

# Contents

## Part I Introductory Part

### *Sub-Part I In Memory of Vittorio Grevi and Giovanni Tranchina*

<b>Vittorio Grevi, Scholar and Master</b> . . . . .	3
Giulio Illuminati	

<b>In Memory of Giovanni Tranchina</b> . . . . .	7
Antonio Scaglione	

<b>Like a Flame: Remembering Giovanni Tranchina</b> . . . . .	11
Giuseppe Di Chiara	

### *Sub-Part II Opening Speech*

<b>Transnational Inquiries in Criminal Matters and Respect for Fair Trial Guarantees</b> . . . . .	15
Giulio Illuminati	

## Part II Multilevel Protection of Fundamental Rights in Transnational Investigations

### *Sub-Part I Cross-border Investigations and Fundamental Rights in Supranational and Constitutional Case-law*

<b>Transnational Inquiries and the Protection of Human Rights in the Case-Law of the European Court of Human Rights</b> . . . . .	27
Richard Vogler	

<b>The Inter-American System of Human Rights and Transnational Inquiries</b> . . . . .	41
Javier Dondé Matute	

<b>Judicial Cooperation and Multilevel Protection of the Right to Liberty and Security in Criminal Proceedings. The Influence of European Courts' Case-Law on the Modern Constitutionalism in Europe . . . . .</b>	<b>51</b>
Oreste Pollicino and Giancarlo Rando	
<b>The Role of the Proportionality Principle in Cross-Border Investigations Involving Fundamental Rights . . . . .</b>	<b>85</b>
Lorena Bachmaier Winter	
<i>Sub-Part II Judicial Cooperation and Human Rights in the Field of International and Organized Crime</i>	
<b>Models of Judicial Cooperation with <i>Ad Hoc</i> Tribunals and with the Permanent International Criminal Court in Europe . . . . .</b>	<b>111</b>
Michele Caianiello	
<b>Transnational Investigation in Criminal Procedure and the Protection of Victims of Serious Human Rights Violations in Latin American Constitutional Jurisprudence . . . . .</b>	<b>125</b>
Alexei Julio-Estrada	
<b>Judicial Cooperation and Protection of Fundamental Rights in the Prevention and Prosecution of Terrorism . . . . .</b>	<b>139</b>
Víctor Moreno Catena	
<b>Extradition, Political Offence and the Discrimination Clause . . . . .</b>	<b>167</b>
Benedetta Galgani	
<b>The Fight Against Organized Crime. Amid Contrasting Strategies and Respect for Human Rights . . . . .</b>	<b>193</b>
Paola Maggio	
<b>Part III Cross-border Cooperation and Fundamental Rights in the European Union</b>	
<i>Sub-Part I Development and New Perspectives for EU Cross-border Cooperation in the Field of Financial and Serious Organized Crime</i>	
<b>The Protection of EU Financial Interests: The Tip of the Iceberg of the Europeanization of the Criminal System . . . . .</b>	<b>207</b>
Luigi Foffani	
<b>Eurojust and the European Public Prosecutor's Office After the Lisbon Treaty . . . . .</b>	<b>215</b>
Francesca Ruggieri	

<b>The External Dimension of the Area of Freedom, Security and Justice: An Introduction . . . . .</b>	229
Mark A. Zöller	
<b><i>Sub-Part II Mutual Recognition of Judicial Decisions in the European Union</i></b>	
<b>The Protection of the Right of Freedom on the European Union Level: The European Arrest Warrant and Non-custodial Pre Trial Measures. The Guideline of the Principle of Proportionality: An Interpretive Perspective . . . . .</b>	241
Giuseppe Di Chiara	
<b>Mutual Recognition and Transnational Confiscation Orders . . . . .</b>	253
Fernando Gascón Inchausti	
<b>Mutual Recognition and Transfer of Evidence. The European Evidence Warrant . . . . .</b>	269
Bernd Hecker	
<b>Horizontal cooperation, obtaining evidence overseas and the respect for fundamental rights in the EU. From the European Commission's proposals to the proposal for a directive on a European Investigation Order: Towards a single tool of evidence gathering in the EU? . . . . .</b>	279
Stefano Ruggieri	
<b><i>Sub-Part III Human Rights in EU Cross-border Cooperation</i></b>	
<b>EU Tools for the Prevention and Settlement of Conflicts of Jurisdiction in Criminal Proceedings . . . . .</b>	311
Piero Gaeta	
<b>The Right of Defence in EU Judicial Cooperation in Criminal Matters . . . . .</b>	331
Tommaso Rafaraci	
<b>EU Tools for the Protection of Victims of Serious and Organized Crime . . . . .</b>	345
Jonathan Doak and Louise Taylor	
<b>The Protection of Personal Data Processed Within the Framework of Police and Judicial Cooperation in Criminal Matters . . . . .</b>	355
Rosanna Belfiore	

**Part IV Cross-Border Investigations and the Protection of Fundamental Rights. The Perspective of Domestic Legal Systems**

<b>Report on China</b> . . . . .	373
Shizhou Wang	
<b>Report on England and Wales</b> . . . . .	387
Richard Vogler	
<b>Report on France</b> . . . . .	399
Juliette Lelieur	
<b>Report on Germany</b> . . . . .	409
Arndt Sinn	
<b>Report on Hungary</b> . . . . .	419
Krisztina Karsai	
<b>Report on Italy</b> . . . . .	439
Francesco Caprioli	
<b>Report on Mexico</b> . . . . .	457
Javier-Dondé Matute	
<b>Report on Spain</b> . . . . .	475
Fernando Gascón Inchausti	
<b>Report on Switzerland</b> . . . . .	497
Günter Heine and Monika Zürcher-Rentsch	
<b>Report on USA</b> . . . . .	509
Stephen C. Thaman	

**Part V Transnational Inquiries and Fundamental Rights in Comparative Law**

<b>Transnational Inquiries and the Protection of Fundamental Rights in Comparative Law. Models of Gathering Overseas Evidence in Criminal Matters</b> . . . . .	533
Stefano Ruggeri	