

Conference:

Globalized crime and criminal justice: European and international criminal law perspectives

Wednesday 14.6. 2023 – Maastricht University

Conference aim:

In a globalized world, criminal law and criminal justice are no longer the exclusive prerogative and task of sovereign states. Crime and other threats to security increasingly have an international dimension and accordingly affect states collectively, be it on a regional or global level. In order to tackle international, cross-border crime and the most serious forms of wrongdoing that concern the international community as a whole, new legal orders have emerged that significantly shape and influence criminal justice. In the European context, the European Union has ever since the entry into force of the Maastricht Treaty gained more and more influence with regard to criminal law. The Treaty of Lisbon increased the Union's competences and also introduced far reaching institutional and constitutional changes, contributing to the further development of a European criminal justice system. With regard to international wrongdoing which affects significant international interests and which runs counter to commonly shared values of civilized nations, the establishment of several ad hoc tribunals as well as the creation of a permanent International Criminal Court (ICC) has given rise to an international criminal law regime.

Both European and International Criminal Law, are relatively new fields of law and have developed in an incoherent and fragmented manner. While the focus, institutional framework, structure and underlying rationale of the two legal orders differ considerably, the two systems also have communalities and face common challenges due to the fact, that both have to address similar facets and elements of criminal justice. For instance, in both fields of law, through legislation and case law a comprehensive system of substantive and procedural rules has been created. While the European legislator has created a variety of so-called Euro crimes, the core crimes of International Criminal Law are enshrined in multiple sources, such as the ICC statute. A major difference is that EU law provides for an indirect enforcement mechanism via the Member States, whereas international criminal law is based on the complementarity of national and international enforcement. However, both have now established a Public Prosecution office and have developed a variety of defence rights, based on broader fundamental human rights obligations. Next to issues of substantive, respectively procedural criminal law, legal assistance and judicial cooperation are furthermore essential elements in both legal orders.

This conference aims to compare and critically assess the developments in European Criminal Law and International Criminal Law. The conference sets out to analyse differences and similarities with

regard to a variety of different aspects of criminal justice in a globalized world. It seeks to zoom in on the similarities and differences of both supranational legal orders and to discuss a variety of questions spanning from the prosecution of serious international crimes, to issues of substantive and procedural criminal law and cooperation in criminal matters. The conference aims to bring together experts from academia and practitioners from both European as well as international criminal law to discuss challenges and opportunities of today.

Program:

9:30 – 10.00h: Registration and coffee

10.00 -10.15h: Welcome and setting the scene: Prof. André Klip (Maastricht University)

Panel I: Prosecuting crimes beyond the national level: the EPPO and the OTP-ICC

Chair: Prof. Göran Sluiter (University of Amsterdam and Open University Heerlen)

10.15 – 10.40h: How to prosecute in an international setting? (Prof. Juliette Lelieur, University Strasbourg)

10.40 - 11.05h: What structure is most conducive to investigate and prosecute non-national crimes? Comparing EPPO and OTP-ICC (Prof. André Klip, Maastricht University)

11.05 – 11.30h: How to share burdens between national and European or international prosecution services? What criteria will be helpful? (Dr. Pim Geelhoed, University Groningen)

11.30 – 12.00h: Discussion

12.00 -13.00h: Lunch

Panel II: Substantive criminal law including collective and quasi-collective liability, as well as sentencing

Chair: Prof. André Klip (Maastricht University)

13.00-13.25h: How to develop a general part when the legislator does not do it? Should European criminal law follow more advanced International criminal law? (Dr. Johannes Keiler Maastricht University)

13.25 - 13.50h: Corporate criminal responsibility: fears wherever we go. What stands in the way? (Prof. Vanessa Franssen, University Liege and Catholic University Leuven)

13.50 - 14.15h: Sentencing and execution of sentences: time to establish principles for International and European criminal law? (Marta Campos Pinto da Cruz, University of Amsterdam)

14.15 - 14.40h: Discussion

14.40 - 15.15h: tea/coffebreak

Panel III: Procedural criminal law including defence rights and cooperation in criminal matters

Chair: Dr. Johannes Keiler (Maastricht University)

15.15 – 15.40h: Obtaining evidence via an European Investigation Order or on the basis of Part 9 ICC Statute. Best and worst practices that give food for thought. (Prof. Michele Caianiello, University of Bologna)

15.40-16.05: Fundamental rights and defence rights as a common notion. Have International and European criminal law developed the same? How is the right to a fair trial shaped and conceptualized in the two legal orders? (Diletta Marchesi, Catholic University Leuven)

16.05 - 16.30h: How to obtain the surrender of suspects? What conditions guarantee both effectiveness and rights for the requested person? (Prof. Göran Sluiter, University of Amsterdam and Open University Heerlen)

16.30 - 16.55h: Discussion

16.55 - 17.15h: Closing remarks: Prof. Göran Sluiter (University of Amsterdam and Open University Heerlen)

17.15h: drinks