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Mercoledì 5 Febbraio 2025
alle 14.00

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The European Union and Deprivation of Liberty Leandro Mancano, 2019-05-02 The European Union and Deprivation of Liberty examines the EU legislative and judicial approach to deprivation of liberty from the perspective of the following fundamental rights and principles the principle of legality and proportionality of penalties the right to liberty and the principle that criminal penalties must aim for the social reintegration of the offenders The book measures the relevant EU law against those rights this constitutes the very core of the relationship between public powers and individual liberty The analysis shows that the ultimate goal of the Union is the creation and preservation of the EU as a borderless area The holistic approach adopted in the book explains how different legal phenomena connected to deprivation of liberty have come into being in EU law It also shows that those phenomena call for solutions suitable for the peculiarities of the EU legal order

Improperly Obtained Evidence in Anglo-American and Continental Law Dimitrios Giannouloupoulos, 2019-02-21 This is the first book to offer an extensive cosmopolitan cross cultural insight into the perennial controversy over the use of improperly obtained evidence in criminal trials It challenges the conventional view that exclusionary rules are idiosyncratic of Anglo American law and highlights the constitutionalisation and internationalisation of criminal evidence and procedure as a cause of rapprochement or divergence beyond the Anglo American and Continental law divide Analysis focuses on confessional evidence and evidence obtained by search and seizure telephone interceptions and other means of electronic surveillance The laws of England and Wales France Greece and the United States are systematically compared and contrasted throughout this study but where appropriate analysis extends to other Anglo American and Continental legal systems The book reviews exclusionary rules vis vis the operation of judicial discretion and explores the normative justifications that underpin them It attempts to reinvigorate the idea of excluding evidence to protect constitutional or human rights the rights thesis arguing that there is significant scope for Anglo American and Continental legal systems to place a renewed emphasis on it particularly in relation to confessional evidence obtained in violation of custodial interrogation rights we can locate an emerging rapprochement and unique potential for European Court of Human Rights jurisprudence to build consensus in this respect In marked contrast remaining divergence with regard to evidence obtained by privacy violations means there is little momentum to adopt a reinvigorated rights thesis more widely Longlisted for the Inner Temple Book Prize 2022

The Court of Justice and European Criminal Law Valsamis Mitsilegas, Alberto di Martino, Leandro Mancano, 2019-09-05 The aim of this book is to provide an insight into the landmark rulings of the Court of Justice of the European Union CJEU in European Criminal Law ECL As in other areas of EU law the decisions of the CJEU have been a driving force for development and integration By analysing the impact of these leading cases on EU and national law the book provides a diachronic and multifaceted picture of the Court's approach to criminal law *EU Rule of Law Procedures at the Test Bench* Cristina Fasone, Adriano Dirri, Ylenia Guerra, 2024-08-21 This book analyses the EU rule of law instruments

from the perspective of the academic inter and intra institutional dissensus at the EU level The angle of analysis proposed by this book allows to detect the sources of dissensus inherent in the design of the EU rule of law toolbox and in their enforcement The proliferation of the instruments without any major efforts of systematization seems to be part of the problem with a series of overlaps At the same time especially in the post pandemic context the procedures implementing the various EU rule of law tools have become more and more intertwined so that it becomes difficult to disentangle one from the other in terms of effects The book thus feeds the debate on the strengths and deficiencies of the EU rule of law toolbox ten years after the first ad hoc measures were adopted also offering some recommendations on how to turn dissensus into constructive mechanisms to improve the management of the rule of law in the EU

Judicial Review of Immigration Detention in the UK, US and EU Justine N Stefanelli, 2020-01-23 Immigration detention is considered by many states to be a necessary tool in the execution of immigration policy Despite the apparently key role it plays in immigration enforcement the law on immigration detention is often vague especially in relation to determining the circumstances under which prolonged detention remains lawful As a result the courts are frequently called upon to adjudicate these matters with scant legal tools at their disposal Though there have been some significant judgments on the legality of detention at the constitutional level the extent to which these judgments have had an impact at the lower end of the judiciary is unclear Indeed it is the lower courts which are tasked with judging the legality of detention through habeas corpus or judicial review proceedings This book examines the way this has occurred in the lower courts of two jurisdictions the UK and the US and contrasts this practice not only in those jurisdictions but with judgments rendered by the Court of Justice of the European Union a constitutional court at the other end of the judicial spectrum whose judgments are applied by courts and tribunals in the EU Member States Although these three jurisdictions use similar tests to evaluate the legality of detention case outcomes significantly differ Many factors contribute to this divergence but key among them is the role that fundamental rights protection plays in each jurisdiction Through a forensic evaluation of 191 judgments this book compares the laws on detention in the UK US and EU and makes recommendations to these jurisdictions for improvement

Cognition of the Law Luigi Cominelli, 2018-07-04 This book's basic hypothesis which it proposes to test with a cognitive sociological approach is that legal behavior like every form of human behavior is directed and framed by biosocial constraints that are neither entirely genetic nor exclusively cultural As such from a sociological perspective the law can be seen as a super meme that is as a biosocial constraint that develops only in complex societies This super meme theory by highlighting a fundamental distinction between defensive and assertive biases might explain the false contradiction between law as a static and historical phenomenon and law as a dynamic and promotional element Socio legal scholars today have to face the challenge of pursuing a truly interdisciplinary approach connecting all the fields that can contribute to building a modern theory of normative behavior and social action Understanding and framing concepts such as rationality emotion or justice can help to

overcome the significant divide between micro and macro sociological knowledge Social scientists who are interested in the law must be able to master the epistemological discourses of different disciplines and to produce fruitful syntheses and bridge operations so as to understand the legal phenomenon from each different point of view The book adopts four perspectives sociological psychological biological evolutionary and cognitive All of them have the potential to be mutually integrated and constitute that general social science that provides common ground for exchange The goal is to arrive at a broad and integrated view of the socio legal phenomenon paving the way for a comprehensive theory of norm oriented and norm perceived actions

Proportionality of Criminal Penalties in EU Law Lorenzo Grossio, Stefano Montaldo, Valsamis Mitsilegas, 2025-02-06 This book develops a systematic analysis of the principle of proportionality of penalties in EU law Until now the principle has been mainly assessed from a criminological point of view By departing from existing literature the book advances an original EU law perspective on proportionality of penalties which underlies the analysis of its theorisation place and influence on domestic criminal systems Building upon this approach scholarly contributions in the book systematically delve into the various implications of the principle in EU law while paying particular attention to its profound interaction with criminal law concepts

Principles of International Criminal Law Gerhard Werle, Florian Jeßberger, 2014-08-14 Principles of International Criminal Law has become one of the most influential textbooks in the field of international criminal justice It offers a systematic and comprehensive analysis of the foundations and general principles of substantive international criminal law including thorough discussion of its core crimes It provides a detailed understanding of the general principles sources and evolution of international criminal law demonstrating how it has developed and how its application has changed After establishing the general principles the book assesses the four key international crimes as defined by the statute of the International Criminal Court genocide crimes against humanity war crimes and the crime of aggression This new edition revises and updates work with developments in international criminal justice since 2009 It includes new material on the principle of culpability as one of the fundamental principles of international criminal law the notion of terrorism as a crime under international law the concept of direct participation in hostilities the problem of so called unlawful combatants and the issue of targeted killings The book retains its highly acclaimed systematic approach and consistent methodology making the book essential reading for both students and scholars of international criminal law as well as for practitioners and judges working in the field

Use and Misuse of New Technologies Elena Carpanelli, Nicole Lazzerini, 2019-05-14 The ever increasing use of technology is challenging the current status of the law bringing about new problems and questions The book addresses this trend from the perspective of International law and European Union law and is divided into three main thematic sections The first section focuses on the legal implications of the use of technology either for law enforcement purposes or in the context of military activities and examines how this use adds a new dimension to perennial issues such as the uneasy balance between security concerns and the protection of individual rights and defining the exact scope of certain

State obligations In so doing it takes into account a range of current and potential scenarios at the international regional and domestic level including the use of killer robots databases drones and technology in general to patrol borders exchange information on criminal suspects maintain public order target suspected terrorists and conduct military activities In turn the second section examines the role of institutional and non institutional actors in establishing substantive normative standards for the use of high tech applications In this respect it focuses both on the role that European courts have played so far and on how other actors initiatives can contribute to the construction of a new legal framework for technology related activities Lastly the third section has a two fold focus the first part investigates how the increasing reliance on technology is affecting traditional rules on international responsibility and is challenging in particular the attribution of wrongful conduct to States and international organizations The second part addresses issues of jurisdiction and justiciability Given the scope of its coverage this timely book addresses an important lacuna in the current legal scholarship exploring some of the most recent applications of technology and the legal issues arising as a result Readers will gain novel insights into the challenges posed to International law and European law by the growing reliance on technology taking into account both its uses and misuses

The Defence of Mistake of Law in International Criminal Law Antonio Coco,2022 Ignorance and mistake of law tend to exclude responsibility in national and international criminal law This monograph updates the existing reviews of law and practice on the topic and focuses on the appropriateness of imposing a guilty verdict on the individual defendant

Intertwining Criminal Justice and Immigration Control in the EU Niovi Vavoula,Evangelia (Lilian) Tsourdi,Valsamis Mitsilegas,2025-09-09 This book offers a contemporary understanding of the state of the art of crimmigration with a focus on the European Union and challenges this paradigm of intersecting criminal justice and immigration control The contributions to this book explore the conceptual and philosophical underpinnings of EU and national policies intertwining criminal and migration law as well as their practical use and abuse They analyse migration control through criminal law from multidisciplinary and interdisciplinary perspectives incorporating insights from law philosophy and criminology The book revisits fundamental questions on the suitability of criminal law to regulate and govern migration and provides insights as to whether and how the law should be amended to limit the negative consequences of the criminalisation of migration The authors critique the key legal challenges crimmigration poses in terms of legality fundamental rights and rule of law adherence Finally this volume outlines through concrete examples how criminalisation of migration translates into the emergence of hostile environments for migrants and those who assist them This book will be of interest to criminologists sociologists legal scholars and all those engaged in studies on migration and the European Union

Fundamental Rights and Mutual Trust in the Area of Freedom, Security and Justice Ermioni Xanthopoulou,2020-04-30 This book explores the relationship of mutual trust and fundamental rights in the Area of Freedom Security and Justice AFSJ of the European Union and asks whether there is any role for proportionality Mutual trust among Member States has long been presumed by the

Court in a manner that mutual recognition was prioritised in regard to but to the detriment of the protection of fundamental rights After thoroughly reviewing this relationship this book offers a comprehensive framework of proportionality and explores its impact on the protection of fundamental rights in a mutual trust environment It applies a theoretical and a normative framework of proportionality to two case studies EU criminal and asylum law by reference to several fundamental rights enabling a carefully constructed analysis with useful parallels The book argues that such analysis based on proportionality is not always desirable and helpful for the protection of fundamental rights in this area and thoroughly explores its impact on the protection of fundamental rights vis vis mutual trust

The Just Culture Principles in Aviation

Law Francesca Pellegrino, 2019-09-09 This book reviews and critically analyzes the current legal framework with regard to a more just culture for the aviation sector This new culture is intended to protect front line operators in particular controllers and pilots from legal action except in the case of willful misconduct or gross negligence by creating suitable laws regulations and standards In this regard it is essential to have an environment in which all incidents are reported moving away from fears of criminalization The approach taken until now has been to seek out human errors and identify the individuals responsible This punitive approach does not solve the problem because frequently the system itself is also at fault Introducing the framework of a just culture could ensure balanced accountability for both individuals and complex organizations responsible for improving safety Both aviation safety and justice administration would benefit from this carefully established equilibrium

Judge Pinto de Albuquerque and the Progressive Development of International Human Rights Law Triestino Mariniello, 2021-02-01 This is the first English written book that includes the most significant opinions of Judge Paulo Pinto de Albuquerque delivered at the European Court of Human Rights He was the President of the Committee on the Rules of the Court the President of the Criminal Law Group of the Court and the focal point for the international relations of the European Court with Constitutional and Supreme Courts outside Europe Previously he had worked as an anti corruption leading expert for the Council of Europe As Full Professor at the Faculty of Law of the Catholic University of Lisbon he has published inter alia 23 books in English French Italian Portuguese Russian Spanish Turkish and Ukrainian and 65 legal articles and book chapters in those languages as well as Chinese and German Since his appointment as a Judge in Strasbourg he has authored 157 opinions that have significantly contributed to the development of international human rights law The Judge s decisions are regularly cited by academic scholars and practitioners in human rights law public international law criminal law migration and refugee law

Pragmatism, Law, and Language Graham Hubbs, Douglas Lind, 2013-11-12 This volume puts leading pragmatists in the philosophy of language including Robert Brandom in contact with scholars concerned with what pragmatism has come to mean for the law Each contribution uses the resources of pragmatism to tackle fundamental problems in the philosophy of language the philosophy of law and social and political philosophy In many chapters the version of pragmatism deployed proves a fruitful approach to its subject matter in others

shortcomings of the specific brand of pragmatism are revealed. The result is a clearer understanding of what pragmatism has meant and can mean across these tightly related philosophical areas. The book then is itself pragmatism in action; it seeks to clarify its unifying concept by examining the practices that centrally involve it.

Human Dignity and Human Security in Times of Terrorism Christophe Paulussen, Martin Scheinin, 2019-12-09. In this book it is explained that despite a current drop in the number of deaths terrorism should still be considered a serious and widespread problem. However, the responses to this phenomenon are often more problematic from a long-term perspective. With the human rights framework under serious pressure, this edited volume offers a timely, important, and critical in-depth analysis of human dignity and human security challenges in the lead-up and in the responses to current forms of terrorism. It aims to map how human dignity and human security can be secured and how law can constitute a source of trust at a time when Europe and the rest of the world continue to be plagued by terrorism. The authors are both established names and upcoming talent in this fast-changing and exciting field of law. They thoroughly analyse a variety of topical subjects in more conceptual chapters, for example, calling for the humanisation of the security discourse and in highly practical contributions in which, for instance, the Kafkaesque situation in which rendition and torture victim Abu Zubaydah still finds himself today is considered. This book, which focuses on but is not limited to the situation in Western countries, aims to inspire not only academics through further theorisation on the sometimes elusive but important concepts of human dignity and human security but also practitioners working in the field of countering terrorism. It will hopefully convince them even more that following a human rights approach will be indispensable in securing human dignity and human security for all. Even or, in fact, especially in times of terrorism. Christophe Paulussen is a Senior Researcher in the Research Department of the T M C Asser Instituut in The Hague, The Netherlands, and Martin Scheinin is Professor of International Law and Human Rights in the Department of Law of the European University Institute (EUI) in Florence, Italy.

Global Criminal Law Adán Nieto Martín, 2021-10-25. This book explores the emergence of an *ius puniendi* outside state criminal law and beyond international criminal law. The study connects with the reflections that have been made for some years in global law studies, showing how this trend also has a clear manifestation in the field of criminal law. The analysis begins by mapping out the different manifestations of this new global criminal regulation. This includes very diverse areas ranging from judicial cooperation to the problems involved in the application of criminal sanctions in failed states or investigations carried out on the internet. New sanctioning systems are also studied, such as the debarment regime of the World Bank or the sanctions in the hands of international sports federations. It is a question of discovering all criminal law understood in a broad sense that lies outside the confines of the state.

The Grand Strategy of Comparative Law Luca Siliquini-Cinelli, Davide Gianti, Mauro Balestrieri, 2024-04-19. This book features original essays by leading academics and emerging researchers written in honour of a legal comparatist who, over the course of four decades, has played a major role in comparative law's development. Pier Giuseppe Monateri. Rather than being just a

celebrative work without analytical appeal this book makes a significant contribution to the comparative legal literature by exploring key comparative law themes and recent developments in the field Reflecting Monateri's vast expertise innovative thinking and truly global network the volume is divided into five thematic areas of both scholarly and practical significance Comparative Law and Its Methods Comparative Private Law Law and Literature The Politics and Ontology of Law Comparative Law Economics Discussing novel case studies as well as exploring Monateri's importance to the comparative enterprise through various trajectories of inquiry for example normative doctrinal empirical critical this book takes a fundamental and much needed step towards the establishment of comparative law as a fully fledged academic discipline and professional practice Addressing the current status and future direction of comparative law this book will appeal to legal comparativists as well as students and scholars with broader interests in the nature of legal cultures Vertrauen in Europa
Elena Marie Kullak, 2021-01-05 Der EuGH erkennt heute im gegenseitigen Vertrauen zwischen den Mitgliedstaaten einen tragenden Rechtsgrundsatz des Unionsrechts Elena Marie Kullak zeichnet die Rechtsprechungsentwicklung anhand von Referenzgebieten nach und beleuchtet Grund und Grenzen des gegenseitigen Vertrauens n her Auf der Grundlage einer Rekonstruktion anhand des prim rrechtlichen Wertekatalogs und einer Bestimmung verschiedener flankierender Ma nahmen deutet sie das gegenseitige Vertrauen als einen gehaltvollen europ ischen Verfassungsgrundsatz der zur horizontalen Konstitutionalisierung im Verfassungsverbund beitr gt Der Grundsatz strukturiert nicht nur horizontale Kooperationsregime sondern tr gt auch zur St rkung der f derativen Ordnung der Europ ischen Union durch Einheit stiftende und Vielfalt wahrende Komponenten bei Die Arbeit wurde mit dem Konrad Redeker Preis 2020 ausgezeichnet Bowker's Law Books and Serials in Print , 1984

Whispering the Techniques of Language: An Mental Quest through **Esame Pareri Penale 2013 Ius Law**

In a digitally-driven world where displays reign great and instant conversation drowns out the subtleties of language, the profound secrets and mental subtleties hidden within words usually move unheard. Yet, located within the pages of **Esame Pareri Penale 2013 Ius Law** a interesting literary treasure pulsating with organic thoughts, lies an extraordinary quest waiting to be undertaken. Published by a skilled wordsmith, that wonderful opus encourages readers on an introspective journey, delicately unraveling the veiled truths and profound influence resonating within the fabric of every word. Within the mental depths with this poignant review, we shall embark upon a genuine exploration of the book is primary subjects, dissect its captivating publishing model, and succumb to the powerful resonance it evokes heavy within the recesses of readers hearts.

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Table of Contents Esame Pareri Penale 2013 Ius Law

1. Understanding the eBook Esame Pareri Penale 2013 Ius Law
 - The Rise of Digital Reading Esame Pareri Penale 2013 Ius Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Esame Pareri Penale 2013 Ius Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Esame Pareri Penale 2013 Ius Law
 - User-Friendly Interface

4. Exploring eBook Recommendations from Esame Pareri Penale 2013 Ius Law
 - Personalized Recommendations
 - Esame Pareri Penale 2013 Ius Law User Reviews and Ratings
 - Esame Pareri Penale 2013 Ius Law and Bestseller Lists
5. Accessing Esame Pareri Penale 2013 Ius Law Free and Paid eBooks
 - Esame Pareri Penale 2013 Ius Law Public Domain eBooks
 - Esame Pareri Penale 2013 Ius Law eBook Subscription Services
 - Esame Pareri Penale 2013 Ius Law Budget-Friendly Options
6. Navigating Esame Pareri Penale 2013 Ius Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Esame Pareri Penale 2013 Ius Law Compatibility with Devices
 - Esame Pareri Penale 2013 Ius Law Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Esame Pareri Penale 2013 Ius Law
 - Highlighting and Note-Taking Esame Pareri Penale 2013 Ius Law
 - Interactive Elements Esame Pareri Penale 2013 Ius Law
8. Staying Engaged with Esame Pareri Penale 2013 Ius Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Esame Pareri Penale 2013 Ius Law
9. Balancing eBooks and Physical Books Esame Pareri Penale 2013 Ius Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Esame Pareri Penale 2013 Ius Law
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Esame Pareri Penale 2013 Ius Law
 - Setting Reading Goals Esame Pareri Penale 2013 Ius Law
 - Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of Esame Pareri Penale 2013 Ius Law
 - Fact-Checking eBook Content of Esame Pareri Penale 2013 Ius Law
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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