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## Criminal Justice in Europe: Challenges, Principles and Perspectives

Conference  
22<sup>nd</sup> – 23<sup>rd</sup> October 2010  
Luxembourg · Hotel MELIA



# 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

.. ... .

**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

**Dr. John Winterdyk**  
Associate Professor Director, Centre for Criminology and Justice Research  
Department of Justice Studies

Open debate

.. ... .

**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

**Yves Bot**  
Advocate General, 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

**Koen Lenaerts**  
Judge at the Court of Justice of the European Union

**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

**11h00** **Concluding Remarks**  
**Marc Jaeger**  
President of the General Court

**Stefan Braum**  
Professor in Criminal Law, Luxembourg.

**11h30** **End of the Conference**