Mutual recognition as cornerstone of cooperation in criminal matters: Reality or wishful thinking?
The EU criminal justice system 14 years after Tampere

Making Legal remedies in EU Criminal Justice More Efficient
ERA Conference | Brussels | 16 May 2013
Approach

Introduction & conclusion

(Assumed) trust as a legitimisation for MR-based judicial cooperation

MR as a legitimisation for trust-building procedural criminal law approximation measures

Epilogue: Variable legitimacy (crisis) perceptions and assessments
Question: Reality or wishful thinking?

Mutual recognition

• not in the least an unambiguous, stable and coherent notion
• on the contrary: the assumptions or agenda’s underlying the EU’s mutual trust and mutual recognition discourse and its policy outcomes or implications are often: contradictory, illogical, false, discriminatory, biased, one-sided or merely instrumental

Answers

• no mutual trust reality
• mutual recognition in its current appearances too politicized, unstable and incoherent a notion to serve as a solid basis for wishing it to be reality
• much needed: shaping a functional common trust basis in order to take tangible steps forward
(Assumed) trust as a legitimisation for MR

On the origin of species: MR as the lesser evil
Invalidity of the EU-CoE trust divide
Reality check
Dual criminality bubble
Further illogical trust derivates
Boomerang effects
Mutuality bubble

• non-reciprocity, self-centeredness, discrimination and one-directionality
MR as a legitimisation for trust-building measures

Putting the carriage before the horse
Confusing carriage racing and jumping
From lesser evil to Trojan Horse?
Roadmap bubble & distrust shifting
EU-CoE divide sequel: the Azerbaijan contradiction
Epilogue: Variable legitimacy (crisis) perceptions

EU policy making actors
Practitioners
NGO’s
Academia
Citizens
Questions and discussion

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