



UNIVERSITÀ
DEGLI STUDI
DI PALERMO



JAGIELLONIAN UNIVERSITY
IN KRAKOW



MASARYK UNIVERSITY
Czech Republic



International Seminar

European and International Criminal Law Human Rights in Criminal Proceedings

Università degli Studi di Palermo (Italy)

Program

Tuesday, 22 October 2019

Arrival of participants from Passau, Plzeň, Brno and Krakow

Hotel B&B Pretoria - Via Vittorio Emanuele 263

18.30 **Dinner / Meeting of the coordinators from Brno, Krakow, Passau, Plzeň and Palermo**

Wednesday, 23 October 2019

08.30 **Seminar:** Università degli Studi di Palermo, Dipartimento di Giurisprudenza (Law Department), Via Maqueda 172, "Aula Circolare A.A. Romano" (2nd floor)

Welcome address by *Aldo Schiavello*, Director of the Law Department;
Giuseppe Di Chiara, Full Professor of Criminal Procedure

Introductory remarks by *Lucia Parlato, Palermo / Robert Esser, Passau / Petr Skvain, Plzeň / Jan Provazník, Brno / Witold Zontek, Krakow*

08.45 **Presentations delivered by the participating students, followed by discussion on the central issues**

Panel 1 (Chair: Petr Škvain)

- **How absolute are absolute rights?** – ECtHR (GC), Gäfgen/Germany, 1 June 2010, no. 22978/05 (*Miroslava Brůhová / Jan Štáhlích*, Plzeň)
- **The “perpetual” life imprisonment and the prohibition to violate human dignity, Article 3 ECHR** – ECtHR, Marcello Viola/Italy (No. 2), 13 June 2019, no. 77633/16 (*Claudio Bennici / Sonia Fanara*, Palermo, Agrigento)
- **Inhuman Treatment after transfer to CIA-custody** – ECtHR, Abu Zubaydah/ Lithuania u. Al Nashiri/Romania, 31 May 2018, no. 46454/11, 33234/12 (*Aenne Hofmann*, Passau)

10.15 Coffee break – “*Casa Stagnitta*” (Discesa dei Giudici, 46)

10.30 Panel 2 (Chair: Witold Zontek)

- **The right to speedy review of the lawfulness of detention (under Article 5 § 4 ECHR)** – ECtHR, Rizzotto/Italy (no. 2), 5 September 2019, no. 20983/12 (*Antonino Tranchina*, Palermo)
- **Pre-trial detention after parliamentary immunity’s lifting: complained violation of right to liberty and security of person under Articles 5 and 18 ECHR**, Demirtaş/Turkey, 20 November 2018 (*Alberto Piacentini / Giuliana Serra*, Palermo)
- **Subsequent Preventive Detention** – ECtHR, Ilseher/Germany, 4 December 2018, no. 10211/12, 27505/14 (*Sina Geisenberger*, Passau)
- **Rejection of asylum seekers from the Hungarian border zone to Serbia** – ECtHR, Ilias u. Ahmed/Hungary, 14 March 2017, no. 47287/15 (*Emioni Chistidou*, Passau)

12.00 Lunch – *Law Department, Criminal Procedure Section*

13.50 **Greetings to Seminar Participants** – *Laura Lorello*, Law Course Coordinator-
Annalisa Mangiaracina, Scientific Coordinator of EUROCOORD Project

14.00 Panel 3 (Chair: Robert Esser)

- **Airstrike in Afghanistan: complained not effectivity of both investigation and remedy** – ECtHR, Hanan/Germany, 27 August 2019 – relinquishment of the jurisdiction in favour of the GC, no. 4871/16 (*Sofia Barbera*, Palermo)
- **Non-effective investigation: murder of journalist Politkovskaya, Article 2 ECHR** – ECtHR, Mazepa et al./Russia, 17 July 2018, no. 15086/07 (*Sarah Großkopf*, Passau)
- **Duty to prevent, investigate and prosecute acts of domestic violence / legal framework to combat gender-based discrimination against women** – ECtHR, Volodina/Russia, 9 July 2019, no. 41261/17 (*Marie Poppeová / Vendula Vymazalová*, Brno)

16.00 End of the first seminar day

19.00 Dinner

Thursday, 24 October 2019

08.45 Departure from hotel (15 min. walking)

09.45 **Visit of Palermo Prison “Ucciardone”**

12.30 Lunch – *Law Department, Criminal Procedure Section*

14.00 **Seminar: Presentations delivered by the participating students, followed by discussion on the central issues**

Panel 4 (Chair: Lucia Parlato)

- **The right to a fair trial and the right to a legal assistance in criminal proceedings under Article 6 §§ 1 and 3 (c) ECHR – ECtHR (GC), Beuze/Belgium, 9 November 2018, no. 71409/10** (*Tereza Šťastná / Lucie Kopalová, Plzen*)
- **Policy interviews at a “procedural limb” of the investigation: violation of the rights to access to a lawyer and to the assistance of an interpreter – ECtHR, Knox/Italy, 24 January 2019, no. 76577/13** (*Carla Vulpetti / Giovanni Vulpetti, Palermo, Trapani*)
- **Ordering of a sanction against defence counsel in absentia, Art. 7 ECHR – ECtHR, Gestur Jónasson and Ragnar Halldór Hall/Iceland, 30 October 2018, no. 68273/14, 68271/13** (*Sophia Bauer, Passau*)

15.30 Coffee break – “*Casa Stagnitta*” (*Discesa dei Giudici, 46*)

Panel 5 (Chair: Jan Provazník)

- **Right to an independent and impartial tribunal established by law – ECtHR, Gudmundur and Andri Ástráðsson/Iceland, 12 March 2019, no. 26374/18 and its meaning in times of crisis of democracy** (*Mikolaj Slomka, Krakow*)
- **Surveillance regime and bulk interception of communication – ECtHR, Big Brother Watch et. al./UK, 13 September 2018, no. 58170/13** (*Simon Fink, Passau*)
- ***Ne bis in idem*, concept of “final decision” and complained violation of Article 4 of Protocol No. 7 to the Convention/Specific topic on preventive measures for „hooliganism“ – ECtHR (GC), Mihalache/Romania, 8 July 2019, no. 54012/10; Seražin/ Croatia, 9 October 2018, no. 19120/15** (*Roberta Barone / Manfredi Matassa, Palermo*)

17.30 **End of the Seminar / Concluding remarks**

19.00 Dinner

Friday, 25 October 2019

- 08.30 Meeting of the project supervisors/coordinators from the participating universities: Evaluation; debating future co-operation
- 11.00 Departure of the participants from Passau, Brno, Plzeň and Krakow

Scientific Coordinators: *Lucia Parlato, Robert Esser, Petr Skvain, Jan Provazník, Witold Zontek*

Scientific Committee: *Giuseppe Di Chiara, Paola Maggio, Annalisa Mangiaracina, Giuseppe Di Cesare, Maurizio Gemelli*