

Co-funded by the Justice Programme (2014-2020) of the European Union

Protection of suspects’ rights during pre-trial detention and interrogation: Practical training for defence lawyers (NetPraLat)

Train-the-Trainer Course

Course guide

**NetPraLat**

Procedural rights of suspects during pre-trial detention and interrogations have been strengthened in recent European legislation (so-called procedural rights’ Directives). This legislation imposes specific duties and requirements on the lawyer during these stages, for example to play an active role during suspect interrogations in pre-trial proceedings. In view of these new requirements, the EU-funded project NetPraLat (NETworking to strengthen pre-trial procedural rights by PRActice-oriented cross-border LAwyers Training), a collaboration of CICAC (Catalan Bar Council), Maastricht University, Iridia (Spain), Human Rights Monitoring Institute (HRMI) and Polish Bar Council, implement a training programme aimed to enhance practical skills of lawyers in providing an effective defence during pre-trial stages of the criminal proceedings. The program builds on the experiences of the SUPRALAT project (*“Strengthening suspects' rights in pre-trial proceedings through practice-oriented training for lawyers”*) implemented in 2015-2017 in Belgium, Hungary, Ireland and Belgium ([www.salduzlawyer.eu](http://www.salduzlawyer.eu)).

For more information about the NetPraLat project, visit: [www.netpralat.eu](http://www.netpralat.eu)

**Training objective**

The objective of the training is to improve the theoretical knowledge and practical skills of criminal defence lawyers, which are necessary for the effective exercise of their professional role during pre-trial procedural stages, more specifically in *advising clients* and the *protection of clients’ rights during the phase of detention and interrogation*. In particular, the training program focuses on the development of legal and communication skills in the context of lawyer-client consultations at the pre-trial stages and in the context of pre-trial interrogations. It also addresses the psycho-social needs of detained clients and the cooperation with interpreters (in case of foreign clients) in separate modules.

The program aims to foster the development of active, reflective and client-centred practice of criminal defence.

The structure and time schedule

The training lasts for about 4 weeks (17-04 until 10-05) and consists of 2 phases:

* preliminary e-learning (17-04 until 07-05);
* practice sessions – skills training (08-05 until 10-05).

Below you will find th information about the two training phases.

**Week 1-3: Preliminary e-learning**

In the first three weeks you are expected to:

* familiarise yourselves with the training program, trainers and the e-learning environment (week 1);
* introduce yourself to the trainers and other course participants and formulate your individual learning goals (week 2-3) (e-learning assignment, deadline Wednesday, 1 May 2019)
* review the theoretical modules # 1-7 (week 2-3). For more information see below “E-learning modules: further information”.

**Week 4: Practice sessions – skills training (08-05 until 10-05)**

The practical sessions aim at applying the theoretical knowledge obtained during the e-learning and at practicing the relevant (communication) skills. In the beginning of the training you will receive a folder with all necessary documents (powerpoint presentation and observation forms).

The practical sessions aim to prepare you to your role as a future trainer in NetPraLat trainings. These sessions consist of 5 half-days spread over 3 days:

Day 1 (08-05, 08.30-17.00)

* Session 1. Role of the lawyer
* Session 2. Communication skills
* Session 3. Psychosocial approach
* Session 4. Working with interpreters

Day 2 (09-05, 9.00-17.15)

* Session 5. Lawyer-client consultation
* Session 6. Suspect interrogation

Day 3 (10-05, 9.00-13.00)

* Session 7. Didactic skills
* Evaluation of the training

Coffie/tea and lunch will be provided. Group dinner will be organised on **09-05**.

Location: Law Faculty, Bouillonstraat 1-3, Maastricht

2 E-learning modules: further information

The e-learning environment of the course contains seven theoretical modules, which are divided into the following topics:

* European regulations on the procedural rights of suspects;
* The role of the lawyer at the investigative stage of the proceedings;
* Lawyer-client consultation at the police station;
* Legal assistance during the interrogation of the suspect;
* Communication skills relevant to representation at the investigative stage;
* Psychosocial approach to assisting suspects at the investigative stage;
* Working with interpreters at the investigative stage (and beyond).

E-learning modules consist of interactive presentations, webinars, reflection questions, practical overviews (tools and checklists) and the relevant literature.

The modules help you to:

* Prepare to the practical sessions;
* Effectuate the skills that will be exercised during the practical sessions more effectively in your practice.

The theoretical modules are designed in such a way that you can create your own training program depending on your own knowledge, experience and needs.

Please read the description of the module first. Each module contains ***reflection questions*** which you can use to reflect on/apply the relevant content and support the learning progress. It is recommended to read the reflective questions before going through the module to better activate the learning process.

During the practical sessions, references will be made to the content of the e-learning modules. It is assumed that you possess the theoretical knowledge contained in the e-learning modules before starting the practical sessions. ***The theoretical content will NOT be presented during the practical sessions.***

Most modules contain one ***main source: a powerpoint/PDF presentation*** and some additional sources.

The videofragments in Modules 3 (Video Lawyer-Client Consultation), 4 (Video 1 Suspect Interview) and Module 7 (Video Working with Interpreters) will be used in practical exercises at the practical sessions. Please familiarise yourselves with their content.

Below you will find more information about the content of the e-elearning modules.

3 The content of the e-learning modules

**Module 1: The European regulations on the procedural rights of suspects at the investigative stage**

This module provides ***basic knowledge*** of the European regulations in the area of suspects’ procedural rights at the investigative stage of the proceedings (EU Directives and selected ECtHR case law). Furthermore it gives you an opportunity to apply this knowledge to hypothetical situtions.

You can choose to review only the theoretical parts of the module, or to go through a number of practice-oriented questions presented as hypothetical scenarios. The purpose is to take distance from the national regullations and laws, and exercise the application of the respective European law *in abstracto*.

Under “Literature” you will find the respective case law and other literature sources. Therse are recommended sources, which you can study in your own time.

*You can skip this module if you think that you have sufficient knowledge of the content and interpretation of the European law on procedural rights of suspects at the investigative stage of the criminal proceedings.*

**Module 2: The role of the lawyer at the investigative stage of the criminal proceedings**

This module is about the role of a lawyer at the investigative stage of the proceedings.

This module includes a webinar by professor Ed Cape about the role of a lawyer at the investigative stage of the proceedings in England and Wales.

The webinar provides an insight into the difficulties, which were experienced by lawyers in England and Wales when they have just started providing assistance at the investigative stage of the proceedings (especially during suspect interrogations). It also describes how the development of 'active defence' helped lawyers to be more effective in their role at this stage. Clearly, the mere presence of a lawyer is not sufficient for an effective criminal defence. Furthermore, there is a danger that the presence of a lawyer without active participation would legitimise the use of interrogative pressure and other possible violations of suspects' rights. There is therefore a clear need for professional education in this area, both with regard to the theory and the relevant skills. The webinar further describes how English lawyers understand and effectuate their role at the investigative stage.

Although the webinar describes the developments in a different jurisdiction (possibly unfamiliar to you), we suggest that you use it a source of comparison or reflection with regard to your own (national) practice.

*Session 1 of the practical sessions includes an in-depth discussion of the role of the lawyer and your own approach to your role. The webinar of E. Cape can be used as the basis for this discussion.*

**Module 3: Lawyer-client consultation at the investigative stage**

This short module is about the lawyer-client consultation at the investigative stage of the proceedings. It includes two checklists 'Consultation topic checklist' and 'Disclosure checklist', which lawyers can use as practical tools when assisting clients at the investigative stage (when adopted to their national law and practice).

The module also includes a video of a lawyer-client consultation, which will be used in a practical exercise during the face-to-face sessions. We suggest that you watch the video to familiarise yourself with the content.

*The content of this module will be used as the basis for Session 5: Lawyer-client consultation of the practical sessions*

**Module 4: Legal assistance during the interrogation of the suspect**

This module is about the interrogation of a suspect at the investigative stage (by police or other relevant authorities). It covers the legal and psychological elements of interrogations and the respective lawyer's role.

This module contains information about the different models of suspect interrogation, pressure and tactics used during interrogation and your role as a lawyer in dealing with interrogative pressure and tactics.

The module aims to enrich your knowledge and skills to:

o    identify when an interrogation becomes problematic;

o   understand and explain why it is problematic.

The knowledge covered in this module will be applied during the practical sessions.

This module also contains a webinar by **dr. Andy Griffiths** (United Kingdom) about 'ethical' and 'unethical' interviews of suspects, and the role of the lawyer in suspect interviews from the police perspective.

The video 'suspect interview' will be used in a practical exercise during the face-to-face sessions. We recommend that you watch it to familiarise yourself with the content.

*The content of this module will be used as the basis for Session 6: Suspect interrogation of the practical sessions*

**Module 5: Communication skills**

This module contains an overview of the communication skills, which are relevant when communicating with clients or the authorities at teh investigative stage.

These are in particular the following skills:

o building rapport;

o effective listening and effective questioning;

o effective transmission of information.

This module defines and describes the relevant skills. These skills will be trained during the practical sessions.

The module contains reflective questions to help you prepare to the practice sessions.

*The content of this module will be used as the basis for Session 2: Communication skills of the practical sessions*

**Module 6: Psychosocial approach to assisting suspects at the investigative stage**

This module is about psychosocial perspective during lawyer-client consultation and detention at the investigative stage of proceedings. It contains information about different tools available for lawyers to assess and identify detainee’s needs and personal situation, and how this can affect their memory or credibility.

It also includes information about detecting possible abuse or ill-treatment during detention and how the moment of our legal assistance during detention is essential for its identification and prevention.

Finally, the module will help understand our role with vulnerable suspects, including legal and psychological definitions of ‘vulnerability’, learning how to use the ‘exploratory guide’ of vulnerabilities in the criminal process and determining which action to take when a possible ‘vulnerability’ is detected.

*The content of this module will be used as the basis for Session 3: Psychosocial approach of the practical sessions*

**Module 7: Working with interpreters at the investigative stage (and beyond)**

This module focusses on the interpreter’s mediated communication. We want to raise awareness about problems linked to representing a client who does not master the language of the proceedings; be it a Foreigner or a deaf individual. Interpersonal interactions with your client, with police, or with Justice representatives and others will utterly depend on the quality and professionalism of the interpreter.

This module gives insights for a better understanding of the interpreter’s profession and role according to the EU Directives on suspects’ procedural rights and the respective ECtHR case law.

As a practising lawyer, you may then better assess irregularities in interpreters mediated interviews and devise appropriate strategies to have an influence on the interpreter’s selection, his/her professional behaviour.

*The content of this module will be used as the basis for Session 4: Working with interpreters of the practical sessions*

4 Navigation in the e-learning environment (ELO)

The e-learning is based on the Moodle-platform. Moodle is an open-source software learning management system.

**Access to the course**

1 Go to www.netpralat.eu and click on ‘Platform’ or go to <https://www.internationalnetwork.netpralat.eu/>

2 Click on ‘Netpralat e-learning Modules’ and log in with your username and password.

*If you log in for the first time, you will be asked to change your password.*

3 You will be directed to the course e-elarning page. You can scroll down the page, and view the respective parts of the course and study the e-learning materials by clicking on the respective links. The system will track your progress in reviewing the e-learning materials (by placing a ‘check’ symbol in the window next to the respective source).

**Creating or modifying your user profile**

1 Click on the link with your name on the right-hand side of the webpage

2 Choose “Profile” in the drop-down menu.

3 Click on “Edit profile”

4 You can now modify or add information to your profile, such as your photo (recommended), your professional experience and interests.

**Uploading an assignment**

1 Click on ‘Communication platform for course participants”

3 Read the instructions for the assignment and click on “Add a new discussion topic”.

4 Add a “Topic” (for example “Your name”) and type your response in the field “Message”. Or you can upload the assignment in a separate document by clicking on the icon “Add file”, attaching the file from your computer, and confirming by clicking on “Upload the file”.

**Navigation in the interactive e-learning modules**

Most e-learning modules are developed as ***very interactive***. They allow you to choose your own pace to study. You are encouraged to use ***Powerpoint files*** designed as interactive presentations (PDF files contain the same content, and they are added for you to use if you have technical problems with using PPT files). Interactivity is key to active learning and better retention of information.

Some modules contain videofiles, which can be opened in all main players, as well as Word and PDF files (these files will be downoaded on your device).

In case of technical problems please contact: [manager@netpralat.eu](mailto:manager@netpralat.eu)



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