

Comparative Criminal Law Seminar

30th June – 4th July 2018

University of Szeged

Szeged

Comparative Criminal Law – workshop for German, Hungarian and Turkish Students and Researchers

Aims: the aim of the seminar is to give help for law students to develop their methodical approach in the field of comparative law, especially in comparative criminal law based on their own researches. The Turkish criminal law (both procedural and substantive) has been renewed in the last decade according to European principles and today there is already the possibility to examine the functioning and the judicial practice of the new laws. Therefore, it could be very useful for the Hungarian and German law students and researchers to take a look inside the Turkish system in order to be able to better understand the legal frameworks of their own national system. The English-speaking programme is going to be focused on the comparative analysis of the participants' research areas related to criminal procedural law.

The seminar is going to have two different parts. First, the participants are going to present the results of their research in thematic blocks. At the end of each block a discussion is going to be organized. These debates are going to be moderated by senior jurists: Prof. Dr. Adem Sözüer (University of Istanbul), Dr. Liane Wörner (University of Leipzig / JLU Gießen); Prof. Dr. Krisztina Karsai, Dr. habil. Zsolt Szomora (University of Szeged).

In the second phase of the comparative analysis, the group members are going to attempt to find the problematic points of the analyzed regulations and draw progressive legal conclusions with the use of comparative methodology. The result of the joint work will be presented in the second part of the seminar.

Methods:

- a) presentation of students' researches in the broad concept of criminal law (students)
- b) discussion and analysis of the presentation (teachers and students)
- c) elaboration of comparative statements (each group of three participants)

Target group: Experienced law students and young researchers from the three countries.

Main topic: *Observations of Reformed Criminal Procedures. Challenges due to Digitalizing and Internationalizing our Criminal Procedures.*

Fighting transnational crimes require close transnational cooperation as well as adjustments in our criminal law and criminal procedural laws. Demands on certain principles of criminal procedures, especially on the principle of legality and the acceleration principle, seem to be non-enforceable any longer. Necessary evidence either remains out of reach or requirements to obtain it legally remains unclear. The *seminar's* overall goal is to ask these questions comparing developments in criminal procedural law

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in Hungary, Turkey and Germany in the recent past. It is set against the background of law reforms in all three countries with the last years.

Topics – to be presented in English

1. Principle of Legality *quo vadis?* – constitutional criminal procedure as a slot between principles of legality and opportunity
2. Secret data collection and use as evidence in criminal procedures
3. National Possibilities to withdraw from prosecution during preliminary investigations (principle of opportunity)
4. Completion of criminal procedures without trial – possibilities and limits of plea bargaining in European criminal procedural systems, discussed on behalf of the Turkish, Hungarian and German criminal procedure
5. The legal remedies: appeal on points of facts and on points of law
6. The European Investigation Order from an Inner and Outer European Perspective for Germany and Hungary as member states *and* Turkey as EU partner state
7. Extradition with *and* without European Arrest Warrants – the transfer of suspects between Turkey, Hungary and Germany

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Schedule of the Seminar

30th June (Saturday)

Arrival of the participants

1st July (Sunday)

Faculty of Law, University of Szeged

9:00 – 12:00

Brief introduction the draft of the paper (by students) and discussion – all topics

12:00 – 19:00

Joint free time programme for the participants

19:00

Dinner

2nd July (Monday)

9:00 – 14:00

Group Work

14:00 – 15:30

Presentation – Topic 1

Principle of Legality quo vadis? – constitutional criminal procedure as a slot between principles of legality and opportunity

15:30 – 16:00

Coffee break

16:00 – 17:30

Presentation – Topic 2

Secret data collection and use as evidence in criminal procedures

18:00

Dinner

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3rd July (Tuesday)

9:00 – 10:30

Presentation – Topic 3

National Possibilities to withdraw from prosecution during preliminary investigations (principle of opportunity)

10:30 – 10:45

Coffee break

10:45 – 12:15

Presentation – Topic 4

Completion of criminal procedures without trial – possibilities and limits of plea bargaining in European criminal procedural systems, discussed on behalf of the Turkish, Hungarian and German criminal procedure

12:15 – 13:45

Presentation – Topic 5

The legal remedies: appeal on points of facts and on points of law

13:45 – 14:30

Break

14:30 – 16:00

Presentation – Topic 6

The European Investigation Order from an Inner and Outer European Perspective for Germany and Hungary as member states and Turkey as EU partner state

16:00 – 16:20

Coffee break

16:20 – 17:50

Presentation – Topic 7

Extradition with and without European Arrest Warrants – the transfer of suspects between Turkey, Hungary and Germany

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17:50 – 18:30

Conclusions

20:00

Dinner

4th July (Wednesday)

Guests' departure