

Examination of the courts' jurisprudence in criminal cases with an international dimension

The President of the Curia decided to set up a jurisprudence-analysing working group on criminal cases with an international dimension. The working group examines a wide range of legal issues in the field of judicial co-operation. These issues include the followings:

- the definition and scope of application of the *ne bis in idem* principle and its effects on the national criminal proceedings,
- the principle of speciality and the consequences of its breach in court proceedings,
- the obligations incumbent on Hungarian courts in respect of the case-law of the European Court of Human Rights and its judgements involving Hungary, the implementation of the principle of subsidiarity,
- the impact of the European Union's primary and secondary law and the case-law of the Court of Justice of the European Union on the day-to-day judicial business of Hungarian courts.

Hungarian judges are obliged to apply not only national law, but the European Convention on Human Rights, the case-law of the European Court of Human Rights and European Union law as well. In addition, they may act as "constitutional judges" mainly due to the introduction of the genuine constitutional complaint.

Having regard to the complexity of the topics to be examined, the President of the Curia invited experts from various fields to join the working group. These experts include European legal advisors from the judiciary, members of the Ministry of Justice specialised in judicial co-operation in criminal matters, in the representation of Hungary before the European Court of Human Rights and the Court of Justice of the European Union, representatives of the Office of the Prosecutor General, defence attorneys specialised in criminal cases with an international dimension and representatives of the academia.

The jurisprudence-analysing working group analyses the following important topics:

- the recognition of foreign judgements,
- the issuance of a European and international arrest warrant,
- criminal procedure against a defendant staying abroad, *in absentia* criminal procedure (section 532 of the Code of Criminal Procedure).

The working group is expected to deliver a summary report that

- gives a summary analysis of the legislative background of the topics to be examined,
- provides a dogmatic framework for some fundamental legal instruments,
- reveals issues to be interpreted on a daily basis in current judicial business, and
- proposes solutions to the problems or initiates the taking of appropriate measures to address them.

The summary report will help not only criminal judges, but all the stakeholders of the criminal justice system – in particular, prosecutors and defence attorneys – as well in interpreting and applying the relevant legal rules in a harmonised manner.

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