. It covers policy areas that range from the management of the European Union's external borders to judicial cooperation in civil and criminal matters. It includes asylum and immigration policies, police cooperation, and the fight against crime. A specific procedure, the urgent preliminary ruling procedure, was established for the Court of Justice of the European Union to ensure that preliminary references from nation courts or tribunals relating to these legal areas are dealt with in an expedited way.

arraign /ə'reɪn/ *v.* 1. To call or bring a criminal defendant before a court to answer to the charges. 2. To accuse or charge in general.

arraignment /ə'reɪnmənt/ *n.* (UK/US) A criminal proceeding at which the defendant is officially called before a court of competent jurisdiction, informed of the offense charged in the complaint, information, indictment, or other charging document, and asked to enter a plea of guilty, not guilty, or as otherwise permitted by law.

arrest warrant /ə'rest 'wɒrənt/ A written order issued by authority of the state and commanding the seizure of the person named.

arrestee /,əres'ti:/ *n.* A person who is under arrest.

arson /'ɑ:sn/ *n.* The crime of wilfully setting fire to something.

assassination /ə,sæsi'neɪʃn/ *n.* The act of killing a public figure usually by sudden or secret attack for political or religious reasons.

assault /ə'sɔ:lt/ *n.* An act that creates an apprehension in another of an imminent, harmful, or offensive contact. The act consists of a threat of harm accompanied by an apparent, present ability to carry out the threat.

assault and battery Any unlawful and unpermitted touching of another.

assessor /ə'sesə(r)/ *n.* A person with technical expertise called in to advise a court on specialist matter. See also: **lay assessor**

Asset Recovery Office (ARO) /'æset /rɪ'kʌvəri 'ɒfɪs/ A national office set up or designated by each Member State, as provided for in the Council Decision 2007/845/JHA, for the purposes of the facilitation of the tracing and identification of proceeds of crime and other crime related property which may become the object of a freezing, seizure or confiscation order made by a competent judicial authority in the course of criminal or, as far as possible under the national law of the Member State concerned, civil proceedings.

asylum /ə'saɪləm/ *n.* Protection that a government gives to people who have left their own country, usually because they were in danger for political reasons. *seek/apply for asylum; asylum-seeker.*

attachment /ə'tætʃmənt/ *n.* The legal process of seizing property to ensure satisfaction of a judgment; the document by which a court orders such a seizure may be called a writ of attachment or an order of attachment.

attorney /ə'tɜːni/ *n.* (US) Any lawyer.

attorney-at-law /ə'tɜːni ət lɔː/ *n.* (US) A member of the legal profession who represents a client in court when pleading or defending a case.

attorney general /ə'tɜːni 'dʒenrəl/ (US) 1. Chief law officer of a state or country; 2. (**Attorney General**) The head of the U.S. Department of Justice.

bail /beɪl/ *n.* Money or property put up by the accused to allow release from prison before trial.

banking secrecy /'bæŋkɪŋ 'si:kɹəsi/ A principle concerning the relationship between a bank and its customers according to which the customers' dealings and financial affairs will be treated as confidential.

bar /bɑ:(r)/ 1. *v.* (criminal law) To prevent some legal manoeuvre, as in "barring" a lawsuit due to the running of the time to file. 2. *n.* Objection preventing a legal action or claim; **bars to testimony** (based on age, mental capacity, and lack of perception).

barrister /'bærɪstə(r)/ *n.* (UK) A lawyer entitled to represent clients in open court and to appear at the bar. A barrister does not deal directly with clients but does so through a **solicitor**.

battery /'bætri/ *n.* A criminal offense involving unlawful physical contact, distinct from assault which is the act of creating apprehension of such contact.

bench /bentʃ/ *n.* 1. The seat for judges in a courtroom. 2. The office or position of a judge. 3. *often Bench* The judge or judges composing a court.

bias /'baɪəs/ *n.* A strong feeling in favour of or against one group of people, or one side in an argument, often not based on fair judgement.

biased /'baɪəst/ *adj.* Having a tendency to show favour towards or against one group of people or one opinion for personal reasons; making unfair judgments.

bilateral agreement /,baɪ'lætərəl ə'gri:mənt/ Agreement entered into by two parties: countries, organisations, etc.

bill of indictment /bɪl əv ɪn'daɪtmənt/ A formal written document that is drawn up by a public prosecutor accusing a designated person of having committed a crime and which is presented to a criminal court.

binding /'baɪndɪŋ/ *adj.* A decision against which no further ordinary legal remedy is available.

binding force /'baɪndɪŋ fɔ:s/ A legal act is binding or it has a binding force if its addressee has to follow its regulations. In EU legislation regulations, directives and decisions have a binding force, while recommendations and opinions are not binding. (Treaty on the Functioning of the European Union Article 288).

binding time limits /'baɪndɪŋ taɪm 'lɪmɪts/ The Framework Decision prescribes time limits for the making of a final decision to a surrender request. Where a requested person consents to his or her surrender, the executing judicial authority should make a final decision within ten days of such a consent. Where a requested person refuses to consent to his or her surrender, the executing judicial authority should make a final decision within 60 days of the arrest. In 2011 the European Commission reported that the average time for the surrender of persons who consented was 16 days while the average time for those who did not consent was 48,6 days.

biometric data /ˌbaɪəʊ'metɪk 'deɪtə/ Records used to uniquely identify people, such as fingerprints. According to Council Framework Decision 2008/978/JHA, the EEW shall not be issued for the purpose of requiring the executing authority to obtain bodily material or biometric data directly from the body of any person, including DNA samples or fingerprints.

B-item /bi:'aɪtəm/ Items on which there is no agreement and on which there will be a debate. They are often politically sensitive issues. See also: **false B-item**.

blackmail /'blækmeɪl/ *n.* The crime involving a threat for purposes of compelling a person to do an act against his or her will, or for purposes of taking the person's money or property.

bona fide /ˌbɒnə 'faɪdi/ Latin term which means “in good faith”; it implies sincere good intention regardless of the outcome.

breach /bri:tʃ/ *n.* An act of violating a law or breaking an agreement.

bribery /'braɪbəri/ *n.* The offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties.

Budapest roadmap /rəʊdmæp/ A set of actions to be taken by Member States for the purpose of strengthening the rights of, support for, and protection of victims of crime. The roadmap was created under the resolution adopted by the European Council in June 2011.

burden of proof /'bɜ:dn əv pru:f/ Duty placed upon a party to prove or disprove a disputed fact, or it can define which party bears this burden. Generally the burden of proof falls upon the party who substantially asserts the truth of a particular fact. The normal rule is that the a defendant in a criminal case is presumed to be innocent until proved guilty. Therefore it is the duty of the prosecution to prove its case by establishing both the actus reus of the crime and the mens rea.

burglary /'bɜ:gləri/ *n.* The act of entering a dwelling or other inhabited building where people live or work with the express intention of stealing something.

capture /'kæptʃə(r)/ *v.* To catch a person or an animal and keep them as a prisoner or in a confined space.

carousel fraud /ˌkærə'sel frɔ:d/ A specific type of tax fraud, committed in terms of Value Added Tax (VAT), where the involved parties, which construct a bogus chain of companies, provide fictive invoices to each other as if the goods were actually sold, while the goods in question actually remain at one place for the whole time being (or the goods do not exist at all). The method usually involves multiple jurisdiction areas and/or VAT free zones. In the end, the origin of the goods is concealed, compulsory VAT is not paid to the government (the bogus firm that would be obliged to pay the tax disappears), and VAT is even reclaimed at the same time by the end-of-the-chain distributor. Missing trader fraud refers to a simpler version, where the company that would be obliged to pay tax simply absconds.

case law /keɪs lɔː/ The body of law set out in judicial decisions, as distinct from statute law. The reported decisions of appeals courts and other courts make new interpretations of the law and, therefore, can be cited as precedents.

Case Management System (CMS) /keɪs 'mænɪdʒmənt 'sɪstəm/ Eurojust shall establish a Case Management System composed of temporary work files (TWF) and of an index which contain personal and non-personal data [Article 16(1) of EJ Decision]. The national members of Eurojust may process data on the individual cases on which they are working in a temporary work file [Article 16(5) of EJ Decision]. Case Management System is a software application that supports coordination of Eurojust cases. You can store case related documents and personal information in CMS. Information stored in CMS is secure and searchable. Owner can decide to keep your information visible to you only or share it with other CMS users. CMS facilitates interaction between CMS users involved in a case and notifies them about new developments using notification mails. CMS also facilitates organisation of meetings related to cases between CMS users as well as non-CMS users.

cassation /ke:'seɪʃn/ *n.* Annulment of a judicial decision by a higher court.

cassational power /ke:'seɪʃnəl 'paʊə(r)/ Power of a higher court to quash a decision but not to pass a new decision.

catalogue offences /'kætəlɒg ə'fensɪz/ Official list of offences in certain EU instruments to which certain general rules do not apply (for instance the double criminality test in EAW proceedings).

categories of data /'kætəgərɪz əv 'deɪtə/ Types of data which can be entered into SIS II. Council Decision 2007/533/JHA specifies that SIS II may contain only those categories of data which are required for the purposes laid down in Articles 26, 32, 34, 36 and 38 of this Decision (persons wanted for arrest for surrender or extradition purposes, missing persons who need to be placed under protection and/or whose whereabouts need to be ascertained, persons sought to assist with a judicial procedure, persons and objects for discreet checks or specific checks and objects for seizure or use as evidence in criminal proceedings). The information on persons in relation to whom an alert in SIS II has been issued may not be broader than the following: surname(s) and forename(s), name(s) at birth and previously used names and aliases, any specific, objective, physical characteristics not subject to change, place and date of birth, sex, photographs, fingerprints, nationality, whether the person concerned is armed, violent or has escaped, reason for the alert, authority issuing the alert, a reference to the decision giving rise to the alert, action to be taken, links to other alerts issued in SIS II and the type of offence.

caught while perpetrating a crime /kɔ:t waɪl 'pɜ:pətreɪtɪŋ ə kraɪm/ Caught in the act of committing a crime.

CELEX number A unique identifier of each EU document in EUR-Lex, the online database of EU law. CELEX numbers are made up of the following component parts:

- Sector (1 character; 1 stands for the Treaties, 3 for the secondary legislation, 6 for the case law of the Court of Justice of the EU)
- Year (4 digits)
- Document Type (1 or 2 letters; R stands for Regulations, D for Decisions and L for Directives)
- Document Number (4 digits)

cell /sel/ *n.* A narrow confining room, as in a prison.

central authority /'sentrəl ɔ:'θɒrəti/ Council Framework Decision 2008/978/JHA stipulates that each Member State may designate a central authority or, when its legal system so provides, more than one central authority to assist the competent authorities. Moreover, a Member State may, if necessary as a result of the organisation of its internal judicial system, make its central authority(ies) responsible for the administrative transmission and reception of the EEW as well as for other official correspondence relating thereto. Similar provisions are included in Directive 2014/41/EU regarding the European Investigation Order (EIO).

challenging the lawfulness of the arrest /'tʃælɪndʒɪŋ ðə 'lɔ:flnəs əv ðə ə'rest/ Contesting the legal ground of the placement in detention.

charge /tʃɑ:dʒ/ *n.* A statement contained in the indictment or the criminal complaint specifying the crime a person is accused with.

Charter of Fundamental Rights of the European Union /'tʃɑ:tə(r) əv 'fʌndə'mentl raɪts əv ðə jʊərə'pi:ən 'ju:nɪən/ EU instrument proclaimed in December 2000 establishing individual human rights and freedoms and defining prohibited behaviours in respect of those rights and freedoms.

chief public prosecutor /tʃi:f 'pʌblɪk'prɒsɪkjʊ:tə(r)/ Head of the Prosecution Service.

child /tʃaɪld/ *n.* Under European criminal legislation (e.g., Directive 2012/29/EU) the term child refers to any person below the age of 18.

child pornography /tʃaɪldpɔː'nɒgrəfi/ As defined by Directive 2011/92/EU, means (i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct, (ii) any depiction of the sexual organs of a child for primarily sexual purposes, (iii) any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes, or (iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes.

child prostitution /tʃaɪld ˌprɒstɪ'tʃuːʃn/ As defined by Directive 2011/92/EU, means the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party.

child sex tourism /tʃaɪld seks 'tʊərɪzəm/ The act of travelling to another country for the purpose of paying to have sex with children.

citizens' initiative /'sɪtɪznz ɪ'nɪʃətɪv/ Citizens' initiative allows for 1 million citizens from at least a quarter of EU Member States to ask the European Commission to come up with proposals for new laws in fields in which it has competence.

Civil Service Tribunal /'sɪvl 'sɜːvɪs traɪ'bjuːnl/ One of the three judicial instances of the Court of Justice of the European Union. The Civil Service Tribunal hears direct action brought by the civil servants of the EU institutions, bodies or agencies in labour disputes. The Civil Service Tribunal is composed of 7 judges appointed by the Council of the EU for a period of six years which may be renewed, following a call for applications and after taking the opinion of a panel of seven persons chosen from among former members of the Court of Justice and the General Court and lawyers of recognised competence.

clandestine /klæn'destɪn/ *adj.* Done secretly.

code /kəʊd/ *n.* A systematic and comprehensive compilation of laws, rules, or regulations that are consolidated and classified according to subject matter.

codification /kəʊdɪfɪ'keɪʃn/ *n.* As opposed to consolidation, codification is a formal legal procedure resulting in the adoption of a new legal act which incorporates the basic act and all its amendments and corrigenda. Since codified acts are legal acts, they repeal and replace the former basic acts upon their entry into force.

co-drafting /kəʊdrɑ:ftɪŋ/ *n.* A specific procedure of drafting legislative texts in countries with more than one official language (e.g. Belgium, Switzerland, Canada). Basically, in such countries, legislation must be published in each official language in order to guarantee equal authenticity. To this effect, the different language versions are drafted simultaneously – they are co-drafted. The term “co-drafting” is often used also to characterise the law-making procedure of the EU. However, in this regard, it has to be noted that a real co-drafting system with simultaneous drafting in all the official languages would not be manageable with 24 languages. For this reason, the EU law-making system follows a different approach: texts are first drafted in one language (mainly in English), and subsequently, this text is translated into the other languages. Therefore, the EU drafting system can be referred to as a rather “pseudo co-drafting” system. Despite of being rather translated than co-drafted, the various language versions of the EU acts are considered to be equally authentic.

coerce /kəʊ'z:s/ *v.* To force somebody to do something by using threats.

coercive /kəʊ'z:sɪv/ *adj.* Using force or the threat of force.

coercive measure /kəʊ'z:sɪv'meɪʒə(r)/ A way of forcing another party to act in an involuntary manner by use of some form of pressure or force. Under Council Framework Decision 2008/978/JHA the executing State shall be responsible for choosing the measures which under its national law will ensure the provision of the objects, documents or data sought by an EEW and for deciding whether it is necessary to use coercive measures to provide that assistance.

College of Eurojust /'kɒlɪdʒ əv 'jʊərəʊdʒʌst/ The College consist of all the national members. Each national member shall have one vote [Article 10 (1) of EJ Decision]. The College shall elect a President for a three year period from among the national members and may, if it considers it necessary, elect at most two Vice-Presidents [Article 28 (2) of EJ Decision]. The President shall exercise his duties on behalf of the College and under its authority, direct its work and monitor the daily management ensured by the Administrative Director [Article 28 (3) of EJ Decision], [Article 4 (4) of Rules of Procedures]. The President shall represent Eurojust [Article 4 (2) of Rules of Procedures]. The College shall be responsible for the organisation and operation of Eurojust [Article 1 (1) of Rules of Procedures]. The College is structured in different teams dealing with various matters, from administration to all the different forms of organised crime or data protection. Each week (generally on Tuesday), unless it is decided otherwise, the College shall hold at least one ordinary meeting (Plenary Meeting), [Article 8 (1) of Rules of Procedures].

combat /'kɒmbæt/ 1. *v.* To fight against something; 2. *n.* Fighting or a fight; *to combat crime*

Commission /kə'mɪʃn/ See **European Commission**

commitment /kə'mɪtmənt/ *n.* 1. Written order of a court to confine someone in prison. 2. Proceedings directing the confinement of a mentally ill or incompetent person for treatment.

Committee of the Regions /kə'mɪtiəv ðə 'ri:dʒənz/ The Committee of the Regions is an EU consultative body with 353 members, representing local and regional authorities. It must be consulted during EU decision-making in the fields of: economic and social cohesion, trans-European infrastructure networks, health, education and culture, employment policy, social policy, the environment, vocational training and transport. It is a political assembly providing local and regional bodies with a voice in the European Union. The Commission and the Council are required to consult the Committee of the Regions whenever new proposals are made in areas that have repercussions at regional or local level.

community service /kə'mju:nəti' sɜ:vɪs/ (alternative sentencing) People convicted of crimes are required to perform community services in lieu of incarceration or fines.

compelling /kəm'pelɪŋ/ *adj.* Having the power to persuade; conclusive, convincing; **compelling evidence**; **compelling reason**.

compensation /,kɒmpen'seɪʃn/ *n.* An element of **reparation**, meaning financial or other remuneration for any economically assessable damage resulting from an abuse, including physical or mental harm, loss of earnings, need for medical treatment etc.

compensation mechanism scheme /,kɒmpen'seɪʃn 'mekənɪzəm ski:m/ A mechanism all Member States are required to have in place to provide fair and appropriate compensation to victims of violent intentional crime committed in their respective territories.

compensation to victims of crime /,kɒmpen'seɪʃn tə 'vɪktɪmz əv kraɪm/ Directive 2004/80/EC obliges Member States to put in place a mechanism under which victims of violent intentional crime should be compensated for the loss or injury sustained, and places the responsibility for paying compensation on the competent authority of the Member State on whose territory the crime was committed. Member States must ensure that potential applicants for compensation have access to essential information on the possibilities to apply for compensation, by any means Member States deem appropriate.

competence /'kɒmpɪtəns/ *n.* Legal ability of a court or an authority to exert jurisdiction over a person or a thing (property) that is the subject of legal proceedings.

competent authority /'kɒmpɪtəntə:'θɒrəti/ Any person or organization that has the legally delegated or invested authority, capacity, or power to perform a designated function.

competent court /'kɒmpɪtənt kɔ:t/ The court vested with the power to proceed in a particular case.

complaint /kəm'pleɪnt/ *n.* (in criminal law) A document filed with the appropriate authority (usually police or prosecutor's office) by the victim of crime.

compulsory /kəm'pʌlsəri/ *adj.* Required by law or rule; mandatory, obligatory.

conciliation /kənˌsɪliˈeɪʃn/ *n.* The third and final phase of the **ordinary legislative procedure**. It takes place when the European Parliament and the Council can't reach agreement on a legislative proposal during the first two readings. Delegations from Council and Parliament look for a compromise acceptable to both. See also **Conciliation Committee**.

Conciliation Committee /kənˌsɪliˈeɪʃn kəˈmɪti/ Convened to resolve disagreements between the European Parliament and the Council following the second reading of a legislative proposal. Comprising members of the Council or their representatives and an equal number of representatives of Parliament, the Committee is co-chaired by the President of the Parliament and the President of the Council. Its mission is to reach agreement on a text acceptable to both parties. The Commission also plays a part in the Conciliation Committee to help the European Parliament and the Council to resolve their differences. The Council and the Parliament must adopt the proposal within the six weeks following the convening of the Committee: by an absolute majority of the votes cast in Parliament; by a qualified majority in the Council. Should one of the two institutions reject the proposal, it is deemed not to have been adopted. If the Committee is convened for budgetary matters, it must provide a decision within the twenty-one days following its meeting. The European Parliament and the Council must therefore approve the joint budget plan within fourteen days.

conditional surrender /kənˈdɪʃnəl səˈrendə(r)/ The Framework Decision on EAW establishes the possibility for executing member states to request certain guarantees from issuing states prior to ordering the surrender of a requested person; the guarantees which might be required are laid down in article 5 of EAW FD.

confession /kənˈfeɪʃn/ *n.* Admission, in whole or in part, made by an accused person of his guilt. In common law, confessions were admissible if made voluntarily, i.e. not obtained as a result of some threat or coercion (such as a police officer).

confidentiality /ˌkɒnfɪˈdenʃiˈæləti/ *n.* A duty pertaining to processing data in SIS II and exchanging supplementary information hereto. Council Decision 2007/533/JHA provides that each Member State shall apply its rules of professional secrecy or other equivalent duties of confidentiality to all persons and bodies working with SIS II and supplementary information, in accordance with its national legislation.

confidentiality of investigation /ˌkɒnfɪˈdenʃiˈæləti əv ɪnˌvestɪˈgeɪʃn/ A feature of investigation meaning that it is intended to be kept secret and unknown to the general public. Directive 2014/41/EU obliges each Member State to take the necessary measures to ensure that in the execution of an EIO the issuing authority and the executing authority take due account of the confidentiality of the investigation. The executing authority is obliged to guarantee the confidentiality of the facts and the substance of the EIO, except to the extent necessary to execute the investigative measure. If the executing authority cannot comply with the requirement of confidentiality, it is expected to notify the issuing authority without delay.

confinement /kənˈfaɪnmənt/ *n.* The state of being forced to stay in a closed space, prison, etc. The act of putting somebody there. See also: **solitary confinement**

confiscate /ˈkɒnfɪsket/ *v.* To finally deprive the owner of his or her property under a court order.

confiscation /ˌkɒnfɪˈskeɪʃn/ *n.* Definitive deprivation of property ordered by a court in relation to a criminal offence.

confiscation order /ˌkɒnfɪ'skeɪʃn 'ɔːdə(r)/ A final penalty or measure imposed by a court following proceedings in relation to a criminal offence or offences, resulting in the definitive deprivation of property (article 2 (c) of 2006/783/JHA Framework Decision).

confrontation /ˌkɒnfrʌn'teɪʃn/ *n.* A procedural act in which defendants and/or witnesses come face-to-face with each other to resolve contradictions or to give the defendant a fair chance to object to the testimony of the witnesses.

consensual /kən'senʃuəl/ *adj.* Based on mutual consent.

consensual sexual activity /kən'senʃuəl 'seksʃuəl æk'tɪvəti/ Sexual activities to which the partners have consented. Directive 2011/92/EU lists three consensual sexual behaviours (Article 8) which are left to the discretion of Member States to decide whether they constitute prohibited sexual behaviour, i.e., a crime. One of the three involves consensual sexual activities between peers, who are close in age and degree of psychological and physical development or maturity, and the acts did not involve any abuse. The other two relate to pornographic performance and child pornography.

consent /kən'sent/ *n* Permission, approval, or agreement; **revoke a consent**: take back, withdraw, cancel one's consent; **without consent**: without permission, approval, or agreement.

consolidated version (of an EU legal act) /kən'sɒlɪdeɪtəd 'vɜːʃn/ If a legal act was amended (possibly more times), the consolidated version is the compilation of the provisions currently in force, or at a given time. See also: **consolidation**.

consolidation /kən'sɒlɪ'deɪʃn/ *n.* The integration of amendments and corrigenda into the basic acts, in order to facilitate the reading of amended acts in their updated forms, and to make EU law more accessible. Since consolidated texts are not subject to formal decision-making, the texts produced in this way have no legal character, they only serve documentary purposes.

constitutional law /ˌkɒnstɪ'tjuːʃənl lɔː/ *n.* The area of law that has to do with the subject matter and with the interpretation and construction of constitutions or that deals with the nature and organization of government, its sovereign powers and their distribution and mode of exercise, and the relation of the sovereign to the subjects or citizens.

contacted authority /'kɒntæktɪd ɔː'θɒrəti/ Under Council Framework Decision 2009/948/JHA the competent authority which is asked by a contacting authority to confirm the existence of parallel criminal proceedings.

contacting authority /'kɒntæktɪŋ ɔː'θɒrəti/ Under Council Framework Decision 2009/948/JHA a competent authority of a Member State which contacts a competent authority of another Member State to confirm the existence of parallel proceedings.

controlled delivery /kən'trəʊld dɪ'lɪvəri/ An investigative technique of allowing illicit or suspect consignments of goods to pass out of, through or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offences.

conversion of alerts /kən'vɜ:ʃn əv ə'lɜ:ts/ An alteration to an alert in respect of its purpose. Article 30 of Council Decision 2007/533/JHA provides for such a possibility in relation to alerts on persons wanted for arrest for surrender or extradition purposes. If an arrest cannot be made (either due to the procedure of flagging or in the case of an alert for arrest for extradition purposes because an investigation has not been completed, the requested Member State must regard the alert as the one entered for the purposes of communicating the whereabouts of the person concerned.

convict /kɒn'vɪkt/ 1. *v.* to decide officially in a court hearing that someone is guilty of a crime; 2. *n.* a person who has been convicted of an offence

convicted person /kən'vɪktɪd 'pɜ:sn/ A person tried and found criminally responsible in a final court decision.

convicting Member State A Member State in which a conviction is made. Council Framework Decision 2009/315/JHA in Article 4 stipulates that each Member State takes necessary measures to ensure that all convictions handed down in its territory are accompanied, when provided to its criminal record, by information on the nationality or nationalities of the convicted person if he is a national of another Member State. The central authority of the convicting Member State is obliged to inform - as soon as possible - the central authorities of the other Member States of any convictions handed down within its territory against the nationals of such other Member States, as entered in the criminal record. If it is known that the convicted person is a national of several Member States, information is transmitted to all of them, even if the convicted person is a national of the Member State in whose territory he was convicted.

conviction /kən'vɪkʃn/ *n.* The outcome of a criminal prosecution which concludes in a judgment that the defendant is guilty of the crime charged.

conviction-based confiscation /kən'vɪkʃn beɪst ,kɒnfi'skeɪʃn/ Confiscation, either wholly or in part, of the instrumentalities and proceeds following a final conviction for a criminal offence.

Coordination Meeting (CM) of Eurojust /kəʊ,ɔ:drɪ'neɪʃn 'mi:tiŋ əv 'jʊərəʊdʒʌst/ Eurojust exercises an arbitration role mostly through the organisation of coordination meetings. The focus of a Eurojust Coordination Meeting is on a particular criminal case. The bilateral or multilateral coordination meetings, as part of Eurojust's operational work, stimulate, improve and support co-operation and coordination between national authorities in a specific Eurojust case. Coordination meetings are usually decided by the national members involved in the particular case. The external participants in coordination meetings are prosecutors, judges, magistrates, police officers or others from the concerned national authorities dealing with the specific case. Eurojust reimburses the costs of travel and accommodation of the participants from Member States, or from a third State. Coordination meetings are regularly take place in The Hague, at Eurojust premises. In exceptional cases coordination meetings could be held in the Member State concerned or in the third State. Real time interpretation is provided in a meeting to ensure equal treatment of the participants by providing them with the possibility to use their own language.

COREPER A Council committee made up of the permanent representatives of the Member States, which prepares the work of the Council. COREPER I includes deputy ambassadors and COREPER II is made up of ambassadors.

correctional authorities /kə'rekʃənl ɔ:'θɒrətɪz/ Penitentiary authorities.

corrigendum /,kɒrɪ'dʒendəm/ *n.* 1. An error to be corrected, especially a printer's error. 2. **corrigenda** A list of errors in a book along with their corrections. The aim of corrigenda is to bring the published legislative text in line with the original will of the legislator.

If you find an error in a legal act of the European Union, contact:

the EU coordination unit of the line ministry or of the ministry of justice in your country, the permanent representation of your country in Brussels, or directly the legal service of the EU institution which adopted the legal act in question.

costs of the proceedings (Court of Justice of the European Union) /kɒst əv ðə prə'si:diŋz/ The procedures before the Court of Justice of the European Union are not subject to court fees. However, the bearing of costs which normally arise in such proceedings (e.g. the costs of the parties) is decided on by the Court in the judgment. The party unable to pay all or part of the costs of the proceedings may apply for legal aid.

Council configurations /'kaʊnsl kən,fiɡə'reɪʃnz/ There are ten Council configurations (e.g. Economic and Financial Affairs, Justice and Home Affairs), covering the whole range of EU policies. The General Affairs Council, which is usually attended by foreign ministers or European Affairs ministers, makes sure that the various Council configurations are working consistently with one another and makes the preparations for European Council meetings.

Council of the European Union (Council) /'kaʊnsl əv ðə ˌjʊərə'pi:ən 'ju:niən/ One of the 7 institutions of the European Union. It is the main legislative body beside the European Parliament and represents the executive governments of Member States. In addition to negotiating and adopting EU laws, it coordinates Member States' policies in some specific fields, defines and implements EU foreign and security policy on the basis of guidelines set by the European Council, provides mandate to the Commission to negotiate international agreements and adopts EU budget together with the Parliament.

Council working party /'kaʊnsl 'wɜ:kɪŋ 'pɑ:ti/ The lowest level in the decision-making of the Council. Working parties consist of national experts which task is to prepare the Council's decisions.

counsel /'kaʊnsl/ *n.* A lawyer representing somebody in court.

count /kaʊnt/ *n.* Each separate charge in a criminal action.

counterfeit /'kaʊntəfɪt/ *n.* To imitate something. Products which are counterfeited are fake replicas of the real product.

counterfeit money /'kaʊntəfɪt 'mʌni/ Imitation currency produced without the legal sanction of the state or government.

counterterrorism /ˌkaʊntə'terərɪzəm/ Actions against terrorism.

Court of Justice /kɔ:t əv 'dʒʌstɪs/ One of the three judicial instances of the Court of Justice of the European Union. The Court of Justice's main competences include the preliminary ruling procedure, actions directed against the Member States for failure to fulfil obligations and appeals against the decisions of the General Court. The Court of Justice is composed of 28 judges and 9 advocates general. The Judges and Advocates General are appointed by common accord of the governments of the Member States after consultation of a panel responsible for giving an opinion on prospective candidates' suitability to perform the duties concerned. They are appointed for a renewable term of office of six years. They are chosen from among individuals whose independence is beyond doubt and who possess the qualifications required for appointment, in their respective countries, to the highest judicial offices, or who are of recognised competence.

Court of Justice of the European Union /kɔ:t əv 'dʒʌstɪs əv ðə ˌjʊərə'pi:ən 'ju:niən/ The Court of Justice of the European Union is the official name of the judicial institution of the European Union. The Court of Justice of the European Union, which has its seat in Luxembourg, consists of three courts: the Court of Justice, the General Court (created in 1988) and the Civil Service Tribunal (created in 2004). The Court of Justice of the European Union, together with the courts of the EU Member States, ensures the uniform application and interpretation of European Union law.

court order /kɔ:t 'ɔ:də(r)/ Direction of a court or judge normally made or entered in writing, and not included in a judgment, which determines some point or directs some step in the proceedings.

courtroom /'kɔ:tru:m/ *n.* A room in which the proceedings of a court are held.

covert /'kʌvət/ *adj.* Secret or hidden, making it difficult to notice.

covert operation /'kʌvət ˌɒpə'reɪʃn/ Secret or hidden organised activity. States parties may agree to support each other in criminal investigations by officials acting covertly or under a false identity; the decision on the request and its execution is governed by the law of the requested state; the instrument of cross-border covert operations was adopted in detail in Article 14 of The Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (2000 MLA Convention);

covert investigation /'kʌvət ɪnˌvestɪ'geɪʃn/ As defined in Directive 2014/41/EU, covert investigations are investigations into crime by officers acting under covert or false identity. The Directive obliges the issuing authority to indicate in the EIO why it considers that the covert investigation is likely to be relevant for the purpose of the criminal proceedings. It is also stressed in the Directive that covert investigations shall take place in accordance with the national law and procedures of the Member State on the territory of which the covert investigation takes place. The right to act, to direct and to control the operation related to the covert investigation shall lie solely with the competent authorities of the executing State. The duration of the covert investigation, the detailed conditions, and the legal status of the officers concerned during covert investigations shall be agreed between the issuing State and the executing State with due regard to their national laws and procedures.

crime classification /kraɪm ˌklæsɪfɪ'keɪʃn/ 1. Focuses on the seriousness of the crime and the impact on victims and society; least serious crime: *infraction*, more serious crime: *misdemeanour*, most serious crime: *felony*. The difference mainly rests with the seriousness of the penalty, the level of imprisonment and deprivation of specific allowances. 2. The determination which provision of the criminal code was violated.

crimes specific to the Internet /kraɪm spə'sɪfɪk tə ðə 'ɪntənət/ Such as attacks against information systems or phishing (e.g. fake bank websites to solicit passwords enabling access to victims' bank accounts).

criminal complaint /'krɪmɪnəl kəm'pleɪnt/ The document that sets forth the basis upon which a person is to be charged with an offense.

criminal fine /'krɪmɪnəl faɪn/ An amount of money be paid as a punishment.

criminal justice system /'krɪmɪnəl ˈdʒʌstɪs 'sɪstəm/ The system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses.

criminal proceedings /'krɪmɪnəl prə'siːdɪŋ/ Proceedings instituted to determine a person's guilt or innocence or to set a convicted person's punishment, which may include the institution of the action, all provisional steps such as arrest, attachment of property, etc., the pleadings, the taking of testimony before the trial, the judgment, the appeal, and enforcement;

criminal prosecution /'krɪmɪnəl prə'sɪ'kjuːʃn/ The institution and conduct of legal proceedings against a defendant for criminal behaviour, which may include the institution of the action, all provisional steps such as arrest, attachment of property, etc., the pleadings, the taking of testimony before the trial, the judgment, the appeal, and enforcement.

criminal record /'krɪmɪnl 'rekɔ:d/ A list of crimes for which an accused person has previously been convicted.

criminal trial /krɪmɪnəl 'traɪəl/ A judicial examination and determination of facts and legal issues arising from a criminal act, where a person charged with a crime is found guilty or not guilty and sentenced.

cross-border litigation /krɒs 'bɔ:də(r) ,lɪtɪ'geɪʃn/ The process of taking a case to a law court so that a judgment can be made between different countries or persons from different countries.

cross-examination /krɒs ɪg,zæmɪ'neɪʃn/ *n.* The act of questioning somebody carefully and in a lot of detail about answers that they have already given, especially in court. The defence lawyer has the opportunity to cross-examine a witness who has just given evidence (under direct examination – i.e. in response to questions of the prosecution lawyer) for the prosecution, and the prosecution lawyer has a similar opportunity, after a defence witness has given evidence, to cross-examine that defence witness.

culprit /'kʌlprɪt/ *n.* A person who has done something wrong or against the law.

cumulative sentence /'kju:mjələtɪv sentəns/: One sentence imposed for several, cumulating offences.

curfew /'kɜ:fju:/ *n.* A law which says that people must not go outside after a particular time at night until the morning; the time after which nobody must go outside; *a dusk-to-dawn curfew*

current legal status /'kʌrənt 'li:gl /'stetəs/ The standing of an entity in the eyes of law.

custodial /kʌ'stəʊdiəl/ *adj.* (in criminal law) Involving sending somebody to prison; *custodial sentence.*

custodial sentence /kʌ'stəʊdiəl 'sentəns/ A judicial sentence imposing a punishment consisting of mandatory custody of the convict, either in prison or in some other closed therapeutic and/or (re)educational institution.

custody /kʌstədi/ *n.* (in criminal law) The state of being kept in a prison or other closed institution. Being kept guarded by authorities; *to be in custody*

cyber laundering /'saɪbə(r) 'lɔ:ndə(r)ɪŋ/ Electronic process whereby the proceeds of crime are transformed into ostensibly legitimate money or other assets.

cybercrime /'saɪbəkraɪm/ *n.* Criminal acts that are committed online by using electronic communication networks and information systems. It can be classified in three broad definitions: *crimes specific to the Internet*: such as attacks against information systems or phishing (e.g. fake bank websites to solicit passwords enabling access to victims' bank accounts); *online fraud and forgery*: large-scale fraud can be committed online through instruments such as identity theft, phishing, spam and malicious code; *illegal online content*: including child sexual abuse material, incitement to racial hatred, incitement to terrorist acts and glorification of violence, terrorism, racism and xenophobia.

Data Protection Officer /'deɪtə prə'tekʃn 'ɒfɪsə(r)/ An appointed member of Eurojust staff primarily responsible for compliance with the rules on the processing of personal data as laid down in the Council Decision on the strengthening of Eurojust and amending Decision 2002/187/JHA.

data security /'deɪtə sɪ'kjʊərəti/ Protection of personal data against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration and access or any other unauthorised form of processing.

data subject /'deɪtə 'sʌbdʒɪkt/ A natural person whose personal data are collected and processed by Eurojust in accordance with the principles of lawfulness, fairness, proportionality and necessity of processing. Data subjects have the right of information as laid down in Article 8 of the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust, and in Article 8 of the Charter of Fundamental Rights of the European Union. The latter expressly states that „Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified“;

de minimis request /də'mɪnɪməs rɪ'kwɛst/ Request considered disproportionate or trivial, e.g. where the financial loss or damage is too small or insignificant to be considered or when the alleged offence was committed a long time ago and there is no, or insufficient, explanation for the delay in investigation or prosecution.

deadline /'dedlaɪn/ *n.* The latest time or date by which something should be completed.

decision /dɪ'sɪʒn/ *n.* 1. A conclusion or judgment reached after consideration. 2. The act of reaching a conclusion or of passing of judgment on an issue under consideration.

Decision (legal act of the EU) Decisions are the means available for the institutions of the European Union to order that a measure be taken in an individual case. These legislative acts are binding in their entirety on those they are addressed to.

decision rendered in absentia /dɪ'sɪʒn 'rendə(r)dɪn əb'senʃiə/ A decision taken in the absence of the person on whom the decision was taken.

defamation /defə'meɪʃn/ *n.* The act of damaging somebody's reputation by saying or writing bad or false things about them.

defence counsel/defence lawyer /dɪ'fens 'kaʊnsl / dɪ'fens 'lɔːjə(r)/ A lawyer who represents and advises an accused person and presents their case to the court, with the aim of ensuring that the accused person receives a fair trial.

defenceless person /dɪ'fensləs 'pɜːsn/ A person susceptible to physical or emotional injury.

defendant /dɪ'fendənt/ *n.* General term for a person against whom criminal proceedings are pending.

deferred sentence /dɪ'fɜː(r) 'sentəns/ A sentence whose execution is postponed until some later time.

deposition /,depə'zɪʃn/ *n.* A sworn testimony recorded for use in court at a later date.

deprivation of liberty /,deprɪ'veɪʃn əv 'lɪbə(r)ti/ A state of being deprived of personal freedom.

derogation /,derə'geɪʃn/ *n.* Notice that a signatory to a treaty is unable to comply with a particular provision of the treaty.

designate /'deziɡneɪt/ *n.* To appoint, nominate.

designated central authority /'deziɡneɪtɪd 'sentrəl ə:'θɒrəti/ An authority designated by a Member State to transmit and receive instruments between Member States, as well as for all other official correspondence relating thereto. Member States opting for communication through a designated central authority must communicate their decision to the Commission.

detainee /,di:teɪ'ni:/ *n.* A person kept in custody.

detection /dɪ'tekʃn/ *n.* The act of uncovering a crime; *crime detection*.

detention /dɪ'tenʃn/ *n.* The state of being kept in a closed place, especially a prison.

detention on remand /dɪ'tenʃn ɒn rɪ'mɑ:nd/ See: **pre-trial detention**

detention order /dɪ'tenʃn 'ɔ:də(r)/ A preventive measure ordering the placing of a perpetrator in a closed medical institution in case it is necessary in order to prevent the perpetrator from a repeated commission of a prohibited act.

determine /dɪ'tɜ:mɪn/ *v.* To decide something.

direct action /də'rekt 'æksjən/ A general term covering all actions brought before the Court of Justice, the General Court and the Civil Service Tribunal that follow a classic contradictory procedure (ie. action for annulment, action for failure to fulfil obligations, action for failure to act, action seeking compensation for damage, appeals etc.) as opposed to preliminary ruling procedures which are a special procedure based on the cooperation of the Court of Justice and the national courts or tribunals.

direct effect of EU law /də'rekt ɪ'fekt əv ,i: 'ju: lɔ:/ The principle of direct effect (or immediate applicability) enables individuals to immediately invoke a European provision before a national or European court. The doctrine of direct effect of EU law provisions, as developed by the Court of Justice of the EU in case 26/62 *Van Gend en Loos* and in subsequent judgments implies that EU law provisions – if the provision is sufficiently clear and unconditional – may confer rights on individuals that the courts of the Member States are bound to recognise and enforce. In the case of vertical direct effect EU law may be relied on against the Member State or its organs, whereas in the case of horizontal direct effect EU law is applied in the relationship between individuals (natural or legal persons). The horizontal direct effect of directives is usually excluded.

Directive (legal act of the EU) /də'rektiv/ *n.* Legal act which is binding, as to the result to be achieved, upon each Member State to which it is addressed, but leaves to the national authorities the choice of form and methods. Directives are binding upon those they are addressed to, however, unlike regulations or decisions, they are not directly applicable, as they must first be transposed into national law. Directives are important tools of harmonising the laws of the Member States, while respecting national traditions and characteristics. These legislative acts determine only the result that is to be achieved by the Member States, and let them decide on the form and methods used to transpose EU obligations into national law.

disclosure /dis'kləʊʒə(r)/ *n.* The process of making known evidence to the opposing party in a trial and to the Trial Chamber. Prior to trial, the prosecutor is usually required to disclose or make available to the defence copies of the witness statements of those who he will call to testify before the court as well as other documents such as photographic evidence or forensic medical reports that relevant in the case.

disclosure of information /dis'kləʊʒə(r) əv 'ɪnfə'meɪʃn/ The act of making information that was previously secret or private known or public.

discontinuation /,dɪskən'tɪnju'eɪʃn/ *n.* Non-continuation of the proceedings without finally terminating them.

disposal of evidence /dɪ'spəʊzl əv 'eɪvɪdəns/ Getting rid of evidentiary material. Council Framework Decision 2008/978/JHA contains a reminder that Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property and evidence (5) addresses the need for immediate mutual recognition of orders to prevent the destruction, transformation, moving, transfer or disposal of evidence.

disqualification /dɪs,kwɒlɪfi'keɪʃn/ The state of being banned from pursuing an activity.

dissipation of assets /,dɪsɪ'peɪʃn əv 'æsets/ Using up assets through extravagant spending, gambling, excessive borrowing or fraudulent conveyance to a third party in order to avoid their seizure as proceeds of crime.

documentary evidence /,dɒkjʊ'mentri 'eɪvɪdəns/ Any document (paper) which is presented and allowed as evidence in a trial or hearing, as distinguished from oral testimony.

domestic law /də'mestɪk lɔː/ The internal law of a country defined in opposition to international law.

domestic violence /də'mestɪk 'vɪələns/ (also known as family violence) A pattern of behaviour which involves the abuse by one person of another in an intimate relationship such as marriage, cohabitation, dating, or within the family. Forms of domestic violence include physical, emotional, verbal, economic and sexual abuse, which can range from subtle forms of abuse to violent physical abuse that may result in disfigurement or death.

double criminality /'dʌbl ˌkrɪmɪ'næləti/ A feature of international extradition law by which states may refuse to extradite fugitives if the conduct which is alleged to have constituted a criminal offence in the state requesting extradition would not have resulted in the commission of a criminal offence in the state being asked to effect the extradition (offense must be punishable under the laws of both the surrendering and requesting countries).

double jeopardy /'dʌbl 'jepərdɪ/ See **ne bis in idem principle**

driving ban /'draɪvɪŋ bæŋ/ Prohibition from driving.

dual criminality See **double criminality**

dual (double) criminality test /'dʌbl ˌkrɪmɪ'næləti test/ Test used for establishing that the alleged conduct of the person is an offence in both the requesting and requested state.

due process /dju: 'prəʊses/ The concept that those subject to legal proceedings, notably persons charged with committing crimes, should have their rights under the law respected at all times throughout the process from arrest through to trial and sentencing, and should receive the full benefit and protections that those rights confer.

duty of disclosure /'dju:ti əv dɪs'kləʊʒə(r)/ The duty of making known evidence to the opposing party in a trial. Prior to trial, the prosecutor is usually required to disclose or make available to the defence copies of all documents (witness statements, photographic evidence, forensic medical reports etc.) which are relevant to the defence case.

EAW see **European arrest warrant**

effect /ɪ'fekt/ *n.* The condition of being in full force or execution; operativeness.

eligibility /,elɪdʒə'bɪləti/ *n.* Ability to have or do something because they have the right qualifications, are the right age, etc.; *eligibility for parole*

embezzlement /ɪm'beɪzləmənt/ *n.* To dishonestly withhold or make use of money or assets which you are looking after for someone else usually in a premeditated fashion.

enhanced cooperation/enhanced cooperation procedure /ɪn'hɑːnst kəʊ,ɒpə'reɪʃn prə'si:dʒə(r)/ As opposed to ordinary or special legislative procedure, enhanced cooperation allows a partial cooperation among a group of EU Member States. At least nine member states can establish advanced integration that will be only binding for the participating members. (Treaty of the European Union Title IV, and Treaty on the Functioning of the European Union Title III)

ensuing degree of trauma /ɪn'sjuːɪŋ dɪ'griː əv 'trɔːmə/ The level of trauma suffered by a victim in consequence of a crime committed against him.

entitlement /ɪn'taɪtləmənt/ *n.* 1. The official right to have or do something. 2. Something that you have an official right to.

entry into force /'entri 'ɪntə fɔːs/ The process by which legislation, regulations, treaties and other legal instruments come to have legal force and effect. A directive normally enters into force on the twentieth day following that of its publication in the Official Journal of the European Union; attention: a day of entry into force is not the same as a transposition deadline; in accordance with the case law of the Court of Justice, the general obligation owed by national courts to interpret domestic law in conformity with the directive exists only once the period for its transposition has expired; however during the period prescribed for transposition of a directive, the Member States must refrain from taking any measures liable seriously to compromise the attainment of the result prescribed by it.

equality of arms /i'kwɒləti əv ɑːm/ Principle under which every party is to be afforded a reasonable opportunity of presenting its case to the court under conditions which do not place it at a substantial disadvantage vis-à-vis its opponent.

equitable court proceedings /'ekwɪtəbl kɔːt prə'siːdɪŋz/ Court proceedings conducted before an equity court.

equitable relief /'ekwɪtəbl rɪ'liːf/ A remedy provided under the law of equity. It may be a restraining order or an injunction, which are court orders directing a party to do or not do something.

equity /'ekwəti/ *n.* 1. Fairness; 2 In common-law legal systems a body of law that addresses concerns that fall outside the jurisdiction of common law.

espionage /'espɪənɑːʒ/ *n.* The act of obtaining secret or confidential information by unlawful means.

essential documents /ɪ'senʃl 'dɒkjumənts/ Under Directive 2010/64/EU, documents essential for safeguarding the fairness of criminal proceedings, specifically any decision depriving a person of his or her liberty, any charge or indictment, and any judgment.

Eurojust (EJ) /'jʊərəʊdʒʌst/ *n.* A group of full-time judges and prosecutors, one from each of the 28 Member States, who assist national authorities in investigating and prosecuting serious cross-border criminal cases. It does so by co-ordinating the activities of the national authorities responsible for a particular case and facilitating the collection of evidence under EU and other international mutual legal assistance arrangements. Eurojust is the interim step between a purely national system of prosecution of crimes and prosecution of crimes by an EU prosecutor is Eurojust, a body intended to coordinate and support national investigations, to facilitate judicial cooperation and mutual recognition, and to assist resolving conflicts of jurisdiction. Eurojust is a self-governing body (for the time being it is unique between the EU agencies) operating under rules of procedure approved by the Council of the European Union after having been unanimously adopted by the College. Eurojust is directly responsible to the Council: it has no body corresponding to Europol's management board, which is composed of representatives of national governments. See also **Eurojust's competence** and **Eurojust's external relations**.

Eurojust Coordination Center /'jʊərəʊdʒʌst kəʊ,ɔ:di'neɪʃn 'sentə(r)/ The tool to set up a coordination centre within Eurojust was developed in 2011, to coordinate simultaneous operations between judicial, police and customs authorities. In many regular Eurojust coordination meetings, national authorities come to an agreement to conduct joint actions. The coordination centre ensures real-time transmission and coordination of information between authorities during a common action day of arrests, house/company searches and witness interviews. The aim of having a coordination centre at Eurojust is twofold. It is Eurojust's primary role to coordinate investigations on judicial level during coordination meetings but it is even important to support and coordinate at Eurojust the joint action which has been agreed during the coordination meetings. A real time overview of the actions in several countries will be available at the coordination centre on the specific action day. The coordination centre will have at the end of the action day a complete overview of the results which will be shared to all participants of the coordination actions. It will also allow Eurojust to take the lead in drafting a joint press release.

Eurojust's competence /'jʊərəʊdʒʌsts 'kɒmpɪtəns/ Right to proceed in cases involving crimes and offences in respect of which Europol is at all times competent to act and other offences committed together with the above crimes and offences.

The general competence of Eurojust shall cover:

- the types of crime and the offences in respect of which Europol is at all times competent to act;
- other offences committed together with the types of crime and the offences referred to in point (a) [Article 4 (1)(a)(b) of EJ Decision];
- for types of offences other than those referred to in §1, Eurojust may in addition, in accordance with its objectives, assist in investigations and prosecutions at the request of a competent authority of a Member State [Article 2 of EJ Decision].

What are these crime types?

- terrorism
- drug trafficking
- trafficking in human beings
- illegal immigrant smuggling

- trafficking in nuclear and radioactive substances
- vehicle crime
- counterfeiting and forgery
- money laundering
- computer crime
- fraud, corruption and financial crime
- environmental crime
- participation in a criminal organisation
- other serious forms of international crime
- other offences committed with any of the above

Eurojust's external relations /'jʊərʊdʒʌsts ɪk'stɜːnl rɪ'leɪfns/ Article 26a of the Eurojust Decision authorises Eurojust to conclude agreements with third countries and international organisations. Some of these agreements also provides the possibility to second a liaison prosecutor to Eurojust. The presence at Eurojust of Liaison Prosecutors from Norway and the USA has facilitated judicial cooperation between national competent authorities.

- Agreements with Third States:
 - Agreement between Eurojust and Norway (2005)
 - Agreement between Eurojust and Iceland (2005)
 - Agreement between Eurojust and Romania (2005)
 - Agreement between Eurojust and USA (2006)
 - Agreement between Eurojust and Croatia (2007)
 - Agreement between Eurojust and Switzerland (2008)
 - Agreement on Cooperation between Eurojust and the former Yugoslav Republic of Macedonia (2008)
 - Agreement on Cooperation between Eurojust and the Principality of Liechtenstein (2013)
- Agreements with international organisations:
 - Agreement between Eurojust and Europol (2004)
 - Letter of Understanding between Eurojust and ICC (2007)
 - Practical Agreement on arrangements of cooperation between Eurojust and OLAF (2008)
 - Memorandum of Understanding between Eurojust and the European Judicial Training Network (2008)
 - Memorandum of Understanding between Eurojust and Iber-RED (2009)
 - Memorandum of Understanding between Eurojust and CEPOL (2009)
 - Memorandum of Understanding between Eurojust and the United Nations Office on Drugs and Crime (2010)
 - Agreement between Eurojust and Europol (2010)
 - Memorandum of Understanding between the European Commission and Eurojust (2012)
 - Memorandum of Understanding between Eurojust and ICPO-INTERPOL (2013)
 - Memorandum of Understanding between Eurojust and Frontex (2013)

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) European Union agency headquartered in Warsaw, Poland, responsible for ensuring the security of the EU's borders with non-member states by protecting EU external borders from illegal immigration and people trafficking as well as infiltration into Europe by possible terrorist elements. Frontex was established by Council Regulation (EC) 2007/2004 and started to operate in October 2005.

European Anti-Fraud Office (OLAF) /ˌjʊərəˈpiːən ˈæntifrɔːd ˈɒfɪs/ A Brussels-based office set up in 1999, responsible for investigating fraud against the EU budget, corruption and serious misconduct within the European institutions, and developing anti-fraud policy for the European Commission.

European arrest warrant (EAW) /ˌjʊərəˈpiːən əˈrest ˈwɒrənt/ A judicial decision issued within the European Union for a perpetrator to be taken into custody by the executing Member State, and then to be surrendered to the issuing Member State based on the procedure regulated by the Council Framework Decision 2002/584/JHA (EAW Framework Decision). Some states (Switzerland, Norway, Iceland and Liechtenstein), on the basis of special agreements with the EU, also perform the search and arrest of the wanted person on the basis of EAWs but extradite under normal extradition regime.

European Citizens' Initiative /ˌjʊərəˈpiːən ˈsɪtɪzns ɪˈnɪʃətɪv/ It allows 1 million citizens from at least one quarter of EU Member States to ask the European Commission to come up with proposals for new laws in fields in which it has competence.

European Commission (Commission) /ˌjʊərəˈpiːən kəˈmɪʃn/ The EU's executive body which represents the interests of EU as a whole. It proposes new EU legislation and ensures its correct application. It is one of the 7 EU institutions.

European Convention for the Protection of Human Rights and Fundamental Freedoms International treaty adopted by the Council of Europe for the protection of the human rights and fundamental freedoms in Europe.

European Council /ˌjʊərəˈpiːən ˈkaʊnsl/ An organ bringing together the Heads of State or Government of the EU member states. It makes decisions on broad political priorities and important initiatives. It does not wield legislative power. It is one of the 7 EU institutions.

European Court of Auditors /ˌjʊərəˈpiːən kɔːt əv ˈɔːdɪtə(r)s/ An organ auditing EU finances. Its role is to improve EU financial management and to report on the use of public funds. It is one of the 7 EU institutions.

European Criminal Records Information System (ECRIS) It is a decentralised IT system based on the criminal records databases of the Member States. ECRIS is composed of an interconnection software enabling the exchange of information between the Member States' criminal records databases and a common communication infrastructure (operated under the responsibility of the Commission). It was built and developed in order to facilitate exchange of information on convictions between the Member States in an easily understandable way. ECRIS does not constitute a centralized criminal records database. All criminal records data is stored in databases operated by the Member States. The interconnection software and databases storing, sending and receiving information extracted from criminal records operate under the responsibility of the Member State concerned.

European Economic and Social Committee (EESC) /ˌjʊərəˈpi:ən ˌi:kəˈnɒmɪk ənd ˈsəʊʃl kəˈmɪti/ An EU consultative body with 353 members representing civil society, employers and workers. It must be consulted about EU decision-making on the economy and social policy.

European evidence warrant /ˌjʊərəˈpi:ən ˈeɪvɪdəns ˈwɒrənt/ Article 1 of Council Framework Decision 2008/978/JHA defines the European evidence warrant as a judicial decision issued by a competent authority of a Member State with a view to obtaining objects, documents and data from another Member State for use in proceedings referred to in Article 5. Member States are to execute any EEW on the basis of the principle of mutual recognition and in accordance with the provisions of this Framework Decision.

European investigation order /ˌjʊərəˈpi:ən ɪnˌvestɪˈɡeɪʃn ˈɔ:də(r)/ Directive 2014/41/EU defines the European investigation order (EIO) as a judicial decision which has been issued or validated by a judicial authority of a Member State ('the issuing State') to have one or several specific investigative measure(s) carried out in another Member State ('the executing State') to obtain evidence in accordance with the Directive. Importantly, the EIO may also be issued for obtaining evidence that is already in the possession of the competent authorities of the executing State.

European Judicial Network /ˌjʊərəˈpi:ən dʒuˈdɪʃl ˈnetwɜ:k/ A network of national contact points for the facilitation of judicial co-operation in criminal matters. The network was launched in 1998 and saw its legal status further reinforced by the Council Decision 2008/976/JHA of 16 December 2008.

European Parliament (EP) /ˌjʊərəˈpi:ən ˈpɑ:ləmənt/ An organ composed of 766 directly-elected MEPs from 28 countries, which represents EU citizens. It acts as a co-legislator with the Council on nearly all EU law and holds the other EU institutions to account. It is one of the 7 EU institutions.

European Police Office (Europol) /ˌjʊərəˈpi:ən pəˈli:s ˈɒfɪs/ A Hague-based EU law enforcement agency dealing with criminal intelligence. Europol was established under the Maastricht Treaty and became fully operational in July 1999.

European protection order (EPO) /ˌjʊərəˈpi:ən prəˈtektʃn ˈɔ:də(r)/ A decision, taken by a judicial or equivalent authority of a Member State, on the basis of which a judicial or equivalent authority of another Member State takes an appropriate measure under its own national law with a view to ensuring the protection of the protected person. A European protection order may be issued when the protected person decides to reside or already resides in another Member State, or when the protected person decides to stay or already stays in another Member State. It may only be issued when a protection measure has been previously adopted in the issuing State, imposing on the person causing danger (the abuser) one or more prohibitions or restrictions in terms of his or her behaviour in respect of the protected person (the victim).

evidence /ˈeɪdəns/ *n.* Any matter of fact that a party to a lawsuit offers to prove or disprove an issue in the case; *the taking of evidence.*

ex officio /ˌeksəˈfɪʃiə/ By virtue of the characteristics inherent in the holding of a particular office without the need of specific authorization or appointment.

exceptional circumstances /ɪkˈsepʃənl ˈsɜ:kəmstənses/ Special conditions necessitating a derogation from the general rule.

excise /ˈeksəɪz/ Tax levied on some specific type of goods that are produced/sold under a licence (e.g. alcohol, tobacco, petrol).

excise fraud /ˈeksəɪz frɔ:d/ A type of fraud aimed at avoiding the payment of excise tax.

exculpatory evidence /ekˈskʌlpətəri ˈeɪdəns/ Evidence that tends to show the innocence of an accused person. When gathered by the prosecutor, there are often special disclosure obligations associated with exculpatory evidence.

executing authority /ˈeksɪkjʊ:tɪŋ ɔ:ˈθɒrəti/ Under Council Framework Decision 2008/978/JHA executing authority is an authority having competence under the national law which implements the Framework Decision to recognise or execute an EEW in accordance with the Framework Decision. Similarly, under Directive 2014/41/EU executing authority means an authority having competence to recognise an EIO and ensure its execution in accordance with the Directive and the procedures applicable in a similar domestic case.

executing State /ˈeksɪkjʊ:tɪŋ steɪt/ Council Framework Decision 2008/978/JHA defines the executing State as the Member State in whose territory the objects, documents or data are located or, in the case of electronic data, directly accessible under the law of the executing State. By analogy, under Directive 2014/41/EU, executing State is the Member State executing the EIO, in which the investigative measure is to be carried out.

expert /ˈekspɜ:t/ *n.* A person with special knowledge, skill or training in something; *expert evidence/ expert opinion/ expert testimony.*

expert witness /'ekspɜ:t 'wɪtnəs/ An expert witness is one whose testimony will relate to specific scientific, technical or other matters and who has the professional expertise and training to be able to testify authoritatively on the particular matter in question. For example, in a murder trial one kind of expert witness could be a trained pathologist who can testify as to the precise cause and time of death of the deceased person, or a ballistics expert who can testify as to the type and make of firearm that was used to cause the death.

exploit /ɪk'splɔɪt/ *v.* To use somebody or something meanly or unfairly for one's own gain or advantage.

exploitation /,eksplɔɪ'teɪʃn/ *n.* The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit. According to Directive 2011/36/EU, exploitation includes sexual exploitation, forced labour, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

expulsion /ɪk'spʌlʃn/ *n.* The act of forcing somebody to leave a place.

expunge /ɪk'spʌndʒ/ *v.* To remove or get rid of something.

expungement /ɪk'spʌndʒmənt/ *n.* The process of sealing arrest and conviction records.

extended confiscation /ɪk'stendɪd ,kɒnfɪ'skeɪʃn/ The confiscation of assets which go beyond the direct proceeds of a crime so that there is no need to establish a connection between suspected criminal assets and a specific criminal conduct.

extenuating /ɪk'stenjuetɪŋ/ *adj.* Showing reasons why a wrong or illegal act, or a bad situation should be judged less seriously or excused; **extenuating circumstances**

extort /ɪk'stɔ:t/ *v.* To obtain something from a person by force, intimidation, or undue or illegal power.

extortion /ɪk'stɔ:ʃn/ *n.* The act of obtaining money, services or property from a person or company by means of threat or intimidation.

extradite /'ekstrədaɪt/ *v.* To officially send back somebody who has been accused or found guilty of a crime to the country which conducts criminal prosecution against the wanted person or in which the person was convicted.

extradition /,ekstrə'dɪʃn/ *n.* The act of officially sending back somebody who has been accused or found guilty of a crime to the country which conducts criminal prosecution against the wanted person or in which the person was convicted.

extradition procedure /,ekstrə'dɪʃn prə'si:dʒə(r)/ The official process of extradition, which is normally regulated by treaties.

eyewitness /'aɪwɪtnəs/ *n.* A person who has seen a crime, accident, etc. and can describe it afterwards

fair trial /feə(r) 'traɪəl/ A requirement for court proceedings whose content is specified in European human rights instruments. In criminal cases the following main rights are to be respected: presumption of innocence; right to be told the details of the case; right to have time and facilities to prepare a defence and to instruct lawyers (with financial support where necessary); right to call witnesses and examine the witnesses for the prosecution; right to have the free assistance of an interpreter.

fall victim to a crime /fɔ:l 'vɪktɪm tə eɪ kraɪm/ To become a victim of crime.

false B-item /fɔ:ls bi: 'aɪtəm/ Item on the Council agenda indicated as “B item” but does not require real debate. Usually these are politically sensitive items which do not require further debate but the Council makes conversation on these to draw attention to the topics.

family member /'fæməli /'membə(r)/ For the purposes of Directive 2012/29/EU the term family members refers to the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim. However, Member States may establish procedures to limit the number of family members who may benefit from the rights set out in the Directive and determine which family members have priority in relation to the exercise of the rights set out in the Directive.

felony (offence) /'feləni/ *n.* A serious criminal offence.

female genital mutilation, FGM /'fi:meɪl 'dʒenɪtl ,mju:tɪ'leɪʃn/ All procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.

Fiches Françaises Background information related to an EAW, such as declarations by the Member States on the scope of the Framework Decision, information on the legal procedure and other practical details which can be found on EJN website and General Secretariat of the Council website.

Financial Action Task Force (FATF) /faɪ'nænʃl 'æksjən tɑ:sk fɔ:s/ also known by its French name *Groupe d'action financière (GAFI)* An inter-governmental policy-making body whose purpose is to establish international standards and to develop and promote policies both at national and international level, to combat money laundering and the financing of terrorism. It was formed in 1989 to set out measures to be taken in the fight against money laundering. Since then, the FATF has issued 40 recommendations to fight money laundering and 9 special recommendations to fight terrorist financing.

fine /fam/ *n.* An amount of money imposed as a punishment in a criminal case.

fingerprint /'fɪŋgəprɪnt/ *n.* The recording by the police of impressions taken from the finger-tips of criminals and suspects.

first instance court /fɜ:stɪnstəns kɔ:t/ The initial trial court where an action is brought.

flagging of alerts in the Schengen Information System II /flæŋɪŋ əv ə'leɪtɪŋ ɪn ðə sɛŋɡən ɪnfə'meɪʃn'sɪstəm tuː/ In a situation where a Member State considers that to give effect to an alert entered into SIS II according to Articles 26, 32 or 36 of Council Decision 2007/533/JHA is not compatible with its national law, its international obligations or essential national interests, it may require a flag to be added to the alert entered in the system, so that the action required on the basis of the alert will not be taken in its territory. The flagging of an alert results in the suspension of its validity at the national level. Where an alert in respect of a person wanted for surrender on the basis of a European Arrest Warrant is issued, a flag preventing arrest can be added solely if the competent judicial authority under national law for the execution of a EAW has refused its execution on the basis of a ground for non-execution or it is obvious that the execution of the EAW will have to be refused. The flags are added by the SIRENE Bureau of the Member State which entered the alert upon request.

flight /flaɪt/ *n.* The act of fleeing, i.e. running away.

force /fɔːrs/ *n.* 1. Having legal validity or binding effect. 2. (criminal law) violence unlawfully committed or threatened.

forced begging /fɔːst beɡɪŋ/ Under Directive 2011/36/EU, forced begging is defined as a form of forced labour or services, thus falling within the scope of the definition of trafficking in human beings. Whether begging was, indeed, forced or whether the trafficked person consented to being exploited in that way, should be evaluated on a case-by-case basis. However, when a child is concerned, no possible consent should ever be considered valid.

forensic /fə'rensɪk/ *adj.* (Latin forensis: belonging to the forum) Connected with the scientific tests used by the police when trying to solve a crime; *forensic testimony/forensic medicine.*

foresee /fɔː'siː/ *v.* To know as a probable occurrence; anticipate or predict.

foreseeable /fɔː'siːəbl/ *adj.* Capable of being anticipated.

foreseeability /fɔː'siːə'bɪləti/ *n.* The quality of being foreseeable.

forgery /'fɔːdʒəri/ *n.* Making, adapting or imitating objects, documents etc. with the intent of deceiving another person into believing that the forged object is genuine.

formation /fɔː'meɪʃn/ *n.* (of a court) The composition of the court adjudicating a case: *single-judge/panel/chamber.*

framework decision /'freɪmwɜːk dɪ'sɪʒn/ A decision establishing a general framework instead of containing detailed measures.

free movement of persons, FMOP /friː 'muːvmənt əv 'pɜːsn/ The free movement of persons without barriers within the EU.

freezing /'fri:zɪŋ/ *n.* Temporarily prohibiting the transfer, destruction, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority.

freezing order /'fri:zɪŋ 'ɔ:də(r)/ Any measure taken by a competent judicial authority in the issuing state in order to provisionally prevent the destruction, transformation, moving, transfer or disposal of property that could be subject to confiscation or evidence (article 2 (c) of 2003/577/JHA Framework Decision).

frisk /frɪsk/ *v.* To pass the hands over the body of a clothed person to detect concealed weapons.

frisking /frɪskɪŋ/ *n.* An act or instance of passing the hands over the body of a clothed person to detect concealed weapons; also called: *pat-down*.

gender-based violence /'dʒendə(r) beɪst 'væɪləns/ (also: **gender-related violence**) Violence directed against a person because of that person's gender, gender identity or gender expression.

gender-specific /'dʒendə(r) spə'sɪfɪk/ *adj.* Relating specifically to one of the two genders, i.e., male or female, or being applicable to it.

General Court /'dʒenrəl kɔ:t/ One of the three judicial forums of the Court of Justice of the European Union. The General Court's main competences include action for annulment directed against the legal acts of the institutions of the EU, brought by the Member States or private parties, and appeals against the decisions of the Civil Service Tribunal. The General Court is composed of at least one Judge from each Member State, currently 28. The Judges are appointed by common accord of the governments of the Member States after consultation of a panel responsible for giving an opinion on candidates' suitability. They are appointed for a renewable term of office of six years.

Green Paper /gri:n 'peɪpə(r)/ A study paper published by the European Commission in order to stimulate discussion with the participation of interested parties at European level. Green Papers may lead to proposals for EU action outlined in White Papers.

grievous /'gri:vəs/ *adj.* Extremely serious or worrying in its effects; **grievous bodily harm, GBH** means causing very serious physical injury to someone.

grounds of detention /graʊnds əv dɪ'tenʃn/ The statutory reasons for which someone may be placed in detention.

habeas corpus /ˌheɪbiəs 'kɔ:pəs/ (Latin *You have the body*) A writ (court order) that commands an individual or a government official who has restrained another to produce the prisoner at a designated time and place so that the court can determine the legality of custody and decide whether to order the prisoner's release.

harassment /hə-'rasmənt/ *n.* The act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. The purposes may vary, including racial prejudice, personal malice, an attempt to force someone to quit a job or grant sexual favours, apply illegal pressure to collect a bill, or merely gain sadistic pleasure from making someone fearful or anxious.

hearing /'hɪərɪŋ/ *n.* Any proceeding before a judge or other magistrate in which evidence and/or argument is presented to determine issues of fact and law.

hearing by videoconference /'hɪərɪŋ baɪ 'vɪdiəʊ'kɒnfərəns/ In accordance with Directive 2014/41/EU, where a person is in the territory of the executing State and has to be heard as a witness or expert by the competent authorities of the issuing State, the issuing authority may issue an EIO in order to hear the witness or expert by videoconference or other audiovisual transmission. The issuing authority may also issue an EIO for the purpose of hearing a suspected or accused person by videoconference or other audiovisual transmission.

hearing or speech impediments /'hɪərɪŋ ə:(r) spi:tʃ ɪm'pedɪmənt/ Anomaly of hearing or speech; under Directive 2010/64/UE a condition which should trigger appropriate assistance for defendants who are provided with the right to interpretation.

hearsay /'hɪəseɪ/ *n.* Things that you have heard from another person but do not definitely know to be true; *hearsay evidence*.

High Representative of the Union for Foreign and Security Policy /haɪ ,reprɪ'zentətɪv əv ðə 'ju:nɪən fə(r) 'fɔ:rən /ə'feə(r)s ənd sɪ'kjʊərətɪ 'pɒləsi/ The Amsterdam Treaty created the post of the High Representative for the Common Foreign and Security Policy. The High Representative is one of the five Vice-Presidents of the European Commission and presides over the Foreign Affairs Council. They participate in the development of the Common Foreign and Security Policy and implement it as mandated by the Council. They are responsible for external relations and the coordination of other aspects of the Union's external action. They are also responsible for the Common Security and Defence Policy. The High Representative is appointed by the European Council by a qualified majority, with the approval of the President of the Commission for a mandate of five years. The Council may end this mandate following the same procedure. The High Representative must tender their resignation if the President of the European Commission requests it. In carrying out their missions, the High Representative is supported by a European External Action Service.

hold criminally responsible /həʊld 'krɪmɪnəli rɪ'spɒnsəbl/ To make a perpetrator bear the consequences of his/her criminal conduct.

holder of parental responsibility /'həʊldə(r) əv pə'rentl rɪ ,spɒnsə'bɪlətɪ/ The person who is legally entitled or obliged to take care of a child.

house arrest /haʊs ə'rest/ Confinement to one's home or another specified location instead of incarceration in a jail or prison.

human trafficking /'hju:mən 'træfɪkɪŋ/ Organized criminal activity in which human beings are treated as possessions to be controlled and exploited (as by being forced into prostitution or involuntary labour).

humiliation /hju:,mili'eɪʃn/ *n.* 1. A feeling of being ashamed or stupid and having lost the respect of other people. 2. The act of making somebody feel like this.

identifiable person /aɪ,dentɪ'faɪəbl 'pɜːsn/ A person to be identified, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

identity/identification parade / aɪ'dentəti/ aɪ,dentɪfɪ'keɪʃn pə'reɪd/ A group of persons including one suspected of having committed a crime assembled for the purpose of discovering whether a witness can identify the suspect.

immunity /ɪ'mju:nəti/ *n.* The state of being protected from something. Council Framework Decision 2008/978/JHA mentions a possibility to refuse an EEW where its recognition or execution in the executing State would involve breaching an immunity or privilege in that State. There is, however, no common definition of what constitutes an immunity or privilege in the European Union and the precise definition of these terms is therefore left to national law, which may include protections which apply to medical and legal professions.

impact assessment method (in the European Union) /'ɪmpækt ə'sesmənt 'meθəd/ A method used by the Commission for analysing the direct and indirect implications of a proposed measure (business, environment, health, trade, etc.).

impairment /ɪm'peəmənt/ *n.* A condition which prevents a person's mind or body from functioning properly.

impartial /ɪm'pɑːʃ/ *adj.* Not supporting one person or group more than another.

impartiality /,ɪm,pɑːʃi'æləti/ *n.* The quality of being impartial.

in absentia /,ɪn æb'senʃiə/ See **absentia**

incarcerate /ɪn'kɑːsəreɪt/ *v.* To put somebody in prison or in another closed place from which they cannot escape.

incarceration /ɪn,kɑːsə'reɪʃn/ *n.* Confinement in a jail or prison; imprisonment.

incitement /ɪn'saɪtmənt/ *n.* The act of persuading, provoking or urging another person to commit a crime.

incriminate /ɪn'krɪmɪneɪt/ *v.* To charge somebody with a crime.

incur /ɪn'kɜː(r)/ *v.* To cause oneself to have or experience something unpleasant or unwanted; e.g. incur expenses

indecent assault /ɪn'diːsnt ə'səːlt/ An assault or battery in circumstances of indecency; the touching or attempting to touch the genitals of another person without their consent.

indict /ɪn'daɪt/ *v.* To make a formal **accusation** or **indictment** against a party by the findings of a jury, especially a grand jury.

indictable offense /ɪnˈdaɪtəbl əˈfens/ (UK/US) A crime for which a grand jury rules that there is enough evidence to charge defendant with a felony. These crimes include murder, manslaughter, rape, kidnaping, grand theft, robbery, burglary, arson, conspiracy, fraud, and other major crimes, as well as attempts to commit them.

indictment /ɪnˈdaɪtmənt/ *n.* A written accusation filed to the criminal court charging that an individual named therein has committed a crime or series of crimes.

indigent /ˈɪndɪdʒənt/ *n.* A poor defendant who cannot afford to engage the services of a lawyer to represent them before the court and to fight their case; in such cases, where an individual can demonstrate that he is indigent, the court may assign a lawyer to represent the defendant funded by the court or a legal aid system.

individual risk assessment /ˌɪndɪˈvɪdʒuəl rɪsk əˈsesmənt/ In the context of trafficking in human beings, examination of the victim's safety needs in order to protect that person from retaliation, intimidation and the risk of being re-trafficked, such as by giving the victim access to witness protection programmes or other similar measures.

information /ɪnfəˈmeɪʃn/ *n.* (US) An accusation or criminal charge brought by the public prosecutor /district attorney without a grand jury indictment; it must state the alleged crimes in writing and must be delivered to the defendant at the first court appearance (arraignment); if the judge becomes convinced, the defendant must face trial, and if the judge does not, the case against the defendant is dismissed.

information storage obligations /ɪnfəˈmeɪʃn ˈstɔːrɪdʒ ˌɒblɪˈgeɪʃns/ An obligation related to information from the criminal records of the Member States exchanged according to Council Framework Decision 2009/315/JHA.

infraction /ɪnˈfrækʃn/ *n.* (also called: petty offence) a violation of an administrative regulation, an ordinance or a municipal code.

infringement of a legal rule /ɪnˈfrɪndʒmənt əv ruːl əv lɔː/ breaking a legal rule

initial appearance / first appearance /ɪˈnɪʃl əˈpɪərəns / fɜːst əˈpɪərəns/ First appearance before a court of a person who has been arrested at which the charges are read, the accused person is advised of their rights and the court decides whether or not the accused may be provisionally released (and, if so, the amount of the bail that must be deposited in order to secure the accused person's release). In states in which the rule of law is observed, this first appearance shall be made before a judge or magistrate and occurs within a matter of hours rather than days after arrest.

injunction /ɪnˈdʒʌŋkʃn/ *n.* A court order by which an individual is required to perform, or is restrained from performing, a particular act.

injured party /ˈɪndʒəd ˈpɑːti/ A harmed, victimised person. See also: **aggrieved party**

inmate /ˈɪnmeɪt/ *n.* A person living in a closed institution, such as a prison or a mental hospital.

inquisitorial /ɪnˌkwɪzətˈɔːriəl/ *adj.* A method of legal practice in which the judge endeavours to discover facts while simultaneously representing the interests of the state in a trial.

insatiable /ɪnˈseɪʃəbl/ *adj.* Incapable of being satisfied.

inspection /ɪnˈspekʃn/ *n.* An examination or investigation; the right to see and duplicate documents, enter land, or make other such examinations for the purpose of gathering evidence.

instigate /ˈɪnstɪgeɪt/ *v.* To cause something to happen or begin.

instrumentalities /ɪn(t)-strə-mən-ˈta-lə-tɪz/ *n.* Any property used or intended to be used, in any manner, wholly or in part, to commit a criminal offence or criminal offences.

instrumentalities of crime /ɪn(t)-strə-mən-ˈta-lə-tɪz əv kraɪm/ (Lat. *instrumenta sceleris*) objects used for the commission of a crime. Most countries' criminal legislation provides for the seizure and confiscation of both instrumentalities and proceeds (benefits gained from the commission) of a crime. Article 7 of Directive 2011/36/EU expressly obliges Member States to ensure that their competent authorities are entitled to seize and confiscate instrumentalities and proceeds from offences involving trafficking in human beings.

intercept telecommunications /ɪntəˈsept ˌtelɪkəˌmjuːnɪˈkeɪʃnz/ To secretly listen to or record telecommunication messages. As we read in Article 30 of Directive 2014/41/EU, an EIO may be issued for the interception of telecommunications in the Member State from which technical assistance is needed. Additionally, where more than one Member State is in a position to provide the complete necessary technical assistance for the same interception of telecommunications, the EIO shall be sent only to one of them, with priority given to the Member State where the subject of the interception is or will be located.

interception of communication /ɪntəˈsepʃn əv kəˌmjuːnɪˈkeɪʃn/ Interception of communications takes two forms: the collection and monitoring of communications data (e.g. records of who contacted whom, when, from where and for how long) and interception of the content of the communications themselves. The interception of communications includes listening to the calls made on a telephone or opening and reading the contents of a target's letters or e-mails.

interim decision /ɪntərɪm dɪˈsɪʒn/ Provisional decision.

interim injunction /ɪntərɪm ɪnˈdʒʌŋkʃn/ A temporary court order prohibiting a person from performing certain acts (a prohibitory injunction) or ordering the person to do something (a mandatory injunction). Restraining orders are a type of prohibitory injunction.

international arrest warrant / Red Notice /ɪntəˈnæʃnəl əˈrest ˈwɒrənt / red ˈnəʊtɪs/ A world-wide arrest warrant issued by a national jurisdiction against a perpetrator for the purpose of prosecution or serving a sentence. The procedure is governed by international (extradition) treaties. A Red Notice is the name used for international arrest warrants by Interpol.

intimidate /ɪnˈtɪmɪdeɪt/ *v.* To frighten or threaten somebody so that they will do what you want.

intimidation /ɪnˌtɪmɪˈdeɪʃn/ *n.* Putting a person in fear or arousing fear in a person, usually by a threat of harm.

involuntary commitment /ɪnˈvɒləntri kəˈmɪtmənt/ Confining someone to prison or to hospital without his or her consent.

issuing authority, EAW /ˈɪʃuːɪŋ ɔːˈθɒrəti/ A European arrest warrant may only be issued by the competent judicial authority in a Member State or a state with a special agreement with the EU. Many Member States have designated public prosecutors as their judicial authorities for the purposes of the framework decision. Such designations have been questioned before the British and Irish courts on the basis that in order for an authority to be judicial it should be a court or judge. In both states the designated issuing authority is a judge. However the courts of each have rejected these arguments.

issuing State /ˈɪʃuːɪŋ steɪt/ The Member State adopting an instrument that calls for its recognition and an appropriate action on the part of the executing State. For instance, a protection measure adopted by one Member State constitutes the basis for issuing a European protection order by another State.

joint investigation team /dʒɔɪnt ɪnˌvestɪˈgeɪʃn ti:m/ An investigation team made up of national members, their deputies or their assistants, set up under Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union or under Framework Decision 2002/465 to participate in investigations involving their Member State.

Joint Situation Centre (SitCen) /dʒɔɪnt ˌsɪtʃuˈeɪʃn ˈsentə(r)/ An EU agency established in 2002, responsible for monitoring and assessing events and situations world-wide on a 24-hour basis with a focus on potential crisis regions, terrorism and proliferation of weapons of mass destruction (WMD).

Joint Supervisory Body (JSB) /dʒɔɪnt ˌsuːpəˈvaɪzəri ˈbɒdi/ An independent body responsible for monitoring Eurojust activities in order to ensure that the processing of personal data is carried out in accordance with the Council Decision on the strengthening of Eurojust and amending Decision 2002/187/JHA. JSB is composed of one judge per Member State who is not a member of Eurojust.

judgment /ˈdʒʌdʒmənt/ *n.* A formal decision made by a court in a lawsuit.

judicial authority /dʒuˈdɪʃl ɔːˈθɒrəti/ A person or institution responsible for dispensing justice.

judicial cooperation /dʒuˈdɪʃl kəʊˌɒpəˈreɪʃn/ International cooperation between judicial authorities (judiciary, prosecution service, in some countries also the police).

judicial winding-up /dʒuˈdɪʃl ˌwɪn-diŋ-ˈəp/ The dissolution of a legal person by a court decision, for instance as a sanction for its involvement in a crime.

jurisdiction /ˌdʒʊərəsˈdɪkʃn/ *n.* The geographic area over which authority extends; the authority to hear and determine a case.

jury /ˈdʒʊəri/ *n.* (US, also **panel, jury panel**) In trials, a group of people who are selected and sworn to inquire into matters of fact and to reach a verdict on the basis of the evidence presented to them.

jury trial /dʒʊəriˈtraɪəl/ A method of resolving legal disputes; matters of fact are decided on by a jury.

juvenile correctional facility /ˈdʒuːvənəlː dɪˈtenʃnəˈsɪləti/ Detention facility for young offenders.

kickback /'kɪkbæk/ *n.* An amount of money that is paid to someone illegally in exchange for secret help or work.

language of the case (Court of Justice of the European Union) /'læŋgwɪdʒ əv ðə keɪs/ The language of the case of the procedure before the Court of Justice of the European Union, which may be one of the 24 official languages of the European Union, is determined by the language used in the application in direct actions. In preliminary ruling procedures, the language of the case will be that of the national court which made the reference to the Court of Justice. Oral proceedings at hearings are interpreted simultaneously, as required, into various official languages of the EU. The Judges deliberate, without interpreters, in a common language which, traditionally, is French.

laundering of the proceeds of crime /'lə:ndə(r) əv ðə 'prəʊsi:dz əv kraɪm/ Transfer of funds or goods to conceal their dubious or illegal origin and their later recovering from apparently legitimate sources.

law, the law /lɔ:/ *n.* 1. A system of rules that everyone in a country or society must obey. 2. A particular piece of legislation; 3. A branch of law (company/tax, etc. law). 4. The study of law as a subject at university.

law enforcement authority /lɔ: ɪn'fɔ:smənt ɔ:'θɒrəti/ National police, customs or other authority authorised by national law to detect, prevent and investigate offences or criminal activities.

law enforcement cooperation /lɔ: ɪn'fɔ:smənt kəʊ'ɒpə'reɪʃn/ International cooperation between law enforcement authorities (police, tax and customs, border patrol).

lawsuit /'lɔ:su:t/ *n.* A popular designation of a legal proceeding between two parties in the courts, instituted by one party to compel another to do himself or herself justice.

lawyer /'lɔ:jə(r)/ *n.* General term for a person who is trained and qualified to advise people about the law and to represent them in court, and to write legal documents.

lay assessor /leɪ ə'sesə(r) Lay judge assisting a judge in a trial. See **lay judge**

lay judge /leɪ dʒʌdʒ/ A person assisting a judge in a trial. See **lay assessor**

leaflet /'li:flət/ *n.* A brochure, a flyer; a means of bringing written information to the general public.

legal acts of the European Union /'li:gl ækts əv ðə 'jʊərə'pi:ən 'ju:niən/ Legal acts are the legal instruments adopted by the institutions of the EU to achieve the aims set out in the Treaties. According to the classification introduced by the Lisbon Treaty, the EU has five types of legal acts: regulations, directives, decisions, recommendations and opinions. Only the first three are binding; recommendations are used by the institutions to make their views known and to give advice, while opinions allow the institutions to state their specific position on issues of law making without imposing any legal obligation.

legal advice /'li:gl əd'vaɪs/ Professional opinion given by a legal practitioner on the interpretation, substance of procedure of law.

legal aid /'li:gl eɪd/ The payment of legal costs (legal representation) by the State, out of public funds, for those unable to meet the costs themselves.

legal court proceedings /'li:gl kɔ:t prə'si:dɪŋz/ Proceedings conducted before a court.

legal person /'li:gl 'pɜ:sn/ An entity having legal rights and being subject to obligations. To have **legal personality** means to be capable of acquiring rights and undertaking obligations within a certain legal system, such as to enter into contracts, sue, and be sued.

legal remedy /'li:gl 'remədi/ See **remedy**

legal source /'li:gl sɔ:s/ The origin from which rules of human conduct come into existence and derive legal force or binding characters. It also refers to the sovereign or the state from which the law derives its force or validity.

legally binding /'li:gəli 'baɪndɪŋ/ See **binding**

legislation /,ledʒɪs'leɪʃn/ *n.* Law-making; the preparation and enactment of laws by a legislative body; **primary legislation**: legislation or law passed in an Act of Parliament; **secondary/delegated legislation** (UK: “*Statutory Instruments, SI*”): law made by an executive authority under powers given to them by primary legislation in order to implement and administer the requirements of that primary legislation. It is law made by a person or body other than the legislature but with the legislature's authority.

legislative acts (of the European Union) /'ledʒɪslətɪv ækts əv ðə ˌjʊərə'pi:ən 'ju:niən/ Legal acts of the secondary legislation that are adopted in accordance with the ordinary or a special legislative procedure as laid down in the Treaties are called legislative acts. Legislative acts can be regulations, directives or decisions.

legislature /'ledʒɪslətɪfə(r)/ *n.* A representative assembly of persons that makes statutory laws for a municipality, state (in federal states) or country.

letter of rights /'letə(r) əv raɪts/ Written (and translated, if necessary) statement of the suspect's rights.

letter rogatory/rogatory letter, LOR /'letə(r) 'rɒgətɪ/ A formal request from a court to a foreign court for some type of judicial assistance.

liability of legal persons /laɪə'bɪləti əv 'li:gl 'pɜ:sn/ The capacity of legal persons to be held liable for offences committed for their benefit.

liaison magistrate An official posted by Eurojust in third states for the purpose of facilitating judicial cooperation in cases in which Eurojust is providing assistance.

liability of the Member States for the breach of EU law The Court of Justice of the EU has developed the general principle of state responsibility for non-compliance with EU law in case C-6/90-9/90 *Francovich* and subsequent judgments. According to the doctrine, Member States must make good loss or damage caused to individuals by breaches of EU law for which they can be held responsible. The liability of the Member State may be established if the provision of EU law infringed had been intended to confer rights on individuals, if a manifest and serious breach is present and if there is a direct causal link between the breach of the obligation resting on the Member State and the damage sustained by the injured parties.

liaison magistrate /li'eɪzn 'mædʒɪstreɪt/ An official posted by Eurojust in third states for the purpose of facilitating judicial cooperation with third states in cases in which Eurojust is providing assistance.

libel /'laɪbl/ n. The publishing in print (including pictures), writing or broadcasting through radio, television or film, an untruth about another which will do harm to that person or his/her reputation, by tending to bring the target into ridicule, hatred, scorn or contempt of others. Libel is the written or broadcast form of defamation, distinguished from slander which is oral defamation.

life sentence /laɪf 'sentəns/ 20 years or more in prison as punishment for a person found guilty by a court.

links between alerts in the Schengen Information System II (odsyłacze do innych wpisów Systemie Informacyjnym Schengen II) Where there is a clear operational need, a Member State can create links between different alerts which it enters in the SIS II so that the relationship is established between two or more alerts (e.g. an alert on a person wanted for surrender on the basis of a EAW and an alert on a car stolen by this person); the creation of such a link does not affect the specific action which should be taken on the basis of each linked alert.

Lisbon Treaty (Treaty of Lisbon) /'lɪz-bən 'tri:tɪ/ The “Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community” was signed on 13 December 2007 and entered into force on 1 December 2009. The Lisbon Treaty is not a separate instrument, it does not constitute an independent new treaty but a so-called amending treaty consisting of amending provisions, as it has amended the two treaties forming the legal base of the European Union. However, in everyday usage, the term “Lisbon Treaty” rather refers to the two Founding Treaties as amended by the Lisbon Treaty.

litigation /,lɪtɪ'geɪʃn/ n. The process of making or defending a claim in court.

magistrate /'mædʒɪstreɪt/ *n.* An official who acts as a judge in the lowest courts of law.

manslaughter /'mænslə:tə(r)/ *n.* A legal term for the killing of a human being, in a manner considered by law as less culpable than murder. The definition of manslaughter differs from jurisdiction to jurisdiction. The law generally differentiates between levels of criminal culpability based on the *mens rea*, or state of mind; or the circumstances under which the killing occurred (mitigating factors). Manslaughter is usually broken down into two distinct categories: *voluntary manslaughter* and *involuntary manslaughter*; however, this is not the case in all jurisdictions.

matter of urgency /'mætə(r) əv 'ɜ:dʒənsi/ A case which should be handled without undue delay and treated as a priority.

measure A /'meɪʒə(r) eɪ/ A measure regarding the accused or suspected person's right to translation and interpretation, prescribed under the Council resolution on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings.

measure B /'meɪʒə(r) bi:/ A measure regarding the accused or suspected person's right to information on rights and information about the charges, prescribed under the Council resolution on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings.

measure C /'meɪʒə(r) si:/ A measure regarding the accused or suspected person's right to legal advice and legal aid, prescribed under the Council resolution on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings.

measure D /'meɪʒə(r) di:/ A measure regarding the accused or suspected person's right to communication with relatives, employers and consular authorities, prescribed under the Council resolution on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings.

measure E /'meɪʒə(r) i:/ Special safeguards for suspected or accused persons who are vulnerable.

Member State /'membə(r) steɪt/ A member of the European Union.

mens rea /'menz 'reə/ Guilty mind. The state of mind that the prosecution must prove a defendant to have had at the time of committing a crime in order to secure a conviction.

merger of sentences /'mɜ:dʒə(r) əv sentənsɪz/ Several sentences are imposed and then merged into one.

merits /'merɪts/ [plural] *n.* The substance of a legal dispute and not the technicalities that can affect a lawsuit; *merits of the case*.

Mertens group /Mertens gru:p/ Helps plan the activities of COREPER I. Mertens group is made up of the deputy permanent representatives' assistants, a senior member of the Council Secretariat and a member of the Council's Legal Service. It was named after the Belgian diplomat, who was the first chairman of the group.

minimum rules /'mɪnɪməm ru:lz/ Means for approximating the laws of Member States to facilities mutual recognition of judgments and judicial decisions, as well as police and judicial cooperation in criminal matters by directives establishing minimum standards. These means were created as a result of a compromise between the Member States in a legislative procedure which took into account the differences between their legal traditions and systems. Provided for by Article 82(2) of the Treaty on the Functioning of the European Union (TFEU), these rules do not prevent individual Member States from envisaging in their national legislation benefits beyond those required by TFEU.

minimum threshold /'mɪnɪməm 'θreʃhəʊld/ The EAW Framework Decision requires that a warrant can only be issued when an offence is punishable by imprisonment or a detention order for a maximum period of at least one year, or in conviction cases, where the term of imprisonment is four months or more.

minor /'maɪnə(r)/ *n.* A person under the age of full legal responsibility.

minor offence /'maɪnə(r) ə'fens/ A less serious criminal offence.

minutes of the hearing /'mɪnɪts əv ðə 'hɪərɪŋ/ An official written record of the proceedings of a meeting or hearing. Minutes usually include: the designation of the act taken, the time and place of the act, the identity of the persons participating, the conduct of the procedural act and the statements and motions made by the participants, the orders and rulings issued in the course of the procedural act, statements of other circumstances concerning it. Under the provisions of some states taking minutes on some procedural acts is mandatory (such as interrogation of suspects, hearing of witnesses, the conduct of the court session and trial etc.).

misdemeanour /,mɪsdɪ'mi:nə(r)/ *n.* A criminal offense less serious than a felony.

missing trader fraud /'mɪsɪŋ 'treɪdə(r) frɔ:d/ See **carousel fraud**

misused identity /,mɪs'ju:sd /aɪ'dentətɪ/ It occurs in a situation where a person whose data has been entered in SIS II uses the identity of another person. As stated in Article 51 of Council Decision 2007/533/JHA, where confusion may arise between the person actually intended as the subject of an alert and the person whose identity has been misused, the Member State which entered the alert shall add data relating to the latter to the alert in question, in order to avoid the negative consequences of misidentification. However, this is subject to that person's explicit consent. Furthermore, data related to a person whose identity has been misused may be used only for strictly defined purposes i.e. in order to allow the competent authority to distinguish the person whose identity has been misused from the person actually intended as the subject of the alert and to allow the person whose identity has been misused to prove his identity and to establish that his identity has been misused. The data should be erased from the system at the same time as the corresponding alert or earlier, if the person concerned so requests.

mitigating /'mɪtɪgeɪɪŋ/ *adj.* Any circumstance in connection with a crime or tort which decreases the guilt of the perpetrator; *mitigating circumstances*.

MLA See **mutual legal assistance**

MLAT See **mutual legal assistance treaty**

money-laundering /'mʌni 'lɔ:ndə(r)ɪŋ/ *n.* To make the proceeds of crime appear legitimate in order to hide its criminal source.

more favourable provisions /mɔ:(r) 'feɪvərəbl prə'vɪʒn/ Under Directive 2012/29/EU, provisions in national legislation that envisage for victims of crime benefits beyond those required by EU legislation.

motion /'məʊʃn/ *n.* A formal plea or proposal submitted to a court or other authority.

multilingualism in the EU /'mʌlti'liŋ-gwəl,li-zəm ɪn ðə ˌjʊərə'pi:ən 'ju:niən/ The term “multilingualism” refers to the co-existence of different language communities in one geographical/political area. The European Union comprises 28 Member States and has 24 official languages. Respecting this linguistic diversity is one of the main principles of the EU, as provided for in Article 3(3) of the Treaty on European Union. All legislative and informative EU documents have to be translated into the official languages.

multiple alerts /'mʌltɪpl /ə'li:ts/ Only one alert may be entered in SIS II for one person or object by a single country. However, several alerts concerning the same person or object may be entered by different Member States provided they are compatible.

mutual assistance procedures /'mju:tʃuəl ə'sɪstəns prə'si:dʒə(r)s/ Procedures pertaining to the mutual legal assistance agreement between Member States, concluded for the purpose of gathering and exchanging information in an effort to enforce criminal laws. In the context of Council Framework Decision 2008/978/JHA, it is stated that the EEW should coexist with existing mutual assistance procedures, but such coexistence should be considered transitional until, in accordance with the Hague Programme, the types of evidence-gathering excluded from the scope of the Framework Decision are also the subject of a mutual recognition instrument, the adoption of which would provide a complete mutual recognition regime to replace mutual assistance procedures.

mutual legal assistance, MLA /'mju:tʃuəl 'li:gl ə'sɪstəns/ Formal way in which countries request and provide assistance in obtaining evidence located in one country to assist in criminal investigations or proceedings in another country.

mutual legal assistance treaty /'mju:tʃuəl 'li:gl ə'sɪstəns 'tri:ti/ Agreement between two countries that allows for exchange of evidence and information in criminal and related matters.

mutual recognition agreement /'mju:tʃuəl ,rekəg'nɪʃn ə'gri:mənt/ An agreement between two or more jurisdictions to consider licenses and certifications given by one jurisdiction as being valid in the others.

mutual recognition principle /'mju:tʃuəl ,rekəg'nɪʃn 'prɪnsəpl/ The principle according to which a decision made by a judicial authority in one Member State must be recognised and enforced by judicial authorities in the other Member States, without enquiring into the merits of the decision; the judicial decision from another Member State shall have the same effect and value as a national judicial decision, the system of mutual recognition is based on mutual trust between Member States in their respective criminal justice systems, European Arrest Warrant is the first instrument based on that principle (it is recognized in Preamble 6 of the FD EAW).

national correspondents for Eurojust /'næʃnəl ˌkɒrə'spɒndənt fə(r) 'jʊərəʊdʒʌst/ Persons designated by Member States, responsible for the functioning of the Eurojust national coordination system. Each Member State designates one or more national correspondents for Eurojust. When several correspondents for Eurojust are designated, one of them is responsible for the functioning of the Eurojust national coordination system.

national members of the Eurojust /'næʃnəl 'membə(r)s əv ðə 'jʊərəʊdʒʌst/ Eurojust shall have one national member seconded by each Member State, who is usually a prosecutor [Article 2(1) of EJ Decision]. The length of a national member's term of office shall be at least four years [Article 9(1) of EJ Decision]. Each national member shall be assisted by one or more deputies and by another person as an assistant [Article 2(2)(b) of EJ Decision]. All information exchanged between Eurojust and Member States shall be directed through the national member [Article 9(2) of EJ Decision]. A national member may contact the competent authorities of his Member State directly [Article 9(4) of EJ Decision]. In order to meet Eurojust's objectives, the national member shall have at least equivalent access to certain types of registers (for instance: criminal records, registers of arrested persons, DNA registers, etc.) of his Member State as would be available to him in his role as a prosecutor at national level [Article 9(3) of EJ Decision]. When a national member exercises the powers referred to in the EJ Decision, he does so in his capacity as a competent national authority acting in accordance with national law [Article 9(a)(1) of EJ Decision]. When Eurojust acts through its national members concerned, it may ask – inter alia - the competent authorities of the Member States concerned, giving its reasons, to undertake an investigation or prosecution of specific acts; provide it with any information that is necessary for it to carry out its tasks; take special investigative measure [Article 6(1)(a) of EJ Decision].

natural person /'nætʃrəl 'pɜːsn/ A human being, as distinguished from an artificial entity treated under the law as a fictitious person.

ne bis in idem principle The principle that no one may be tried or punished more than once for the same offence. In international law, the principle is also known as „double jeopardy“ or, more precisely, „prohibition of double jeopardy“.

next of kin A person's closest living relative.

Nicolaidis group /Nicolaidis gru:p/ Diplomats of the Permanent Representations, who prepare the Political and Security Committee meetings. (Named after the Greek diplomat, who was the first chairman of the group.)

non-coercive measures /nɒn'kəʊ'zɜːsɪv 'meʒə(r)/ Measures that do not use coercion, for example, such measures that do not infringe the right to privacy or the right to property, depending on national law.

non conviction based confiscation /nɒn'kən'vɪkʃn beɪst ,kɒnfɪ'skeɪʃn/ Confiscation of property irrespective of a prior conviction of its owner in a criminal court. Non-conviction based procedures involve reversals of the burden of proof on the issue of the legitimacy of asset. Under a Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union, drafted in Brussels on 12 March 2012, in order to meet the requirement of proportionality, the procedure is foreseen only in circumstances where a criminal conviction cannot be obtained because the suspect has died, is permanently ill or when his flight or illness prevents effective prosecution within a reasonable time and poses the risk that it could be barred by statutory limitations.

non-execution of alert /nɒn'ekʃɪ'kju:ʃn əv ə'lɜ:t/ A situation in which an action requested in the alert entered in SIS II cannot be performed; in such a situation the requested Member State should immediately inform the Member State issuing the alert.

non-legislative acts (of the European Union) /nɒn'ledʒɪslətɪv ækts əv ðə ,jʊərə'pi:ən 'ju:niən/ A legislative act can delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act. (Treaty on the Functioning of the European Union Article 290)

non-prosecution /nɒn,pɹɒsɪ'kju:ʃn/ n. Directive 2011/36/EU imposes on Member States an obligation to ensure that competent national authorities may decide not to prosecute or impose penalties on victims of trafficking in human beings (Article 8, Non-prosecution or non-application of penalties to the victim) for their involvement in criminal activities which they have been forced to commit.

non-recognition / non-execution /nɒn,rekəg'nɪʃn / nɒn,pɹɒsɪ'kju:ʃn/ An option given to an executing State to not recognize or execute an instrument issued by an issuing State. Directives and Council Framework Decisions usually expressly list the grounds on which the executing authority shall or may refuse to execute the instrument concerned.

non-regression clause /nɒn,rɪ'greʃn klɔ:z/ A clause prohibiting to interpret a directive as limiting or derogating from any of the rights and procedural safeguards that are ensured under the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the European Union, other relevant provisions of international law or the law of any Member State which provides a higher level of protection; this clause is included in directives on procedural rights of suspected and accused persons.

oath /əʊθ/ *n.* A promise, especially that you will tell the truth in a law court.

obligation to contact /,ɒblɪ'geɪʃnz tə 'kɒntækt/ Under Directive 2009/948/JHA when a Member State has reasonable grounds to believe that parallel proceedings are being conducted in another Member State, it shall contact the competent authority of that other Member State to confirm if such parallel proceedings exists.

obligation to enter into direct consultations /,ɒblɪ'geɪʃnz tə 'entə(r) 'ɪntə də'rekt ,kɒnsl'teɪʃnz/ When it is established that parallel proceedings exist, the competent authorities of the Member States shall enter into direct consultations in order to reach consensus on any effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings.

obligation to inform /,ɒblɪ'geɪʃnz tə ɪn'fɔ:m/ The executing authority is obliged to inform the issuing authority (as understood in the context of Council Framework Decision 2008/978/JHA) on a number of occasions, including for instance a situation, where in the course of the execution of the EEW, the executing authority considers without further enquiries that it may be appropriate to undertake investigative measures not initially foreseen, or which could not be specified when the EEW was issued.

obligation to reply /,ɒblɪ'geɪʃnz tə rɪ'plaɪ/ Under Directive 2009/948/JHA the competent authority which has been contacted by a competent authority of another Member State should have a general obligation to reply to the request submitted.

obscenity /əb'senəti/ *n.* An act or utterance that is offensive according to current moral or decency standards.

offences against human dignity /ə'fensɪz ə'genst 'hju:mən 'dɪgnəti/ Particularly odious offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of human beings.

offend /ə'fend/ *v.* To violate a rule or law.

offender /ə'fendə(r)/ *n.* A person who violates a rule or law.

off-line grooming /,ɒf'laɪn 'gru:mɪŋ/ Solicitation of children for sexual purposes, in ways other than the use of information and communication technology; the opposite of „on-line grooming“, i.e., solicitation via the Internet.

omission /ə'mɪʃn/ *n.* The act of not doing something that should be done.

On-Call Coordination (OCC) Eurojust Eurojust launched the On-Call Coordination on 04 June 2011, implementing Article 5a of the new EJ Decision in order to fulfil its tasks in urgent cases. The OCC shall be able to receive and process at all times requests referred to it. It shall be contactable, through a single OCC contact point at Eurojust, on a 24 hour/7 day basis. The OCC shall rely on one representative (OCC representative) per Member State who may be either the national member, his or her deputy, or an assistant entitled to replace the national member. In technical terms it means that Member States will contact Eurojust through a special telephone number. A call-management system (the “single OCC contact point”) will answer the call and semi-automatically forward it to the competent OCC representative who is on call at that particular time. The case can then be explained in the caller’s own language and appropriate action has to be taken by that OCC representative.

onus of proof /'əʊnəs əv pru:f/ See **burden of proof**

operative part /'ɒpəreɪv pɑ:t/ (of a decision) That which contains what is ordered by the court.

opt-out /ɒpt aʊt/ n. A procedure (notification or reservation by an EU Member State) when a Member State does not want to submit itself to an EU legislative act, and therefore that part of EU legislation will not be binding in the Member State. The United Kingdom made a general opt-out (“block opt-out”) in relation to the Treaty of Lisbon in terms of the former third pillar instruments from 1 December 2014, but other countries have some opt-outs as well.

order /'ɔ:də(r)/ n. Direction of a court or judge normally made or entered in writing, and not included in a judgment, which determines some point or directs some step in the proceedings.

order to show cause /'ɔ:də(r) tə ʃəʊ kɔ:z/ A type of court order that requires one or more of the parties to a case to justify, explain, or prove something to the court.

ordinary legislative procedure /'ɔ:dnri 'ledʒɪslətɪv prə'si:dʒə(r)/ A general procedure used for creating legal regulations in the European Union. It is a joint adoption of the legal act by the European Parliament and the Council on a proposal from the Commission (Treaty on the Functioning of the European Union Article 289).

Organised Crime Threat Assessment (OCTA) /'ɔ:gənaɪzd kraɪm θret ə'sesmənt/ Europol’s annual report assessing the evolving threat of organised crime to the EU.

palm print /pɑ:m print/ An image acquired of the palm region of the hand. It can be either an online image (i.e. taken by a scanner or CCD) or offline image where the image is taken with ink and paper.

pander /'pændə(r)/ *n.* A person who furnishes clients for a prostitute or supplies persons for illicit sexual intercourse.

parallel proceedings /'pærəlel /prə'si:diŋ/ Under Framework Decision 2009/948/JHA criminal proceedings, including both the pre-trial and the trial phases, which are conducted in two or more Member States concerning the same facts involving the same person.

Parliamentary Committee (of the European Parliament) /,pɑ:lə'mentri kə'miti əv ðə jʊərə'pi:ən 'pɑ:ləmənt/ The European Parliament's 20 permanent committees draw up, amend and adopt legislative proposals, which are then voted by the EP as a whole during plenary sessions. The political make-up of the committees reflects that of the European Parliament. The European Parliament can set up sub-committees, special temporary committees and formal committees of inquiry.

parole /pə'rəʊl/ *n.* The early supervised, conditional release of a prison inmate.

partial decision / pɑ:ʃl dɪ'si:ʒn/ A decision settling one or some claims but not all.

penal code /'pi:nl /kəʊd/ Criminal code.

pending /'pendɪŋ/ *adj.* In progress, e.g. pending lawsuit.

penitentiary /,penɪ'tenʃəri/ *n.* A prison.

perjury /'pɜ:dʒəri/ *n.* The criminal act of making a false statement under oath.

perpetrator /'pɜ:pətreɪtə(r)/ *n.* A person who commits an illegal, criminal, or evil act.

person causing danger /'pɜ:sn kə:zɪŋ 'deɪndʒə(r)/ A natural person on whom one or more prohibitions or restrictions have been imposed. Under Article 5 of Directive 2011/99/EU, prohibited or regulated behaviour may include (a) entering certain localities, places or defined areas where the protected person resides or visits, (b) contacting, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means, or (c) approaching the protected person closer than a prescribed distance.

personal data /'pɜ:sənl 'deɪtə/ Any information relating to an identified or identifiable natural person (data subject).

persons sought to assist with a judicial procedure Persons whose data may be entered into the SIS II for the purposes of communicating their place of residence or domicile; pursuant to the Council Decision 2007/533/JHA these are the following : witnesses, persons summoned or persons sought to be summoned to appear before the judicial authorities in connection with criminal proceedings in order to account for acts for which they are being prosecuted, persons who are to be served with a criminal judgment or other documents in connection with criminal proceedings in order to account for acts for which they are being prosecuted and persons who are to be served with a summons to report in order to serve a penalty involving deprivation of liberty.

petition filed with the court /pə'tɪʃn faɪld wɪð ðə kɔ:t/ See **application**

petitions to the European Parliament /pə'tɪʃnz tə ðə ˌjʊərə'pi:ən 'pɑ:ləmənt/ Any EU citizen, resident, or company, organisation or association with its headquarters in the EU, can petition the European Parliament on any subject falling within the EU's remit and which directly affects them. Such petitions give the European Parliament the opportunity of calling attention to any infringement of a European citizen's rights by a Member State, local authority or other institution.

petty offense /'peti ə'fens/ See **infraction**

physical evidence /'fɪzɪkl 'eɪvɪdəns/ (also called: *real evidence, material evidence*) Any material object that plays some actual role in the matter.

piracy /'paɪrəsi/ *n.* The unauthorized use or reproduction of another person's copyrighted or patented material such as film or music.

pleading /'pli:dm/ *n.* Asking a court to grant relief. Formal presentation of claims and defenses by parties to a lawsuit.

pornographic performance /ˌpɔ:nə'græfɪk pə'fɔ:məns/ As defined by Directive 2011/92/EU, means a live exhibition aimed at an audience, including by means of information and communication technology, of (i) a child engaged in real or simulated sexually explicit conduct, or (ii) the sexual organs of a child for primarily sexual purposes.

post-adjudicatory detention /pəʊst ə'dʒu:dɪkeɪtəri dɪ'tenʃn/ Detention ordered under a final court decision.

postpone /pə'spəʊn/ *v.* To arrange for an event to take place at later time or date. The competent judicial authority may postpone the execution of the freezing order when the execution might damage an ongoing criminal investigation.

postponed surrender /pə'spəʊnd sə'rendə(r)/ Under Article 24.1 of EAW FD the executing judicial authority may, after deciding to execute the European arrest warrant, postpone the surrender of the requested person so that he or she may be prosecuted in the executing Member State or serve a sentence passed for an act other than that referred to in the European arrest warrant.

postponement of arraignment /pə'spəʊnmənt əv ə'reɪnmənt/ The act of postponing arraignment for a probation period.

postponement of EEW recognition /pə'spəʊnmənt əv i:i:'dʌblju: ,rɛkəg'nɪʃn/ Under Council Framework Decision 2008/978/JHA recognition of the EEW may be postponed on different grounds, including a situation, where the form provided for in the Annex to the Decision is incomplete or manifestly incorrect; where the EEW has not been validated; where its execution might prejudice an ongoing criminal investigation or prosecution; or where the objects, documents or data concerned are already being used in other proceedings.

power /'paʊə(r)/ *n.* The right, ability or authority to perform an act.

practical constraints /'præktɪkl kən'streɪnts/ Practical factors which prevent some prescribed measures from being implemented and objectives being achieved. For instance, an officer of the court being on sick or maternity leave may make it impossible to ensure that the victim is consistently interviewed by the same police officer, or a court building being renovated may make the premises specially designed for interviews with victims unavailable.

precarious /pri'keəriəs/ *adj.* Dependent on uncertain premises; unsafe or not well funded.

precedent /'presɪdənt/ *n.* (Latin *stare decisis*) Means to follow or adhere to previously decided cases in judging a case at bar; appellate case law should be considered as binding upon lower courts; **ratio decidendi**: principle of law on which the decision is made – binding in later cases; **obiter dictum**: judge's speculation about what his decision would have been if the facts had been different– non-binding but persuasive.

pre-charge detention /pri:tʃɑ:dʒ dɪ'tenʃn/ When an individual is held and questioned by police prior to being charged with an offense.

predictability /pri ,dɪktə'bɪləti/ *n.* The quality of being predictable.

preliminary ruling procedure (Article 267 TFEU) /pri'lɪmɪnəri 'ru:lɪŋ prə'si:dʒə(r)/ The Court of Justice of the European Union has jurisdiction to give preliminary rulings on the interpretation of Union law and on the validity of acts adopted by the institutions, bodies, offices or agencies of the Union. Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court of Justice to give a preliminary ruling. If such question is raised before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court of Justice. Once a preliminary ruling procedure has been initiated, the parties of the proceedings before the national court, as well as the Member States and the institutions of the European Union may take part in the proceedings before the Court of Justice. The Court of Justice will deliver a judgment or, in cases specified, a reasoned opinion. The national court initiating the preliminary ruling procedure is bound by the interpretation given by the Court of Justice. The judgment is also binding on other national courts if the same problem is raised before them.

presentation of findings /,prezn'teɪʃn əv 'faɪndɪŋz/ Summary of information discovered as the result of an inquiry or investigation.

presumption of compliance with EU law /prɪ'zʌmpʃn əv kəm'plaɪəns wɪð 'i: 'ju: lɔ:/ A doctrine which forms the basis for the creation of an area of freedom, security and justice within the European Union, and which refers to fundamental rights (as enshrined in the Charter of Fundamental Rights of the European Union) in particular.

presumption of innocence /prɪ'zʌmpʃn əv 'ɪnəsns/ A defendant shall be presumed innocent until proven guilty beyond reasonable doubt. It is a principle that requires the government to prove the guilt of a criminal defendant and relieves the defendant of any burden to prove his or her innocence; *innocent until proven guilty*.

pre-trial detention /pri:'traɪəl dɪ'tenʃn/ Detention during criminal investigations and trial; See **detention on remand**.

prima facie case /,praɪmə 'feɪʃi keɪs/ "Prima facie" is a Latin term, meaning "on the face of it", that is used in a legal context to define whether there is enough evidence to warrant a case continuing to trial in the judicial process. Where a "prima facie case" has been established against an accused person, the court will agree that investigations to find further evidence against the accused should continue and probably that the accused should remain in custody while this occurs and before the case is brought to trial.

primary consideration /'praɪməri kən'sɪdə'reɪʃn/ A factor to be considered before and above any other; a primary concern, a priority. In EU legislation, the term is often used in relation to children and their best interest, e.g. „In applying this Directive, children's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child adopted on 20 November 1989.

primary legislation /'praɪməri 'ledʒɪs'leɪʃn əv ðə 'juərə'pi:ən 'ju:nɪən/ Primary legislation forms the first and most important source of EU law. It consists of the EU Founding Treaties with their amendments and the Accession Treaties, and thus can be considered the constitutional framework of the European Union.

principal /'prɪnsəpl/ *n.* An actor who is primarily responsible for a criminal offense. Such an actor is distinguished from others who may also be subject to criminal liability as accomplices, accessories or conspirators.

principle of ne bis in idem No one may be tried or punished more than once for the same offence. In international law, the principle is also known as „double jeopardy“ or, more precisely, „prohibition of double jeopardy“.

principle of non-punishment /'prɪnsəpl əv nɒn'pʌnɪʃmənt/ Principle embodied in Article 8 of Directive 2011/36/EU, which entitles Member States' competent national authorities not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they were compelled to commit as a direct consequence of being a victim of trafficking.

principle of proportionality /'prɪnsəpl əv prə'pɔ:ʃə'næləti/ One of the key principles of EU legislation which mandates that any action taken by Member States' institutions must be limited to what is necessary to achieve the particular objective. The usual wording used in the legislation is that the instrument (a directive, a regulation, a framework decision) „does not go beyond what is necessary to achieve that objective“.

prison regime /prɪzn reɪ'zi:m/ The regime under which a sentence of imprisonment is to be executed; *strict-/medium-/light-regime prison; maximum/medium/minimum security prison.*

prisoner /'prɪznə(r)/ *n.* A person who is kept in prison as a punishment.

private accuser/prosecutor /'praɪvət ə'kju:zə(r)/'prɒsɪkjʊ:tə(r)/ A private person making the accusation in case of an offense which is privately prosecutable.

private party /'praɪvət 'pɑ:ti/ An aggrieved party enforcing civil law claims in criminal proceedings.

probable cause /'prɒbəbl kə:z/ When there is a reasonable ground to believe that a person is guilty of a criminal act. In case such a cause exist the arrest, prosecution or trial of such person is allowed.

probation /prə'beɪʃn/ *n.* A sentence whereby a convict is released from confinement but is still under court supervision; a testing or a trial period; *probationary officer/ supervision.*

procedural impropriety /prə'si:dʒərəl ɪmprə'praɪəti/ A failure on the part of a public authority to act in accordance with the requirements of procedural fairness.

procedural law /prə'si:dʒərəl lɔ:/ A body of legal rules that govern the process for determining the rights of parties, e.g. *criminal procedural law.*

procedural rights /prə'si:dʒərəl raɪts/ (in criminal law) Rights of defendants in legal proceedings providing fair trial guarantees such as access to legal advice both before and at trial, access to free interpretation and translation, ensuring that persons not capable of understanding or following the proceedings receive appropriate attention, the right to communicate with consular authorities in case of foreign suspects, the notifying of the suspected persons of their rights (by giving them a written "Letter of Rights").

procedure /prə'si:dʒə(r)/ *n.* A body of law that sets out the rules and standards that courts and authorities must follow when a dispute is settled or criminal liability is examined or a complaint is dealt with before the court or authority; *civil/criminal/administrative procedure.*

proceeding /prə'si:dɪŋ/ [*often plural*] *n.* A process actually conducted before a court or authority in a given case, for settling a dispute, examining criminal liability or dealing with a complaint; *civil/criminal/administrative proceedings.*

proceeds /'prəʊsi:dz/ *n.* Any economic advantage derived from criminal offences; it may consist of any form of property (article 2 (e) of 2006/783/JHA Framework Decision).

proceeds of crime /'prəʊsi:dz əv kraɪm/ Any economic advantage, derived from or obtained, directly or indirectly, from criminal offences; it may consist of any form of property.

process /'prəʊses/ *n.* 1. General term for a summons, a complaint, a subpoena or other similar legal document that has to be served on someone. 2. a set of actions and events that constitute a legal proceeding.

processing of personal data /'prəʊsesɪŋ əv 'pɜːsənl 'deɪtə/ Under Council Decision 2007/533/JHA it means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

produce evidence /prə'djuːs 'eɪvɪdəns/ provide/ To present/submit evidence esp. for examination or consideration; e.g. *At a trial you will be expected to **produce evidence to support** each and every fact that you want the court to find in support of your claim.*

prohibition from public affairs /,prəʊɪ'biʃn frəm 'pʌblɪk /ə'feə(r)s/ Prohibition from taking part in public life, i.e. deprivation of certain political rights.

prohibition to leave a country / place of residence /,prəʊɪ'biʃn tə liːv eɪ 'kʌntri / pleɪs əv 'rezɪdəns/ A measure imposed by a court in a criminal proceeding instead of pre-trial detention.

proof beyond a doubt standard /pruːf bɪ'jɒnd eɪ daʊt 'stændəd/ (criminal litigation) Proof of such a convincing character that a reasonable person would not hesitate to act upon it in the most important of his own affairs; US constitution prohibits criminal defendants from being convicted on any quantum of evidence less than proof beyond a reasonable doubt.

proof by a preponderance of the evidence /pruːf baɪ eɪ pri'pɒndərəns əv ðə 'eɪvɪdəns/ (civil litigation) Means that one side has more evidence in its favour than the other, even by the smallest degree.

proof by clear and convincing evidence /pruːf baɪ klɪə(r) ənd kən'vɪnsɪŋ 'eɪvɪdəns/ (civil litigation) Evidence that establishes the truth of a disputed fact by a high probability.

property /'prɒpəti/ n. Property of any description, whether corporeal or incorporeal, movable or immovable, and legal documents and instruments evidencing title to or interest in such property ((article 2 (d) of 2003/577/JHA Framework Decision).

proportionally check applied before issuing EAW A test that should be applied by Member States before issuing an EAW with a view to proportionality principle; although EAW Framework decision does not include any obligation for an issuing Member State to conduct a proportionality check and although the legislation of the Member States plays a key role in that respect - in the EAW handbook used by judicial authorities it is explicitly said that “the warrant should not be issued, for instance, where, although preventive detention is admissible, another non-custodial coercive measure may be chosen”.

proportionally principle applied while issuing EAW In considering whether issuing an EAW is proportional, Member States should consider the seriousness of the offence, the possibility of the suspect being detained, the likely penalty imposed if the person sought is found guilty of the alleged offence, ensuring the effective protection of the public and the interests of the victims of the offence.

prosecution /,prɒsɪ'kjuːʃn/ n. A common term for the government's side in a criminal case, the process of bringing a person to trial on criminal charges.

protected person /prə'tektɪd 'pɜːsn/ Under Directive 2011/99/EU, a natural person who is the object of the protection resulting from a protection measure adopted by the issuing State against the person causing danger.

protection measure /prə'tekʃn 'meɪʒə(r)/ A decision in criminal matters adopted in the issuing State in accordance with its national law and procedures by which one or more prohibitions or restrictions are imposed on a person causing danger in order to protect a protected person against a criminal act which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity. Under Article 5 of Directive 2011/99/EU, behaviour prohibited or regulated by a protection measure may include (a) entering certain localities, places or defined areas where the protected person resides or visits, (b) contacting, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means, or (c) approaching the protected person closer than a prescribed distance. On the basis of an adopted protection measure, the issuing State issues a European protection order (EPO) and transmits it to the executing State. (N.B.: outside Directive 2011/99/EU, and outside EU law, the instrument prohibiting or regulating an abuser's behaviour is usually referred to as a restraining order – a term used, *inter alia*, in Directive 2012/29/EU).

protection order /prə'tekʃn 'ɔːdə(r)/ A court order aimed at protecting a person from being physically or sexually abused, threatened, stalked, or harassed. A protection order protects the safety and dignity of victims and their family members from secondary and repeat victimisation by prohibiting (restraining) the abuser from doing certain acts in respect of the victim, which is why outside EU legislation it is used interchangeably with the term „restraining order“ (the latter, even though it appears in Directive 2012/29/EU, actually corresponds to „protection measure“ as defined in Directive 2011/99/EU).

protective custody /prə'tektɪv 'kʌstədi/ A type of imprisonment (or care) to protect a person from harm, either from outside sources or other prisoners.

protraction /prət'rækʃn/ *n.* Becoming lengthy; *protraction of proceedings*.

provisional detention /prə'vɪʒənl /dɪ'tenʃn/ Detention pending trial of an individual accused of a crime where there is a high risk of the defendant committing another offence, failing to turn up at court, intimidating people or obstructing the course of justice.

qualified majority /'kwɒlɪfaɪd mə'dʒɔːrəti/ The number of votes required in the Council for a decision to be adopted when issues are being debated. Under the ordinary legislative procedure, the Council acts by qualified majority, in co-decision with the European Parliament. The Treaty of Nice introduced a qualified majority system based on a new weighting of votes and a “demographic verification” clause. The number of votes allocated to each Member State was re-weighted, so that the legitimacy of the Council's decisions can be safeguarded in terms of their demographic representativeness. After 1 January 2007 and following enlargement of the Union, the qualified majority increased to 255 votes out of a total of 345, representing a majority of the Member States. With the entry into force of the Treaty of Lisbon a new system known as “double majority” was introduced. It will enter into force on 1 November 2014. The Nice system shall remain applicable during the transition period up to 31 October 2014. In accordance with the Treaty, the new qualified majority corresponds to at least 55% of the members of the Council, comprising at least 15 of them and representing at least 65% of the European population. A blocking minority may be formed comprising at least four members of the Council.

quash /kwɒʃ/ *v.* To officially say that a decision made by a court is no longer valid.

questioning /'kwɛstʃənɪŋ/ *n.* An informal term used to describe the process by which suspects are rigorously questioned by police. In criminal law, the process of questions propounded by police to person arrested or suspected to seek solution of crime.

racketeering and extortion /ˌrækə'tɪəriŋ ənd ɪk'stɔːʃn/ Demanding by threats, use of force or by any other form of intimidation goods, promises, receipts or the signing of any document containing or resulting in an obligation, alienation or discharge. (As there is no completely harmonised definition of this offence at a Union level, for the purpose of applying the European arrest warrant, member states are requested to be guided by the definition given here).

rape /reɪp/ *v.* To force someone to have sexual intercourse by using violence or the threat of violence; **statutory rape**: sexual intercourse by an adult with a person below a statutorily designated age.

rappporteur /ˌræpɔː'tɜː(r)/ *n.* The member of the **European Parliament** (MEP) responsible for preparing a report, which prepares Parliament's position. The report contains suggested amendments and a statement of reasons explaining the proposed amendments.

ratification /ˌrætɪfɪ'keɪʃn/ *n.* One of the forms of international act whereby a State establishes on the international plane its consent to be bound by a treaty; providing for signature subject to ratification allows States time to seek approval for the treaty at the domestic level and to enact any legislation necessary to implement the treaty domestically, prior to undertaking the legal obligations under the treaty at the international level.

reasonable time /'riːznəbl taɪm/ The time needed to accomplish a task without undue delays. In law, reasonable time is determined in light of the nature and circumstances of a particular case.

reasoning /'riːzənɪŋ/ *n.* Part of a decision setting forth the reasons underlying the ruling.

recasting /ˌriː'kɑːstɪŋ/ *n.* Formal legal procedure of the European Union resulting in the adoption of a new legal act which on the one hand incorporates the basic act and all its amendments and corrigenda, and on the other hand, provides for further amendments of the applicable provisions. Similar to codified acts, recast acts also repeal and replace the former basic acts upon their entry into force.

recidivism /rɪ'sɪdɪvɪzəm/ *n.* Crime repetition.

recidivist /rɪ'sɪdɪvɪst/ *n.* A person who continues to commit crimes, and seems unable to stop, even after being punished; **multiple recidivist**.

reciprocity /ˌresɪ'prɒsəti/ *n.* A term of international treaties by which two or more states agree to extend to the other's citizens specified legal rights on the same standing as its own citizens.

recognition of EEW /ˌrekəɡ'nɪʃn əv iːiː'dʌbljuː/ Council Framework Decision 2008/978/JHA stipulates that the executing authority shall recognise an EEW, transmitted in accordance with Article 8 of the Decision, without any further formality, and shall take the necessary measures for its execution in the same way as an authority of the executing State would obtain the objects, documents or data, unless that authority decides to invoke one of the grounds for non-recognition, non-execution, or postponement.

recognition of judgements and judicial decisions /ˌrekəɡ'nɪʃn əv 'dʒʌdʒmənts ənd dʒu'dɪʃl dɪ'sɪʒns/ A national legal procedure where the binding effects of a foreign judicial decision are recognised, and the foreign judgements is accepted as if it were a national one.

recognizance /rɪ'kɒgnɪzəns/ *n.* An obligation, entered into before a judge or magistrate, to perform a particular action, such as appearing in court, without the posting of a bond. Usually in addition to bail, a defendant can also be released upon the defendant's written, uninsured promise to return for trial. Such a release occurs only if the suspect has steady employment, stable family ties, and a history of residence in the community.

recognize /'rekəɡnaɪz/ *v.* To accept and approve of something as having legal or official authority.

reconstructions of the scene of a crime /,rɪ:kən'striːkʃn əv ðə si:n əv eɪ kraɪm/ The evidence which consists in reconstruction of the course of offence under possibly approximate conditions in which the crime occurred.

redemption /rɪ'dempʃn/ *n.* Something given or to make up for a past error, regaining, to be saved from.

redress /rɪ'dres/ *v.* To put something right.

reference for a preliminary ruling /'refrəns fə(r) eɪ prɪ'lɪmɪnəri 'ru:lɪŋ/ Preliminary ruling procedure is initiated by a reference for a preliminary ruling submitted to the Court of Justice by a national court or tribunal. The Court of Justice has issued a recommendation to assist national court or tribunals in the process of formulating such a reference.

referral /rɪ'fɜːrəl/ *n.* The act of sending somebody who needs professional help to a person or place that can provide it; *referral to mediation*.

reformatory /rɪ'fɔːmətri/ *n.* (also called: reform school) A type of school that young criminals are sent to instead of prison.

Regulation (legal act of the European Union) /regju'leɪʃn/ *n.* Regulations adopted by the institutions of the European Union as part of secondary legislation are binding and directly applicable in all Member States. Direct applicability of regulations means that such legislative acts confer rights and impose obligations on EU institutions, Member States and Union citizens without further need of being transposed into national law. Therefore, regulations can be considered the laws of the European Union.

regulatory law /'regjələtəri lɔː/ Law promulgated by an executive branch agency or ministry under a delegation from a legislature.

regulatory offence /'regjələtəri: ə'fens/ (US/UK) offence created by statute and not by common law.

release on bail /rɪ'li:s ɒn beɪl/ Letting a defendant come out of custody against money paid.

remand /rɪ'mɑːnd/ *v.* To return to custody pending trial or for further detention.

remand(ed) prisoner /rɪ'mɑːndɪd 'prɪznə(r)/ A person detained during criminal proceedings.

remedy /'remədi/ *n.* The manner in which a right is enforced or satisfied by a court when some harm or injury, recognized by society as a wrongful act, is inflicted upon an individual; *ordinary/extraordinary remedy*.

remission /rɪ'mɪʃn/ *n.* The sending back of a case to a lower court level for the purpose of being resumed by that court.

remit /ri:'mɪt/ *v.* To send back a case to a lower court level for the purpose of being resumed by that court.

reopening /,ri:'əʊpənɪŋ/ *n.* (of a case) e.g. After a decision of an international court given in a case; not full retrial; *grounds for reopening*.

re-opt-in /ri:'ɒpt,ɪn/ *n.* A procedure whereby the EU Member State accepts EU regulations in an area where it formerly made an opt-out (used currently especially in terms of the United Kingdom and the former third pillar instruments).

reparations /,repə'reɪʃn/ *n.* Compensation in money or materials as repayment for human rights abuses.

repeal /rɪ'pi:l/ *v.* To revoke or rescind, especially by the action of a legislature.

repeat victimisation /rɪ'pi:t ,vɪktɪməɪ'zeɪʃn/ Occurs when the same type of crime incident is experienced by the same victim within a specific period of time (the term is usually associated with secondary victimisation, as in the phrase *secondary and repeat victimisation*).

requested person /rɪ'kwɛstəd 'pɜ:sn/ A person subject to proceedings pursuant to Framework Decision 2002/584/JHA on the European arrest warrant.

res judicata /'res dʒudɪ'ka:tə/ (Latin *a thing adjudged*) A rule that a final judgment on the merits by a court having jurisdiction is conclusive between the parties to a suit as to all matters that were litigated or that could have been litigated in that suit.

residence status /'rezɪdəns 'steɪtəs/ A person's status outside his or her country of domicile. Directive 2012/29/EU expressly provides that „Member States should take the necessary measures to ensure that the rights set out in this Directive are not made conditional on the victim's residence status in their territory or on the victim's citizenship or nationality.“ At the same time, the Directive prescribes that „reporting a crime and participating in criminal proceedings do not create any rights regarding the residence status of the victim.

residential custody /,REZI'denʃl 'kʌstədi/ A primary residential parent is the parent with whom the child or children reside. This parent may make day to day decisions but cannot alone make any major decisions concerning the child(ren) unless that parent has sole legal custody. The designation of residential parent affects such legal issues as the child(ren)'s school district.

restitution of property /,restɪ'tju:ʃn əv 'prɒpəti/ The act of giving the property back to its rightful owner.

restorative justice /rɪ'stɔːrətɪv dʒʌstɪs/ Any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party.

restorative justice services /rɪ'stɔːrətɪv dʒʌstɪs 'sɜːvɪs/ Services such as victim-offender mediation, family group conferencing and sentencing circles, designed to repair the harm done to the victim while at the same time avoiding further harm in the form of secondary victimisation.

restraining order /rɪ'streɪnɪŋ 'ɔːdə(r)/ A court order aimed at protecting a person from being physically or sexually abused, threatened, stalked, or harassed. A restraining order protects the safety and dignity of victims and their family members from secondary and repeat victimisation by prohibiting (restraining) the abuser from doing certain acts in respect of the victim, which is why outside EU legislation it can be used interchangeably with a „protection order“. Although the term „restraining order“ is mentioned in Directive 2012/29/EU, it actually corresponds to what Directive 2011/99 /EU calls a „protection measure“.

resumption /rɪ'zʌmpʃn/ *n.* The act of beginning something again, upon remittal of the case to a lower court.

retaliate /rɪ'tæliət/ *v.* To get revenge against someone.

retention period of an alert /rɪ'tenʃn 'pɪəriəd əv ən ə'lɜːt/ A period during which an alert can be maintained in SIS II. Council Decision 2007/533/JHA specifies that alerts both on persons and objects entered in SIS II, can be kept only for the time required to achieve the purposes for which they were entered. A Member State which issued an alert is obliged to review the need to keep it within 3 years of its entry into SIS II (alerts on persons with the exception of those entered for the purposes of discreet checks or specific checks, where the period specified is 1 year). In Article 44 (1) Council Decision 2007/533/JHA indicates an obligation for a Member State to carry out a comprehensive individual assessment on whether a decision to keep the alert for longer periods is substantiated. Alerts on objects entered in SIS II for the purposes of discreet check or specific checks can be kept in the system for a maximum of five years while alerts on objects entered for the purposes of seizure or use as evidence in criminal proceedings can be kept for a maximum of 10 years. These retention periods can also be extended when this is necessary for the purposes for which the alert was issued.

retrial /,ri:'traɪəl/ *n.* A new trial granted upon the motion of the losing party, based on obvious error, bias or newly-discovered evidence; *grounds for retrial*.

retroactive /,retrəʊ'æktɪv/ *adj.* (also: **retrospective**) Law that takes away or impairs vested rights acquired under existing laws, creates new obligations, imposes new duties, or attaches a new and different legal effect to transactions or considerations already past; *retroactive criminal laws* that increase punishment for acts committed prior to their enactments are deemed *ex post facto laws* and are unenforceable.

retrospective /,retrə'spektɪv/ See **retroactive**

reverse /rɪ'vɜːs/ *v.* To change a decision completely so that it is the opposite of what it was before.

reverse burden of proof /rɪ'vɜ:s 'bɜ:dn əv pru:f/ Situation in which legal burden of proof is (exceptionally) placed on the defendant in a criminal case.

review /rɪ'vju:/ *n.* A judicial reconsideration for purposes of correction; *grounds for review*.

right of access to the materials of the case /raɪt əv 'æksɛs tə ðə mə'tɪəriəls əv ðə keɪs/ In the context of the Directive 2012/13 the right to look through the materials of the case according to domestic law.

right of victims to protection of privacy /raɪt əv 'vɪktɪms tə prə'tekʃn əv 'prɪvəsi/ No information that could lead to the identification of a victim or his or her family members can be publicly disseminated. This victim right is specifically protected under Article 21 of Directive 2012/29/EU.

right of victims to a review of a decision not to prosecute /raɪt əv 'vɪktɪms tə eɪ rɪ'vju: əv eɪ dɪ'sɪʒn nɒt tə 'prɒsɪkjʊ:t/ Victims' right to referring to decisions taken by prosecutors and investigative judges or law enforcement authorities such as police officers, but not to the decisions taken by courts.

right of victims to receive information from the first contact with a competent authority /raɪt əv 'vɪktɪms tə rɪ'si:v ɪnfə'meɪʃn frəm ðə fɜ:st 'kɒntækt wɪð eɪ 'kɒmpɪtənt ɔ:'θɒrəti/ Victims' right to receive all relevant information without delay, during their first encounter with the competent authority. The information involves, inter alia, the availability of support and protection measures, of restorative justice services and of cost reimbursement for participating in the criminal proceedings.

right of victims to make a complaint /raɪt əv 'vɪktɪms wen 'meɪkɪŋ eɪ kəm'pleɪnt/ Victims' right to file a formal complaint in a language they understand and to receive a written acknowledgement of the complaint made, also in the language they understand or to be given, free of charge, the necessary linguistic assistance.

right to communicate with consular authorities /raɪt tə kə'mju:nɪkeɪt wɪð 'kɒnsjələ(r) ɔ:'θɒrətɪz/ In the context of Directive 2013/48, the obligation of Member States to ensure that non-national defendants deprived of liberty have the right to have the consular authorities of their State of nationality be informed of their deprivation of liberty without undue delay, and to communicate with those authorities. Defendants also have the right to be visited by their consular authorities and to correspond with them and the right to have legal representation arranged for them by their consular authorities, subject to the agreement of those authorities and the wishes of defendant concerned.

right to communicate with third person /raɪt tə kə'mju:nɪkeɪt wɪð θɜ:d 'pɜ:sn/ In the context of Directive 2013/48, the obligation of Member States to ensure that defendants deprived of liberty have the right to communicate without undue delay with at least one third person, such as a relative, nominated by them.

right to have a third person informed of the deprivation of liberty /raɪt tə hæv eɪ θɜ:d 'pɜ:sn ɪn'fɔ:md əv ðə ɪn'fɔ:md əv 'li-bər-tē/ In the context of Directive 2013/48, the obligation of Member States to ensure that defendants deprived of liberty have the right to have at least one person – a relative or an employer nominated by them – be informed of their deprivation of liberty without undue delay, if they so wish.

right to interpretation /raɪt tə ɪnˌtɜːprɪˈteɪʃn/ The right of a defendant who does not speak or understand the language of the criminal proceedings to be provided with (oral) interpretation during criminal proceedings conducted before an investigative and judicial authority, including during police questioning, all court hearings and any necessary interim hearings.

right to protection of privacy /raɪt tə prəˈtektʃən əv ˈprɪvəsi/ Prohibition of public dissemination of any information that could lead to the identification of a victim or his or her family members. This victim right is specifically protected under Article 21 of Directive 2012/29/EU.

right to receive information from the first contact with a competent authority /raɪt tə rɪˈsiːv ɪnfəˈmeɪʃn frəm ðə fɜːst ˈkɒntækt wɪð eɪ ˈkɒmpɪtənt ɔːˈθɒrəti/ Victims' right to receive all relevant information without delay, during their first encounter with the competent authority. The information involves, inter alia, the availability of support and protection measures, of restorative justice services and of cost reimbursement for participation the the criminal proceedings;

right to translation /raɪt tə trænsˈleɪʃn/ The right of a defendant who does not understand the language of the criminal proceedings to be provided with the written translation of all the documents that are essential to his/her being capable of exercising the right of defence and to safeguarding the fairness of the proceedings.

right to understand and to be understood /raɪt tə ˌʌndəˈstænd ənd tə bi ˌʌndəˈstʊd/ Victims' right to have all communications with a competent authority conducted in simple and accessible language that takes into account the personal characteristics of the victims, including any disability which may affect the ability to understand or to be understood.

risk of retaliation /rɪsk əv rɪˌtæliˈeɪʃn/ For the purposes of Directive 2012/29/EU, the danger that the offender or alleged offender may take revenge against the victim for reporting the crime.

roadmap /rəʊdmæp/ *n.* A set of actions to be taken in order to achieve a specific objective, e.g., the Roadmap adopted by the Council in November 2009 for strengthening procedural rights of suspected or accused persons in criminal proceedings.

robbery /ˈrɒbəri/ *n.* The act of unlawfully taking property that belongs to another person by using violence or intimidating threats.

rogatory letter (letter rogatory) /ˈrɒɡətəri ˈletə(r)/ Formal written request made by one judicial authority to judicial authority in a different, independent jurisdiction requesting for some type of judicial assistance such as service of documents and summoning of persons staying abroad, searches of houses, hearing witnesses and suspects, advising on the law etc.

rule of proportionality with regard to issuing alerts in the Schengen Information System II Before issuing an alert, the Member States should consider whether the case in which an alert is to be issued is adequate, relevant and important enough to warrant entry of the alert in SIS II.

rule of speciality /ru:l əv ˌspeʃi'æləti/ In general, a surrendered/extradited person may not be prosecuted, sentenced or otherwise deprived of his or her liberty for an offence committed prior to his or her surrender *other than that* for which he or she was surrendered/extradited. (Article 27(2) of the EAW framework decision and similar regulations in other extradition treaties). In the case law of the Court of Justice of the European Union the question of what constitutes an "other crime" was debated in Leymann and Pustovarov case: C-388/08 PPU.

Rules of Procedure (Court of Justice of the European Union) /ru:l əv prə'si:dʒə(r)/ The Court of Justice, the General Court and the Civil Service Tribunal each have their separate rules of procedure. The rules of procedure of the Court of Justice is adopted by the Court of Justice itself, after being approved by the Council. The General Court and the Civil Service Tribunal may adopt its rules of procedure with the agreement of the Court of Justice, after approval by the Council. The rules of procedure include the most important rules which are not already included in the treaty on the functioning of the European Union or the Statute of the Court of Justice of the European Union.

rules of procedure and evidence /ru:l əv prə'si:dʒə(r) ənd 'evidəns/ The rules which govern the procedures and the introduction and admissibility of evidence in legal proceedings.

ruling /'ru:lɪŋ/ *n.* The content of the court's decision on a legal question.

safeguarding the fairness of the proceedings /'seɪfɡɑːdɪŋ ðə 'feənəs əv ðə prə'siːds/ Conducting the proceedings in a way which guarantees defendants or victims the opportunity to exercise their rights, which are provided by law, fairly and without discrimination.

scope /skəʊp/ *n.* The range of things that a subject, an organization, an activity, etc. deals with; *personal/subject-matter/temporal/territorial scope*.

scope of rights /skəʊp əv raɪts/ The range of rights, how far particular rights extend.

search or seizure /sɜːtʃ -'siːzə(r)/ As defined in Article 2 of Council Framework Decision 2008/978/JHA, the term “search or seizure” includes any measures under criminal procedure as a result of which a legal or natural person is required, under legal compulsion, to provide or participate in providing objects, documents or data and which, if not complied with, may be enforceable without the consent of such a person or it may result in a sanction.

second generation Schengen Information System (SIS II) /'sekənd ˌdʒenə'reɪʃn sɛŋɡən,ɪnfə'meɪʃn'sɪstəm/ An information system set up pursuant to the provisions of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 and the Council Decision 2007/533/JHA of 12 June 2007, whose purpose is to ensure a high level of security within the area of freedom, security and justice of the European Union including the maintenance of public security and public policy as well as safeguarding the security in the territories of the Member States. It allows the competent authorities in the Member States to cooperate by exchanging information on persons and objects of particular categories. It replaced the first generation Schengen Information System (SIS I) that began operating in 1995 and was extended in 2005 and 2007.

secondary legislation (secondary law of the European Union) /'sekəndri ˌledʒɪs'leɪʃn / 'sekəndri lɔː əv ðə ˌjʊərə'piːən 'juːniən/ Legal acts made by the institutions of the European Union through exercising the powers conferred on them by the Treaties are referred to as secondary legislation. Binding legal acts are called legislative acts, such as regulations, directives and decisions, adopted in accordance with a legislative procedure, and non-legislative acts, such as delegated acts to supplement or amend certain non-essential elements of a legislative act, and implementing acts to provide for a uniform implementation of legally binding EU acts. Legal acts without binding force can be recommendations and opinions.

secondary victimisation /'sekəndri ˌvɪktɪməɪ'zeɪʃn/ Victim-blaming behaviours and practices engaged in by legal and medical personnel, which exacerbate the victims' trauma (the term is usually associated with repeat victimisation, as in the phrase „secondary and repeat victimisation“).

seizure /'siːzə(r)/ *n.* The use of legal authority to take something from somebody.

seizure of property /'siːzə(r) əv 'prɒpəti/ Temporarily prohibition of a transfer, conversion, disposition or movement of a property or a temporary custody or control of a property on the basis of an order issued by a court or a competent authority.

self-incrimination /selfɪnˌkrɪmɪ'neɪʃn/ *n.* Giving testimony in a trial or other legal proceeding that could subject one to criminal prosecution.

sentence /'sentəns/ *n.* Punishment given to a person convicted of a crime. A sentence is ordered by the judge, based on the verdict of the jury or the judge's decision if there is no jury, within the possible punishments set by relevant law. Popularly, "sentence" refers to the jail or prison time ordered after conviction, as in "his sentence was 10 years in state prison." Technically, a sentence includes all fines, community service, restitution or other punishment, or terms of probation.

sentenced person /'sentənsd 'pɜ:sn/ A convict on whom a sentence has been imposed.

sentenced prisoner /'sentənsd 'prɪznə(r)/ Convicted person on whom a sentence of imprisonment was inflicted.

sentencing state /'sentənsɪŋ steɪt/ The State in which the sentence was imposed on the person who may be, or has been, transferred to another state in order to serve there the remaining sentence.

sequestration /,si:kwə'streɪʃn/ *n.* (in criminal law) The isolation of a jury from the public, or the separation of witnesses to ensure the integrity of testimony.

serve a document on sy /sɜ:v eɪ 'dɒkjumənt ɒn/ To hand over a document to someone.

serve a sentence /sɜ:v eɪ 'sentəns/ To spend a period of time in prison as a result of a conviction and awarding a prison sentence.

service of document /'sɜ:vɪs əv dɒkjumənt/ The act of handing over to its addressee.

service of procedural documents / service of process /'sɜ:vɪs əv prə'si:dʒərəl 'dɒkjumənts/ Delivery of a writ, summons or other legal papers to the person required to respond to them. Under Article 5 of the Convention on Mutual Assistance in Criminal Matters between EU Member States, each Member State is to send procedural documents intended for persons who are in the territory of another Member State to them directly by post; the documents may be sent via the competent authorities of the requested Member State only in the circumstances specified under Article 5(2) of the Convention.

service of process /'sɜ:vɪs əv prəʊses/ The act of handing over of a (legal) process to its addressee.

settlement /'setlmənt/ *n.* Solution of a conflict by the agreement of the parties.

sexual assault /'seksjuəl ə'sə:lt/ Any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any non-consensual sexual touching of a person.

sexual exploitation of children /'sekʃuəl ,eksplɔ:'teɪʃn əv 'tʃɪldrən/ Directive 2011/92/EU lists six intentional behaviours that fall under the definition of sexual exploitation of children, specifically 1. causing or recruiting a child to participate in pornographic performances, or profiting from or otherwise exploiting a child for such purposes, 2. coercing or forcing a child to participate in pornographic performances, or threatening a child for such purposes, 3. knowingly attending pornographic performances involving the participation of a child, 4. causing or recruiting a child to participate in child prostitution, or profiting from or otherwise exploiting a child for such purposes, 5. coercing or forcing a child into child prostitution, or threatening a child for such purposes, and 6. engaging in sexual activities with a child, where recourse is made to child prostitution.

shadow-rapporteur /'ʃædəʊ ,ræpɔ:'tɜ:(r)/ Members of the European Parliament (MEPs) who monitor a dossier for political groups other than that of the **rapporteur**.

SIRENE Bureau (Biuro SIRENE) A designated authority in each Member State which shall ensure the exchange of supplementary information and coordinate the verification of the quality of information entered in SIS II. *SIRENE* is an acronym of the definition of the structure in English: *Supplementary Information Request at the National Entries*. *SIRENE* Bureaux are operational on 24/7 basis. They exchange supplementary information in connection with the entry of alerts and for allowing the appropriate action to be taken in cases where a person or an object is found as a result of a hit.

slander /'slɑ:ndə(r)/ *n.* The act of defaming a person by means of oral statements that damage that person's character or reputation.

smuggler /'smʌglə(r)/ *n.* Someone who secretly and illegally takes goods or people into or out of a country, as a way of earning money.

sole points of access / one-stop shops /səʊl pɔɪnts əv ək,ses / wʌn stɒp ʃɒps/ Institutions where a citizen can get all the relevant information and assistance in one place. In the context of victim protection, the one place where the victim can receive information, assistance, support, protection and compensation.

solicitation of children for sexual purposes /sə,lɪsɪ'teɪʃn əv 'tʃɪldrən fə(r) 'sekʃuəl 'pɜ:pəs/ (also called „child grooming“) A criminal offence involving a proposal made by an adult by means of information and communication technology to meet a child who has not reached the age of sexual consent, for the purpose of engaging in sexual activities or producing child pornography, where that proposal was followed by material acts leading to such a meeting. In accordance with Directive 2011/92/EU, Member States are obliged to make such conduct punishable by a maximum term of imprisonment of at least one year.

solicitor /sə'lɪsɪtə(r)/ *n.* (UK) An attorney who advises clients on legal matters, represents clients in certain lower courts, and prepares cases for barristers to present in the higher courts.

solitary confinement /'sɒlətri kən'faɪnmənt/ A form of imprisonment in which a prisoner is isolated from any human contact, save members of the prison staff.

special investigative techniques /'speʃl m'vestɪgətɪv tek'ni:ks/ A varied and evolving group of investigative techniques applied to combat terrorism and other serious crimes, their common denominator being their secret nature and the fact that their application could interfere with fundamental rights and freedoms.

special legislative procedure /'speʃl 'ledʒɪslətɪv prə'si:dʒə(r)/ Not a regular legislative procedure where the parties involved in the ordinary legislative procedure have specific/different roles compared to the ordinary legislative procedure. Adoption of a legal act by the European Parliament with the participation of the Council, or by the Council with the participation of the European Parliament. (Treaty on the Functioning of the European Union Article 289)

specialist support services /'speʃəlɪst sə'pɔ:t 'sɜ:vɪs/ Services Member States are obliged to provide confidentially and free of charge to persons who are particularly vulnerable or exposed to a particularly high risk of harm, such as persons subjected to repeat violence in close relationships, victims of gender-based violence, or persons who fall victim to other types of crime in a Member State of which they are not nationals or residents. Specialist support services may be provided in addition to or as an integrated part of the general victim support services.

speciality principle /,speʃɪ'æləti 'prɪnsəpl/ A person surrendered may not be prosecuted, sentenced or otherwise deprived of his or her liberty for an offence committed prior to his or her surrender other than that for which he or she was surrendered (a principle laid down in article 27.2 of EAW FD, exceptions from this principle are prescribed in article 27.3 of EAW FD).

speciality rule /,speʃɪ'æləti ru:l/ See **rule of speciality**

spontaneous exchange of information /spɒn'teɪniəs ɪks'tʃeɪndʒ əv ɪnfə'meɪʃn/ Information is exchanged spontaneously when one country obtains information which it considers will be of interest to another country and passes it on without having received a request. The providing authority may, pursuant to its national law, impose conditions on the use of such information by the receiving authority. The receiving authority is bound by those conditions.

standard of proof /'stændəd əv pru:f/ The legal standard of proof indicating the degree to which the point must be proven. For instance, the standard of proof at the end of a criminal trial is “beyond reasonable doubt”.

state of supervision /steɪt əv ,su:pə'vɪʒn/ The Member State to which a judgment within the meaning of Article 2 of Framework Decision 2008/947/JHA, or a decision on supervision measures within the meaning of Article 4 of Framework Decision 2009/829/JHA has been transferred.

stateless /'steɪtləs/ *adj.* Not officially a citizen of any country.

statement /'steɪtmənt/ *n.* A formal account of events given by a witness, defendant, or other party to the police or in a court of law, in line with the Letter of Rights any person deprived of liberty by the police has the right not to give any statements to the police.

statute /'stætʃu:t/ *n.* A federal or state written law enacted by the federal or state legislature; *local statutes* are usually called "ordinances"; regulations, rulings, opinions, executive orders and proclamations are not statutes.

statute of limitations /'stætʃu:t əv ˌlɪmɪ'teɪʃns/ A statute prescribing a period of limitation for the bringing of actions of certain kinds.

Statute of the Court of Justice of the European Union /'stætʃu:t əv kɔ:t əv 'dʒʌstɪs əv ðə ˌjʊərə'pi:ən 'ju:nɪən/ The Statute of the Court of Justice of the European Union is a protocol annexed to the Treaty on the European Union and the Treaty on the functioning of the European Union (Protocol No. 3), it is thus part of the primary law of the EU. The Statute contains the most important provisions relating to the Court of Justice of the European Union, including procedural rules not contained in the Treaty on the functioning of the European Union and the rules of procedure of the three judicial organs of the Court of Justice of the European Union.

statute-barred /'stætʃu:t bɑ:(r)d/ No longer legally enforceable owing to a prescribed period of limitation having lapsed.

statute-barred prosecution or punishment /'stætʃu:t bɑ:(r) ˌprɒsɪ'kju:ʃn o(r) 'pʌnɪʃmənt/ Criminal prosecution cannot be conducted or punishment cannot be executed if from the time of the commission of the prohibited act or from the time when the judgement has become valid and final, the number of years prescribed in law have elapsed.

statutory /'stætʃətri/ *adj.* Created, defined, or relating to a statute; required by statute; conforming to a statute.

statutory law /'stætʃətri lɔ:/ The written statutes and codes (laws) enacted by legislative bodies as distinguished from unwritten law or common law.

statutory penalty /stætʃətri 'penəlti/ A punishment imposed against an offender for committing some statutory violation.

statutory rape /stætʃətri reɪp/ Sexual intercourse by an adult with a person below a statutorily designated age.

stay /steɪ/ *n.* The act of temporarily stopping a judicial proceeding through the order of a court; **stay of proceedings**.

Stockholm Programme /Stockholm 'prəʊgræm/ A five-year work plan that sets out the strategic objectives for the further development of the European Union as an area of freedom, security and justice from 2010 to 2014. The Stockholm Programme, adopted by the European Council in December 2009, was preceded by the Hague Programme and the Tampere Programme before it.

subpena /sə'pi:nə/ *n.* A written order to attend court.

subpena duces tecum /sə'pi:nə ˌdʊsəs'tekəm/ An order to deliver documents or other evidence either into court or to the attorney for a party to a lawsuit or criminal prosecution.

substantive law /səb'stæntɪv, 'sʌbstəntɪv lɔː/ A body of rules that determine the rights and obligations of individuals and collective bodies, e.g. *criminal substantive law*.

substantive reasons /səb'stæntɪv 'riːzns/ Important, real and meaningful reasons supported by fact or logic. Substantive reasons for issuing a freezing order can only be challenged in an action brought before a court of the issuing State.

substitute private accuser/prosecutor /sʌbstɪtjuːt 'praɪvət ə'kjuːzə(r), 'prɒsɪkjʊːtə(r)/ Person who accuses the defendant before a criminal court where the public prosecutor denies to prosecute a publicly prosecutable offence.

summary offence /'sʌməriː ə'fens/ (UK) An offence that is triable in a magistrates' court.

summons /'sʌmənz/ *n.* An order to appear in court.

supplementary information /,sʌplɪ'mentri ɪnfə'meɪʃn/ Under Council Decision 2007/533/JHA this is information which is not stored in SIS II but connected to SIS II alerts. As SIS II contains only essential data allowing the identification of a person or an object and the necessary action to be taken, the Member States exchange supplementary information related to the alert in order to allow the mechanism of SIS II to function properly. Supplementary information is exchanged for several purposes, including in order to allow Member States to consult or inform each other when entering an alert, in order to allow the appropriate action to be taken after a hit, in a situation where the required action cannot be taken, when dealing with the quality of SIS II data, the compatibility and priority of alerts and with rights of access. Detailed rules for exchange of supplementary information are included in *SIRENE* Manual which is a set of instructions describing in detail the rules and procedures governing the exchange of supplementary information.

supplementary request for information /,sʌplɪ'mentri rɪ'kwest fə(r) ɪnfə'meɪʃn/ Additional/completing/enhanced information required by one (usually the executing) member state, from the other (usually the issuing/initiating/requesting) member state. Most frequently it is used in terms of EAW, but could also refer to extradition cases and also to international cooperation in general. (Article 15 of EAW framework decision)

suppression /sə'preʃn/ *n.* Putting an end, often by force, to a group or an activity that is believed to threaten authority; *suppression of crime*.

supremacy of EU law /su:'preməsi əv ɪ:'juː lɔː/ According to the doctrine as developed by the Court of Justice of the EU in case 6/64 *Costa v. ENEL* as well as in further judgments, where there is conflict between EU law and the law of Member States, EU law prevails. The supremacy of EU law obliges national courts to comply with and apply EU law and ignore, set aside any conflicting provision of national legislation.

supreme court /su:'pri:m kɔ:t/ The highest level court.

surrender/surrender procedure /sə'rendə(r) prə'si:dʒə(r)/ A type of extradition procedure, that is in use among the Member States of the European Union. The procedure is slightly different, much simpler, and has stricter time limits, therefore generally takes less time than ordinary extradition. It is regulated by council framework decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA).

surrender of nationals /sə'rendə(r) əv 'næʃnəls/ A legal possibility for surrendering own nationals. The European arrest warrant has abolished the old extradition system of non-execution and non-surrender on ground of the wanted person's nationality. This approach to the surrender of nationals is one most significant achievement of the Framework Decision.

surrender procedure /sə'rendə(r) prə'si:dʒə(r)/ Under the Framework Decision, member states are prohibited from refusing the surrender of their own nationals wanted for the purposes of prosecution, but they may condition the surrender of the requested person on his or her being returned to the issuing state to serve the sentence ultimately imposed.

surveillance /sɜ:'veɪləns/ *n.* The act of carefully watching a person suspected of a crime or a place where a crime may be committed.

suspect /sʌspekt/ *n.* Name of the defendant before a bill of indictment is filed against him/her.

suspended imposition of sentence /sə'spendɪd ɪmpə'zɪʃnəv 'sentəns/ When the imposition of a sentence is postponed by the judge.

suspended sentence /sə'spendɪd 'sentəns/ A sentence given after the formal conviction of a crime that the convicted person is not required to serve if he complies with specific rules.

swindling /'swɪndlɪŋ/ *n.* A deception deliberately practiced in order to secure unfair or unlawful gain (adjectival form fraudulent; to defraud is the verb). As a legal construct, fraud is both a civil wrong (i.e., a fraud victim may sue the fraud perpetrator to avoid the fraud and/or recover monetary compensation) and a criminal wrong (i.e., a fraud perpetrator may be prosecuted and imprisoned by governmental authorities). Defrauding people or organizations of money or valuables is the usual purpose of fraud, but it sometimes instead involves obtaining benefits without actually depriving anyone of money or valuables, such as obtaining a driver's license by way of false statements made in an application for the same.

take evidence /teɪk 'eɪvɪdəns/ Record proof.

technical architecture of SIS II /'teknɪkl 'ɑ:kɪtektʃə(r) əv sɪs tu:/ As provided for in Council Decision 2007/533/JHA, SIS II is composed of a central system (which comprises a technical support function containing a database and a uniform national interface), a national system in each Member State (consisting of the national data systems which communicate with the central system) and a communication infrastructure. (The definitions provided rely on Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters; Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.)

temporary (conditional) surrender /'tempərəri, kən'dɪʃənəl sə'rendə(r)/ Under Article 24.1 of EAW FD, instead of postponing the surrender, the executing judicial authority may temporarily surrender the requested person to the issuing Member State under conditions to be determined by mutual agreement between the executing and the issuing judicial authorities.

temporary transfer /'tempərəri træns'fɜ:(r)/ A person in custody whose personal appearance as a witness or for purposes of confrontation is necessary may be transferred to the territory where the hearing is intended to take place for a certain period of time under conditions laid down in article 11 of 1959 European Convention on Mutual Assistance in Criminal Matters.

temporary work file /'tempərəri 'wɜ:k faɪl/ (Eurojust) According to Council decision 2009/426/JHA, a case file opened and managed by the Eurojust national member, containing personal and non-personal data. Temporary work files form part of a Case Management System.

territoriality principle / territorial principle /,terə,tɔ:ri'æləti / ,terə,tɔ:ri'æl 'prɪnsəpl/ A principle of public international law under which a sovereign state can prosecute criminal offences that are committed within its borders.

terrorism /'terərɪzəm/ *n.* The use of violence and threats to intimidate or coerce a state, a government agency, an international body or the general public to achieve some goal; **counterterrorism**: actions against terrorism; **domestic terrorism**: terrorism practiced in your own country against your own people; **international terrorism**: terrorism practiced in a foreign country by terrorists who are not native to that country.

testify /'testɪfaɪ/ *v.* To give evidence as a witness.

testimony /'testɪməni/ *n.* Written or oral evidence given by a witness at trial or in a deposition, which is used to establish some fact or set of facts.

theft /θeft/ *n.* The act of unlawfully taking away property that belongs to another person with the intent to deprive the rightful owner of it.

third party /θɜːd 'pɑːti/ Any person who is not a party to a relationship or transaction between any two others. A person who is a stranger to a transaction or proceeding, in other words somebody who is not a party. The phrase is used to introduce any one into a scene already occupied by two in a definite relation to one another.

third party confiscation /θɜːd 'pɑːti ˌkɒnfɪ'skeɪʃn/ The confiscation of assets that have been transferred by an investigated or convicted person to a third party.

third states /θɜːd steɪts/ Countries that are not members of the European Union.

time limits /taɪm 'lɪmɪts/ Prescribed in EAW FD for the making of a final decision to a surrender request, where a requested person consents to his or her surrender, the executing judicial authority should make a final decision within ten days of such a consent; where a requested person refuses to consent to his or her surrender, the executing judicial authority should make a final decision within 60 days of the arrest.

traffic (in sth) /'træfɪk/ *v.* To carry on trade or business, esp. of an illicit kind. Among the offences listed in the Council Framework Decision on the EAW that give rise to surrender there are: trafficking in human beings, illicit trafficking in weapons, munitions and explosives; illicit trafficking in cultural goods, including antiques and works of art; illicit trafficking in hormonal substances and other growth promoters; illicit trafficking in nuclear or radioactive materials; trafficking in stolen vehicles.

trafficked person /'træfɪkd 'pɜːsn/ A person subjected to any form of trafficking in human beings. Whether the trafficked person validly consented to being trafficked and exploited should, according to the currently applicable case-law, be evaluated on a case-by-case basis. However, when a child is concerned, no possible consent should ever be considered valid.

trafficking in human beings /'træfɪkɪŋ ɪn 'hjuːmən 'biːɪŋz/ The recruitment, transportation, transfer, harbouring or reception of persons, by the use of force or a threat of force, for the purpose of exploitation. Such behaviour is expressly prohibited by Article 5 of the Charter of Fundamental Rights of the European Union and by Directive 2011/36/EU. Trafficking is different from the smuggling of irregular migrants. Once having crossed the border, a trafficked migrant is further exploited in coercive or inhuman conditions. People are trafficked for the purpose of sexual and labour exploitation or the removal of organs. Women and children are particularly affected.

transitional provision concerning applying EAW /træn'zɪʃənl prə'vɪʒn kən'sɜːnɪŋ ə'plaɪŋ iː ɛɪ 'dʌbljuː/ Under Article 32.1 of EAW FD requests received before 1 January 2004 are to be governed by existing instruments relating to extradition and requests received after that date should be governed by the rules adopted by Member States pursuant to EAW FD Framework Decision. However, Member States were given the right to make a statement (at the time of the adoption of FD) indicating that, as executing Member State, it will apply the EAW Framework Decision only to acts committed after a certain date, to be specified, which may not be later than 7 August 2002. Such a statement has been made by the following Member States:

Austria: acts committed after 7 August 2002

Czech Republic: acts committed by Czech nationals after 1 November 2004

France: acts committed after 1 November 1993

Italy: acts committed after 7 August 2002 (under Italian legislation, Italy cannot execute EAWs issued before 14 May 2005)

Luxembourg: acts committed after 7 August 2002

transmission mechanism /træns'mɪʃn 'mekənɪzəm/ The procedure whereby an instrument issued by the issuing State is transmitted to the executing State. A Member State may, if it is necessary as a result of the organisation of its internal judicial system, designate a central authority or authorities responsible for the administrative transmission and reception of instruments, or it may provide for transmission through direct contact between the Member States' authorities.

transmission of documents /træns'mɪʃn əv dɒkjumənts/ The sending and forwarding of documents; it may usually be carried out by any appropriate means, provided that the content of the document received is true and faithful to that of the document forwarded and that all information in it is easily legible.

transmission of the EEW /træns'mɪʃn əv ðə iː ɛɪ 'dʌbljuː/ As stated in Article 8 of Council Framework Decision 2008/978/JHA, the EEW may be transmitted to the competent authority of a Member State in which the competent authority of the issuing State has reasonable grounds to believe that relevant objects, documents or data are located or, in the case of electronic data, directly accessible under the law of the executing State. The EEW should be transmitted without delay from the issuing authority to the executing authority by any means capable of producing a written record under conditions allowing the executing State to establish authenticity. All further official communications are to be made directly between the issuing authority and the executing authority. Additionally, if the issuing authority so wishes, transmission may be effected via the secure telecommunications system of the European Judicial Network.

transmission of the EIO /træns'mɪʃn əv ðə iː aɪ əʊ/ Under Directive 2014/41/EU the EIO is to be transmitted from the issuing authority to the executing authority by any means capable of producing a written record under conditions allowing the executing State to establish authenticity. Any further official communication is to be made directly between the issuing authority and the executing authority. The issuing authority may also transmit EIOs via the telecommunications system of the European Judicial Network.

transposition /,træns'pə'zɪʃn/ *n.* In EU law transposition is a process by which the European Union's member states give force to a directive by passing appropriate implementation measures. Transposition is typically done by either primary or secondary legislation. The European Commission may bring a case in the European Court of Justice against states which have not transposed directives adequately.

transposition deadline /,trænspə'ziʃn 'dedlam/ The closing date by which the provisions of an EU directive must be integrated (transposed) into the Member States' national legislation.

traumatize /'trɔ:mətaɪz/ v. To cause someone to become very upset in a way that often leads to serious emotional problems: to cause someone to suffer emotional trauma.

Treaties of the European Union /'tri:tiz əv ðə ,juərə'pi:ən 'ju:niən/ The Founding Treaties of the European Union in their current form are often referred to together and shortly as the “Treaties”. At present, this expression refers to the Treaty on European Union and the Treaty on the Functioning of the European Union. Especially in earlier texts, the term “Treaty” was used as a short designation for the Treaty of Rome.

trial /'traɪəl/ n. A judicial examination and determination of facts and legal issues arising between parties to a civil or criminal action; *civil/criminal/jury trial*.

trial in absentia /'traɪəl ,ɪn æb'senʃiə/ A person who is subject to criminal proceedings in a court of law but is not physically present at those proceedings is said to have undergone trial *in absentia*. *In absentia* is Latin for “in the absence”. Its meaning varies by jurisdiction and legal system.

trilogue /'tri:lədʒ/ Informal meetings attended by the European Parliament, Council and Commission. Their purpose is to get an agreement (on a package of amendments or on the wording of laws) acceptable to Council and Parliament.

unanimity (in the Council) /ˌjuːnəˈnɪməti/ *n.* Unanimity requires all Member States meeting within the Council to agree on a proposal before it can be adopted. Since the **Lisbon Treaty** only a restricted number of policies judged to be sensitive remain subject to unanimity voting.

undercover operation /ˌʌndəˈkʌvə(r) ˌɒpəˈreɪʃn/ See **covert operation**

undermine /ˌʌndəˈmaɪn/ *v.* To lessen the effectiveness, power, or ability of something, e.g. some people say that EPOs undermine national justice systems of individual Member States.

universality principle /ˌjuːnɪvɜːˈsæləti ˈprɪnsəpl/ Allows for the assertion of jurisdiction in cases where the alleged crime may be prosecuted by all states e.g., war crimes, crimes against the peace, crimes against humanity, etc.

unlawful assembly /ʌnˈlɔːfl əˈsembli/ Meeting in secret in order to organize unlawful activities.

unlawful detention /ʌnˈlɔːfl dɪˈtenʃn/ Unlawful restriction of a person's freedom of movement, not necessarily in prison.

unpredictable /ˌʌnpɪˈdɪktəbl/ *adj.* Not capable of being foretold.

urgent preliminary ruling procedure (PPU) /ˈɜːdʒənt prɪˈlɪmɪnəri ˈruːlɪŋ prəˈsiːdʒə(r)/ A reference for a preliminary ruling which raises one or more questions concerning the area of freedom, security and justice may, at the request of the national court or tribunal or, exceptionally, of the Court of Justice's own motion, be dealt with under an urgent procedure. The urgent preliminary ruling procedure may be used in cases where a person is deprived of his or her liberty and the answer to the question raised is decisive as to the assessment of the legal situation of the person detained, or in proceedings concerning parental authority or custody of children, where the jurisdiction under EU law of the court hearing the case depends on the answer to the question referred for a preliminary ruling. The urgent preliminary ruling procedure has three specific features distinguishing it from the ordinary preliminary ruling procedure: 1) only the parties to the main proceedings, the Member State of the referring court or tribunal, the Commission, and the other institutions if one of their measures is at issue, may participate in the written procedure, 2) cases that may be dealt with under an urgent procedure are referred to a Chamber specifically designated for that purpose, 3) communications in the urgent procedure are, as far as possible, entirely electronic. With these special rules in place, the urgent preliminary ruling procedure takes approximately 3 months to conclude, as opposed to an average duration of approximately 16 months of the normal preliminary ruling procedure.

value confiscation /'vælju: ˌkɒnfi'skeɪʃn/ The confiscation of an amount of money equivalent to the value of the proceeds of a crime.

verdict /'vɜːdɪkt/ *n.* The formal decision or finding made by a jury concerning the questions submitted to it during a trial; the jury reports the verdict to the court, which generally accepts it.

victim /'vɪktɪm/ *n.* A natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence, as well as family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

victim support services /'vɪktɪm sə'pɔːt 'sɜːvɪs/ Services that Member States are obliged to provide to victims confidentially and free of charge in order to assist them before, during and – for an appropriate time – after the criminal proceedings by providing to them information about their rights, about their role in the criminal proceedings, emotional support, and, where available, psychological support. The family members of victims are entitled to access to these services according to their needs and to the degree of harm suffered in consequence of offence committed against the victim. The scope and purpose of victim support services are defined by Articles 8 and 9 of Directive 2012/29/EU.

victims' concerns and fears /'vɪktɪms kən'sɜːns ənd frə(r)s/ The way a victim feels as a result of having become the target of a crime. In relation to criminal proceedings the concerns and fears expressed by the victim should be a key factor in determining whether the victim needs a particular protection measure

victims with specific protection needs /'vɪktɪms wɪð spə'sɪfɪk prə'tekʃn niːdz/ Victims having suffered considerable harm due to the severity, type or motive of the offence committed against them and victims depending on the offender and, as such, being particularly vulnerable. Child victims are presumed to have specific protection needs.

violate /'vaɪəleɪt/ *v.* To break, infringe, or transgress (a law, rule, agreement, promise, instructions, etc.).

violence /'vaɪələns/ *adv.* The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation; **by threat of violence**: intentionally or knowingly putting another person in fear of imminent bodily injury; **violence in close relationship**: violence committed by a person who is a current or former spouse, or partner or other family member of the victim, whether or not the offender shares or has shared the same household with the victim.

vulnerable /'vʌlnərəbl/ *adj.* Easily hurt or harmed physically, mentally, or emotionally.

vulnerable person /'vʌlnərəbl 'pɜːsn/ A person with special needs such as a minor, an unaccompanied minor, a disabled person, an elderly person, a pregnant woman, a single parent with minor children and a person having been subjected to torture, rape or other serious forms of psychological, physical or sexual violence. A position of vulnerability refers to a situation in which the person concerned has no real alternative but to submit to the abuser. Under some directives, minors and persons with disabilities are considered as particularly vulnerable persons.

waive /weɪv/ *v.* To choose not to demand something in a particular case despite having a legal or official right to do so; *to waive a right*.

waiver /'weɪvə(r)/ *n.* A situation in which somebody gives up a legal right or claim; an official document stating this; *waiver of right to (speedy/jury) trial*.

warrant /'wɒrənt/ *n.* A written order issued by a judicial officer or other authorized person commanding a law enforcement officer to perform some act incident to the administration of justice.

White Paper /waɪt 'peɪpə(r)/ A document containing proposals for EU action in a specific area. In some cases they follow a Green Paper published to launch a consultation process at European level. When a White Paper is favourably received by the Council, it can lead to an action programme for the European Union in the area concerned.

without prejudice (to sg) /wɪ'ðəʊt 'predʒudɪs/ A phrase used in legal texts with the meaning that what is being enacted or provided is not to affect the provision referred to.

without undue delay /wɪ'ðəʊt ,ʌn'dju: dɪ'leɪ/ A requirement under which procedural acts should be carried out as promptly as possible, without intentional delay. The time within which an act is to be carried out is determined in light of the nature and circumstances of the case at issue.

witness /'wɪtnəs/ *n.* A person who testifies before a court or another authority.

witness box /'wɪtnəs bɒks/ The place in which a person stands in a law court when they are being asked questions.

witness protection /'wɪtnəs prə'tekʃn/ A series of measures that can be granted in order to protect witnesses, such as voice and image distortion, redaction of identifying information from documents, closed sessions, initiating a witness protection program to get new identity.

witness testimony (oral/written) /'wɪtnəs 'testɪməni/ Written or oral evidence given by a witness under oath at trial or in a deposition. A witness is a person who testifies under oath.

writ of summons /rɪt əv 'sʌmənz/ Document containing an order to appear or to produce evidence to a court. See **subpoena**