

Syracuse, 29<sup>th</sup> May 2019

Istituto San Metodo, Via della Conciliazione 6

### FIFTH SECTION

Chair: Prof. Mark Zöller (Trier University)

- 11.30 **The Abyss between Intellect and Will. Dealing with the Philosophical Problem of Legal Judgement**  
Prof. Alessio Lo Giudice (*Messina University, Italy*)
- 11.50 **The seizure of computer files and emails**  
Prof. Paulo de Sousa Mendes (*Lisbon University, Portugal*)
- 12.10 **Tax offense as a criminal activity prior to money laundering**  
Prof. Eduardo Demetrio Crespo (*University of Castilla La-Mancha, Spain*)
- 12.30 Discussion
- 13.00 Lunch Break

### SIXTH SECTION

Chair: Prof. Paulo de Sousa Mendes (*Lisbon University, Portugal*)

- 14.00 **Evidentiary problems in the field of money laundering**  
Prof. Ágata María Sanz Hermida (*University of Castilla La-Mancha, Spain*)
- 14.20 **Evidence Laundering by Turkish criminal procedure law and ECtHR jurisprudence**  
Prof. Adem Sözüer, Ms. Havva Begüm Tokgöz, Mr. Yiğit Yeniyeşişme (*Istanbul University, Turkey*)
- 14.40 **Techniques for assessing social danger in front of the administrative judge**  
Prof. Vittoria Berlingò (*Messina University, Italy*)
- 15.00 **The proof of criminal conducts in mafia-typed offences**  
Dr. Giuseppe Toscano (*Messina University, Italy*)
- 15.20 Discussion
- 15.40 **Concluding remarks**  
Prof. Stefano Ruggeri (*Messina University, Italy*)

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CONSORZIO UNIVERSITARIO MEGARA IBLEO



SCUOLA SUPERIORE DELLA MAGISTRATURA

ACCADEMIC COORDINATION: Prof. Stefano Ruggeri (*Messina University, Italy*)

Evento accreditato presso il Dipartimento di Giurisprudenza e il Consiglio dell'Ordine degli Avvocati di Messina



MESSINA BAR ASSOCIATION



MESSINA UNIVERSITY  
Law Department



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INTERNATIONAL FORUM

## THE EUROPEANIZATION OF EVIDENCE LAW IN TRANSNATIONAL AND DOMESTIC CRIMINAL JUSTICE

Messina 28

Syracuse 29

May 2019



Mosaico di Mario Sironi presso il Palazzo di Giustizia, Milano

Messina, 28<sup>th</sup> May 2019

Aula Magna Rettorato, Piazza Pugliatti 1

8.30 **Welcoming speeches**

Prof. Salvatore Cuzzocrea (*Rector of the Messina University, Italy*)

Prof. Francesco Astone (*Director of the Law Department, Messina University, Italy*)

Avv. Vincenzo Ciruolo (*President of the Council of the Messina Bar Association, Italy*)

9.00 **The Europeanization of evidentiary processes and the development of a fair model of criminal justice in domestic and transnational cases.**

**Introductory remarks**

Prof. Stefano Ruggeri (*Messina University, Italy*)

**THE EUROPEANIZATION OF TRANSNATIONAL EVIDENCE LAW**

**FIRST SECTION**

**Chair:** Prof. Eduardo Demetrio Crespo (*University of Castilla La-Mancha, Spain*)

9.20 **Secret data gathering in transnational criminal cases – lessons from a Hungarian judgment**

Prof. Zsolt Szomora (*Szeged University, Hungary*)

9.40 **Transnational evidence-gathering and the extraterritorial application of criminal procedure**

Prof. Laurent Desessard (*Poitiers University, France*)

10.00 **Police cooperation, mutual recognition-based judicial assistance and new means of investigation in terrorism**

Prof. María de los Ángeles Catalina Benavente (*University of Santiago de Compostela, Spain*)

10.20 Discussion

10.40 Break

**SECOND SECTION**

**Chair:** Prof. Zsolt Szomora (*Szeged University, Hungary*)

11.00 **The European Investigation Order from a German Perspective**

Prof. Mark Zöller (*Trier University, Germany*)

11.20 **The European Investigation Order in the Perspective of Fundamental Rights. The Hungarian Implementation**

Ms. Jasmine Hussein (*Szeged University, Hungary*)

11.30 **Defence rights and the execution of European orders of investigation**

Ms. Antonella Falcone (*Messina University, Italy*)

11.40 **Interception of telecommunication and technical surveillance in cross-border cases under the EIO Directive and Italian law**

Ms. Alessandra Grio (*Messina University, Italy*)

11.50 Discussion

12.10 Break

**THIRD SECTION**

**Chair:** Prof. Lorenzo Bujosa Vadell (*Salamanca University, Spain*)

12.20 **Investigations of Accidents in the Maritime and Air transport and their Use in Criminal and Civil Court Proceedings**

Prof. Cinzia Ingratoci (*Messina University, Italy*)

12.40 **Transnational Crime: Obtaining electronic evidence and joint investigation in the European Union**

Ms. Irene González Pulido (*Salamanca University, Spain*)

12.50 **Oral evidence and the right to confrontation in transborder cases**

Prof. Lorena Bachmaier Winter (*Complutense University of Madrid, Spain*)

13.10 Discussion

13.30 Lunch Break

*Dipartimento di Giurisprudenza, Piazza Pugliatti 1*

**THE EUROPEANIZATION OF DOMESTIC EVIDENTIARY PROCESSES**

**FOURTH SECTION**

**Chair:** Prof. Lorena Bachmaier Winter (*Complutense University of Madrid, Spain*)

14.30 **The right to silence and the principle *nemo tenetur se ipsum detegere* in the multilevel European scenario**

Prof. Lorenzo Bujosa Vadell (*Salamanca University, Spain*)

15.50 **Victim's rights and the collection of oral evidence in criminal proceedings**

Ms. Viviana Di Nuzzo (*Messina University, Italy*)

16.00 **Illegally Obtained Evidence in 21st Century**

Prof. Marco Gradi (*Messina University, Italy*)

16.20 **New technologies, interception of telecommunicains and the ECtHR case-law. The problem of computer collectors in Italian criminal justice**

Dr. Diego Foti (*Lawyer in Messina, Italy*)

16.40 **Pre-trial detention and the proof of the defendant's dangerousness in the field of organised crime**

Ms. Martina Aloisi (*Messina University, Italy*)

16.50 **Standard and burden of proof and the presumption of innocence**

Mr. Walter Reifarth Muñoz (*Salamanca University, Spain*)

17.00 **The right to be forgotten in criminal proceedings**

Mr. Michele Crisafulli (*Messina University, Italy*)

17.10 Discussion