



6th Annual European Criminal Law Conference

Bonn, October 4 and 5, 2013

Europe: Region of investigation, prosecution and execution

Agenda

FRIDAY, OCTOBER 4, 2013

UNIVERSITAETSCLUB BONN, 02.00PM – 06.00PM

**SEMINAR FOR PRACTICING EXPERTS:
CROSS-BORDER CRIMINAL DEFENSE**

Out of proportion:

The European warrant of arrest and its commensurability
Prof. Dr. Otto Lagodny, Salzburg

Criminal defense in Europe – Defense before the ECHR. A depiction of the example of the decision on court rulings against an accused in absentia according to art. 329 of the German code on criminal proceedings.

Prof. Dr. Ulrich Sommer, Attorney at law, Cologne

Collection and admission. Transnational information retrieval and legal cooperation.

Carl W. Heydenreich and Nils Kassebohm, Attorneys at law, Bonn

SATURDAY, OCTOBER 4, 2013

UNIVERSITAETSCLUB BONN, 09.30AM – 06.00PM

EUROPEAN LAW CONFERENCE - SATURDAY PLENUM

Small solution – big solution. The European Public Prosecutor.

: Prof. Dr. Joachim Vogel, Munich / Peter Csonka – EU Commission, Brussels

An accession and its consequences. The EU and the European Convention on Human Rights : Prof. Dr. Johan Callewaert, Strasbourg, Deputy Grand Chamber Registrar of the ECHR

[Lunch break]

Without protection. Criminal data within the EU. : Prof. Dr. Franziska Boehm, Munster

Criminal prosecution without borders. The European Investigation Order : Marjorie Bonn, The Hague, Senior legal adviser on international criminal law and on EU law, ministry for security and justice of the Netherlands / Dr. Anže Erbežnik, office of the LIBE-Committee of the European Parliament

“THE BRUSSELS GROUP” - PANEL DISCUSSION

Criminal law in Europe

Marjorie Bonn, Ministry for Security and Justice of the Netherlands; Peter Csonka, EU-Commission; Anže Erbežnik, office of the LIBE-Committee of the European Parliament; Hanna Petersen, Attorney at law, German Federal Bar, Brussels; Dr. Ralf Riegel, German Ministry of Justice; Prof. Dr. Ulrich Sommer, Attorney at law, German Lawyers Association; Carl W. Heydenreich, Attorney at law, moderator

THE CONFERENCE WILL BE TRANSLATED INTO AND FROM THE ENGLISH LANGUAGE ON OCTOBER 5.

EU Criminal Law Conference 2013

The investigation, prosecution and execution within Europe occur across borders, and no longer simply on the national level alone anymore. Simultaneously EU law determines the national criminal law legislative and national criminal proceedings. The main idea of European criminal law policy is the mutual recognition of judicial matters within the EU. European criminal law and criminal proceedings law is therefore a crucial part of criminal defense.

European legislation on criminal and criminal proceedings law is partially oriented toward the interests of the prosecution while disregarding the rights of the accused and the criminal defense. This bears the latent danger of violating procedural standards in accordance with the rule of law. The criminal defense must therefore participate in the law-making policy discussion.

2013 brings Milestones of the criminal law legislation with it. The 6th annual EU Criminal Law Conference will be dealing with these issues. The European Public Prosecutor and the accession of the EU to the European Convention on Human Rights are on the agenda. The European investigation order is in the last stages of a trilogue between Commission, Council and Parliament. A settlement has been reached regarding the text of the directive

guaranteeing access to legal counsel. The protection of criminal data has however been recklessly disregarded in the EU: the fate of a directive dealing with this matter is still uncertain.

The implementation of directives and framework decisions into national law is to be carried out by the national legislative. It is controversial whether this leaves a margin for maintaining already existing procedural standards or implementing new ones.

Seminar for practicing experts: Cross-border criminal-defense

Criminal defense against acts of criminal prosecution from another state or against evidence gathered in another state has - at least regarding extensive criminal cases - become standard. The effective application of criminal defense does not only demand higher skill requirements: it also shows the necessity for communication and cooperation with colleagues abroad.

The European warrant of arrest is a constant topic of criminal law maker policies, the missing commensurability a constant matter of complaints. Prof. Dr. Lagodny not only gave the inaugural address at the 1st European Criminal Law Conference, but he also holds a chair for Austrian and foreign criminal law at the University of Salzburg and is a publisher for the best renowned commentary on transnational criminal law.

The application to the ECHR is a fundamental part of successful criminal-defense. Prof. Dr. Sommer is an attorney at law in Cologne and has specialized in individual applications to the ECHR. Among other decisions he achieved the ECHR decision from November 8, 2012. He is also a member of the committee for criminal law of the German Lawyers Association.

Cross-border information retrieval, judicial gathering of evidence and admissibility of evidence stand in a balancing act within the boundaries of legal cooperation. Carl W. Heydenreich and Nils Kassebohm are attorneys at law defending in cross-border criminal proceedings.

EU Criminal Law Conference Saturday Plenum

The Commission will present the European Public Prosecutor this summer. The only question remaining is what form his arrival will take. Will he approach directly, having immediate executive powers and his own procedural law or will he instead enter through the back door, delegating power to the national prosecutors in the member states. Prof. Dr. Vogel teaches criminal law at the University of Munich and is a Judge at the state high court. Peter Csonka is an adviser to the Commission and the leading expert on the European Public Prosecutor.

The EU is about to join the European Convention on Human Rights. This raises questions regarding the relation between the ECHR and the ECJ and how the criminal law legislative of the EU may be impacted. Prof. Dr. Johan Callewaert is the Deputy Grand Chamber Registrar of the ECHR and honorary professor at the German University of administrative sciences in Speyer.

If police data swaps or legal cooperation lead to an uncontrolled international exchange of criminal data and information, national mechanisms fall short of providing any control over these exchanges. A virus-like spread of the data is to be feared. The attempt to create a directive to protect criminal data is forestalled by the member states. Prof. Dr. Franziska Boehm is a junior professor at the University of Munster and significantly involved with the EU-Parliament on drafting the directive.

The European Investigation Order arranges for cross-border investigations within the EU without the limitations installed by the national codes on procedural law. The proposal given by the EU Council in December 2011 threatens to lower the bar on procedural standards to the lowest level possible: bypassing the requirement of judicial decree, forum shopping, loss of legal protection, etc. The EU Parliament is trying hard to counter this proposal. Mrs. Marjorie Bonn worked for the Ministry for Security and Justice of the Netherlands and was significantly involved in the talks with the EU Council. Dr. Anže Erbežnik is coordinating the talks of the European Parliament as secretary of the LIBE-Committee.

The “Brussels-Group” will open the criminal lawmakers policy discussion on current legislative propositions between representatives of the respective legislative bodies and representatives of the criminal defense associations. The focus of these discussions will be the European Public Prosecutor, data-protection and the European Investigation Order.

Registration

Please use the form below for your registration (Separate along the line). Registration is also possible via email (info@strafverteidigervereinigung-nrw.de). If registering by email, please provide your fee-group along with your full name and address.

Strafverteidigervereinigung NRW e.V.
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Admission fee

Members*: Friday EUR 50.00 / Saturday EUR 75.00 / both days EUR 100.00
Non-Members Friday EUR 75.00 / Saturday EUR 125.00 / both days EUR 165.00
Legal-Interns and Students of law Friday EUR 30.00 / Saturday EUR 50.00 / both days EUR 65.00

*The members fee is only applicable to members of the respective criminal law associations (for further reference see: <http://www.strafverteidigervereinigungen.org/information.htm>)

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The Conference is supported by:



Registration for the 6th annual EU Criminal Law Conference Bonn, October 4/5, 2013

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