

Background Information – The Agreement with the Prosecutor

Findings of the Court/ Important Aspects to be addressed

Case C-377/18 AH and others:

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=217488&pageInd ex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=9415313>

Article 4(1) of Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings must be interpreted as meaning that it does not preclude that an agreement in which the accused person recognises his guilt in exchange for a reduction in sentencing, which must be approved by a national court, expressly mentions as joint perpetrators of the criminal offence in question not only that person but also other accused persons, who have not recognised their guilt and are being prosecuted in separate criminal proceedings, on the condition that that reference is necessary for the categorisation of the legal liability of the person who entered into the agreement and, second, that that same agreement makes it clear that those other persons are being prosecuted in separate criminal proceedings and that their guilt has not been legally established.

Guidance for facilitators

- The facilitator distributes the Case Studies to participants divided into in groups of 3 to 4.
- The participants should read the facts of the case, the background info and discuss the questions.
- After the participants have discussed the questions, the facilitator should present the findings of the court, eventually ask the follow-up question.
- The participants should discuss the findings and the follow-up question(s).
- The results of the working group will subsequently be presented in the plenum.

Note: Before starting, the participants should appoint one note taker and one person to present the results of their working group to the plenum.



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