



DISTU

Dipartimento di studi linguistico-letterari,
storico-filosofici e giuridici



UNIVERSITÀ
DEGLI STUDI DELLA
Tuscia

Tuscia University of Viterbo International Semester in Legal Studies Autumn Semester (October-December 2020)

The Law Program at Tuscia University welcomes foreign and Italian students to attend the courses (held in English) in the context of the International Semester in Legal Studies. Attendance of these courses is open to Erasmus, Erasmus + and other foreign students, both graduate and undergraduate, who are visiting at Tuscia University on temporary basis. Italian students enrolled in the Law Program (*Corso di laurea magistrale in Giurisprudenza*) may also attend the courses of the International Semester to obtain the credits related to the “alternative formative activities” (8 cfu or 4 cfu). In the Autumn Semester (October-December 2020) of the current academic year, 2 courses (mentioned below) will be offered. **In order to enroll in the International Semester, students should send an e-mail to: alessandro.bufalini@unitus.it no later than 9 October 2020.**

1. EUROPEAN MIGRATION LAW

Prof. Mario Savino

(12 hours = 4 credits)

The aim of the course is to understand and analyse the most relevant legal issues that have emerged during the “refugee crisis” (2015-2017) and that Europe faces in the management of migration and asylum flows from North Africa and the Middle East. Students should read the materials selected for each lesson and be prepared to engage in group discussions.

Lesson 1: Wednesday 14 October 2020 (3pm – 5pm, online)

The extraterritorial reach of the principle of non-refoulement (I)
ECtHR, *Khlaifia and Others v. Italy* (2015 & 2016)

Lesson 2: Wednesday 21 October 2020 (3pm – 5pm, online)

The extraterritorial reach of the principle of non-refoulement (II)
ECtHR, *N.D. and N.T. v. Spain* (2020)
ECtHR, *M.K. & Others v. Poland* (2020)

Lesson 3: Wednesday 28 October 2020 (3pm – 5pm, online)

The detention of asylum seekers in transit zones (I): the view from Strasbourg
ECtHR, *Ilias & Ahmed v. Hungary* (2019)

Lesson 4: Wednesday 4 November 2020 (3pm – 5pm, online)

The detention of asylum seekers in transit zones (II): the view from Luxembourg
CJEU, *FMS & Others* (2020)

Lesson 5: Wednesday 11 November 2020 (3pm – 5pm, online)

Humanitarian Visas? (I) The scope of application of EU law beyond the borders
CJEU, *X and X v. Belgium* (2017)

Lesson 6: Wednesday 18 November 2020 (3pm – 5pm, online)

Humanitarian Visas? (II) The scope of application of the ECHR beyond the borders

ECtHR, M.N. & Others v. Belgium (2020)

2. ELEMENTS OF EUROPEAN CRIMINAL PROCEDURE

Prof. Rosa Ruggiero - Prof. Anna Mosna

(12 hours = 4 credits)

This course offers an overview of the development of the European Area of Freedom, Security and Justice, discussing its fundamental principles, main legal instruments and actors. In order to gain a deeper understanding of cross-border cooperation in criminal matters under EU law, students are required to read the material assigned for each class, which will form the starting point for the presentation and discussion of each week's subject.

Lesson 1: Thursday, 22 October 2020 (1pm – 3pm, online)

INTRODUCTION

- a. A brief historical overview
- b. Sources of law and main concepts
- c. Outline of following classes

Lesson 2: Thursday, 29 October 2020 (1pm – 3pm, online)

POLICE AND JUDICIAL COOPERATION: ACTORS

- a. Police Level: Europol, JITs
- b. Prosecutorial Level: Eurojust, Liaison Magistrates
- c. Cooperation Network for Judges and Courts: EJM

Lesson 3: Thursday, 5 November 2020 (1pm – 3pm, online)

THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE

- a. Genesis and legal bases
- b. Structure
- c. Evidence gathering and prosecutorial powers

Lesson 4: Thursday, 12 November 2020 (1pm – 3pm, online)

MUTUAL RECOGNITION IN CRIMINAL MATTERS

- a. The cornerstone of judicial cooperation in criminal matters
- b. The European Arrest Warrant: first generation mutual recognition instrument
- c. The European Investigation Order: an updated understanding of mutual recognition

Lesson 5: Thursday, 19 November (1pm – 3pm, online)

HUMAN RIGHTS IN CRIMINAL PROCEEDINGS

- a. Procedural Rights under the Charter of Fundamental Rights of the EU and the European Convention on Human Rights
- b. The Stockholm Programme and the 2009 Roadmap
- c. EU Directives on procedural safeguards in criminal proceedings

Lesson 6: Thursday, 26 November (1pm – 3pm, online)

CASE STUDY:

The tension between mutual recognition and fundamental rights

- a. National standards vs Union standards: Case C-399/11, Melloni, Judgment of 26 February 2013
- b. Mutual recognition vs absolute rights: Joined Cases C-404/15 and C-659/15 PPU, Aranyosi and Căldăraru, Judgment of 5 April 2016
- c. Mutual recognition vs fair trial rights: Case C-216/18 PPU, Minister for Justice and Equality (Deficiencies in the System of Justice), Judgment of 25 July 2018