



Criminal Justice in Europe: Challenges, Principles and Perspectives

Conference
22nd – 23rd October 2010
Luxembourg · Hotel MELIA


UNIVERSITÉ DU
LUXEMBOURG


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Introduction

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Criminal Justice Systems in Europe are faced with enormous challenges. As the justice system is a mirror of modern societies, they are confronted with the societal problems of regulation in matters of state security, social prosperity and environmental protection. Judges in Europe in their daily practice, often presiding in small and old fashioned courtrooms, address these problems, are challenged and sometimes overloaded by them.

Globalization is a burden on justice. In particular, criminal justice is not just restricted to fulfill essential social functions such as conflict resolution, but is also subject to crucial principles of law, such as due process, fair trial and equality of arms. The principle of independent and impartial justice makes sure that judicial control is integrated within the rule of law. Thus, the rights of citizens are fully legally protected. The protection of individual rights is the core competence of criminal justice. This is a value as such. Without this value state and society risk losing their normative cohesion, their reliability, their stability and finally the trust of the people and thus their legitimacy. Nevertheless, the principle of independent and impartial justice is in danger, especially in the realm of criminal law.

This is due to a series of risks, which follow from the interventions of the other state powers –the legislative and the executive power–but also from the impact of social systems sometimes characterized as "dysfunctional". Usual strategies to overcome these risks might still work on the national level, but are doomed to failure in a European and international context. Main reason for this failure could be seen in a lack of understanding concerning the problems of judicial cooperation in matters of criminal law.

This conference wants to establish another perception of these problems. Usually judicial cooperation in Europe is considered as a matter of legal texts, their coherence and the way rules are applied, with a strict adherence to the letter of the law instead of a nuanced approach addressing more creative approaches to resolve underlying dispute. In order to get an overall understanding, the traditional work on legal texts must be necessarily connected with interdisciplinary knowledge on the functioning of criminal justice in globalized social systems.

The classical technical judicial approach combined with interdisciplinary and empirical knowledge on the reality of criminal justice systems focus also on the strengthening of judicial self consciousness in order to exercise its function as a protector of fundamental rights to a full extent. This again is inevitably linked with external and internal organization of the judiciary.

Stefan BRAUM

Professor in Criminal Law, Luxembourg

Programme

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Friday, 22nd October 2010

09h00 **Welcome by the Dean of the Faculty of Law**
Prof. André Prüm

09h15 **Inauguration Speech by the Minister of Justice**
Mr. François Biltgen

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09h45 **Panel 1**
European Justice as a control of executive powers: secret investigations and the security state as a challenge.
(Presidency Marc Jaeger, President of the General Court, Luxembourg)

Giovanni Buttarelli
Deputy European Data Protection Supervisor, Brussels

Antonio di Pietro (invited)
Member of the Italian Parliament, Rome

Robert Bieber
Procureur d'Etat, Luxembourg

Eric Luna
Professor of Criminal Law, Washington and Lee University Lexington (VA), USA

Open debate

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11h15 **Panel 2**
European Justice as a control of the legislative power: Quality of legislation as a challenge (Presidency Jeannot Nies, Premier Avocat Général, Luxembourg).

Sabine Leutheusser-Schnarrenberger
Federal Minister of Justice, Berlin

Vassilios Skouris
President of the European Court of Justice, Luxembourg

Viviane Reding
Member of European Commission

Peter-Alexis Albrecht
Professor in Criminal Law, Frankfurt am Main

Open debate

13h00 **Lunch**

14h30 Panel 3
European Justice and self control: European Organization of the Judiciary as a challenge (Presidency Professor Anne Weyembergh, Institut d'Etudes Européennes, Brussels).

Dean Spielmann

Judge of the European Court of Human Rights, Strasbourg

Yves Bot

Advocate General, European Court of Justice, Luxembourg

Lord Justice Sir John Thomas

Judge at the Court of Appeal, London

Stefan Braum

Professor in Criminal Law, Luxembourg

First conclusions of the three panels

Open debate

17h00 End of First day

Saturday, 23rd October 2010

09h30 Panel 4
European Justice as a control of mutual cooperation of EU Member States: the principle of "ne bis in idem" and conflicts of competences as challenges (Presidency Valsamis Mitsilegas, Professor of European Criminal Law, Queen Mary University, London)

Peter J. Csonka

European Commission, Head of Unit Criminal Justice, Brussels

Pedro Caeiro

Professor of European Criminal Law, University of Coimbra, Portugal

Lars Bay Larsen

Judge at the European Court of Justice, Luxembourg

Katalin Ligeti

Professor in Criminal Law, Luxembourg

Open debate

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11h00 Concluding Remarks
Marc Jaeger
President of the General Court

Stefan Braum

Professor in Criminal Law, Luxembourg.

11h30 End of the Conference

Inscription

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