

22.4. - 25.4.2020

2020

International Criminal Procedural Law Conference

“Rule of Law in Criminal Proceedings – A Global Agony” Germany, China and USA Debating Reforms

For centuries, the rule of law in criminal proceedings has rested on two pillars: First, the classical court trial in which an impartial judge ruled on the guilt and innocence of an accused person equipped with rights of defense. Second, the separation of judiciary and policing. Today, however, these two pillars of a fair trial lie in ruins. As of now, the taking of evidence has de facto shifted from the court trial stage to the preliminary investigations, which are initiated by the police and the public prosecutor's office without the involvement of a defense counsel. The accused is pressured to submit to the outcome of the investigation in the hope of a lighter sentence or otherwise face a harsher punishment in case he insists on his rights of defense. The German legislator invented the euphemistic word "arrangement" for negotiations in such disparate power settings. Instead of reacting to this crisis of the court-trial-model by seeking a new balance of procedures, legal policy worldwide furthers its destruction, which is hailed as “modernization”. At the Criminal Procedural Law Conference 2020 we will discuss the most virulent manifestations of this development in order to kick off a global reform debate, which will seek new ways to restore the lost balance and thus, the rule of law.

We are looking forward to welcoming you to Hamburg!

Prof. Dr. Thomas Rönnau
Prof. Dr. Dr. h.c. mult. Bernd Schünemann

The event will be
simultaneously
translated into
German, English and
Chinese

Program

Wednesday, 22 April 2020

Kick-off Event, **Bucerius Kunst Forum (Art Gallery) (Alter Wall 12, 20457 Hamburg)**

6 pm – Welcome

Prof. Dr. **Thomas Rönnau**, Bucerius Law School

Prof. Dr. **Michael Göring**, ZEIT-Foundation Ebelin und Gerd Bucerius

Welcoming Speech, Prof. **Chen Guangzhong**, CUPL Beijing

6:15 pm – Guided tour through the exhibition, Bucerius Kunst Forum

7 pm – Convivial evening with pretzels and wine and live music played by the jazz band of Bucerius Law School

Thursday, 23 April 2020

8:30 am – Entry and Registration

Helmut Schmidt Auditorium, **Bucerius Law School (Jungiusstraße 6, 20355 Hamburg)**

9 am – Welcome

Dr. **Marc Tully**, President of the regional court Hamburg (GER)

Prof. Dr. Dr. h.c. mult. **Katharina Boele-Woelki**, President of the Bucerius Law School (GER)

Topic 1: Criminal Investigation (Main Focus: Defense)

Since the police-controlled investigation procedure de facto sets the course for the subsequent conviction, effective defense must start at this stage and not merely with the questioning of the accused, which often only takes place at the very end of the – often secret or even intelligence-led – investigation procedure. Approaches to this problem exist, but have so far been largely ignored.

9:15 am – 1. Keynote Presentation

Prof. Dr. Dr. h.c. mult. **Bernd Schünemann**, Ludwig Maximilian University of Munich (GER)

10 am – 2. Basic Lecture

Prof. **Jenia I. Turner**, SMU Dedman School of Law (USA)

10:30 am – 3. Basic Lecture

Prof. Dr. **Yi Yanyou**, Tsinghua University (PRC)

11 am – Coffee Break

Program

Thursday, 23 April 2020

11:30 am – Panel Discussion (and Discussion with the Audience)

- Attorney Prof. Dr. **René Börner** (GER)
- Prof. **Sara Sun Beale**, Duke University School of Law (USA)
- Dr. **Dan Wei**, Senior Researcher at the Procuratorial Theory Institute of Supreme People's Procuratorate of P.R. China (PRC)

Host: Prof. Dr. **Thomas Weigend**, University of Cologne (GER)

1 pm – Lunch Break

Topic 2: Internal Investigations

The rise of internal investigations could be the solution to face the difficulties of white-collar crime proceedings, but they also threaten to finally destroy its structure under the rule of law (e.g. by obscuring the truth instead of clarifying it or by eroding the right to remain silent in private interrogations). In the panel we will discuss solutions to this dilemma.

2:30 pm – 1. Keynote Presentation

Prof. **Sara Sun Beale**, Duke University School of Law (USA)

3 pm – 2. Short Presentation

Marc Wenske, Judge, Federal Court of Justice (GER)

3:15 pm – 3. Short Presentation

Dr. **Dan Wei**, Senior Researcher at the Procuratorial Theory Institute of Supreme People's Procuratorate of P.R. China (PRC)

3:30 pm – Compliance Experience Report

Dr. **Sebastian Lochen**, CCO, ThyssenKrupp AG (GER)

4 pm – Coffee Break

4:30 pm – 6 pm – Discussion with the Audience and Statements from:

- Prof. Dr. **José Milton Peralta**, Universidad Nacional de Córdoba (ARG)
- Prof. Dr. **Stefano Ruggeri**, Università degli Studi di Messina (ITA)

Host: Prof. Dr. **Sabine Gless**, University of Basel (CHE)

Evening Program

6:30 pm – Sightseeing Tour (Speicherstadt) in a Double-Decker Bus

8:30 pm – Get-Together and Barbecue, Bucerius Law School

Friday, 24 April 2020

Topic 3: Lay Judges

The participation of laypersons in the decision-making process today is still largely unusual for most jurisdictions, although there has been increased development in this direction in recent years, particularly in Eastern Asia. Even in the USA, a trial involving a jury in a criminal case is a rare exception. Also in Germany lay judges are usually just background actors. The panel will discuss whether and how lay judges (which have recently been introduced in China) can be properly involved in the court process.

9 am – 1. Keynote Presentation

Prof. Dr. **Thomas Rönnau**, Bucerius Law School (GER)

9:30 am – 2. Keynote Presentation

Prof. Dr. **Stephen Thaman**, Saint Louis University (USA)

10 am – Short Presentation

- Prof. Dr. **Ingeborg Zerbès**, University Vienna (AUT)
- Prof. Dr. **Katsuyoshi Kato**, Senshu University Tokyo (JPN)
- Prof. Dr. **Sun Changyong**, Southwest University of Political Science and Law (PRC)

10:45 am – Coffee Break

11:15 am – Discussion with the Audience

Host: Attorney Prof. Dr. **Reinhold Schlothauer** (GER)

12:30 pm – Lunch Break

Topic 4: Victims

The position of the (presumed) victim, which has been permanently strengthened for over 30 years in the course of the victims' rights movements, threatens to destroy the balance between the process participants at the expense of the accused. For this reason, instead of turning the victim's disadvantaged role in criminal proceedings that existed for centuries into an overprivileged status, we need to seek for a balanced solution.

2 pm – 1. Keynote Presentation

Prof. Dr. **Xiong Qihong**, Institute of Law, Chinese Academy of Social Sciences (PRC)

2:30 pm – 2. Keynote Presentation

Prof. Dr. **Henning Radtke**, Judge, Federal Constitutional Court (GER)

3 pm – 3. Short Presentation

Prof. **Darryl Brown**, University of Virginia (USA)

Program

Friday, 24 April 2020

3:15 pm Uhr – Coffee Break

3:45 pm – 6 pm – Penal Discussion (and Discussion with the Audience) and Statements from:

- Prof. Dr. **Sabine Gless**, University of Basel (CHE)
- Prof. Dr. **Juan-Luis Gómez Colomer**, Universidad Jaume (SPN)
- Prof. Dr. **Jacqueline S. Hodgson**, Warwick School of Law (UK)

Host: Prof. Dr. **Stephen Thaman**, Saint Louis University (USA)

Evening Program

6:30 pm – Bus Transfer to the Port

7 pm – Sailing Trip "Mare Frisium" on the Elbe River (incl. Maritime Buffet)

Saturday, 25 April 2020

Topic 5: Plea Bargaining

The practice of “plea bargaining” (or “recognition of guilt and acceptance of punishment” as it is called in China) is to this day flanked with formalistic safeguards. In this “deal between cat and mouse” there is no guaranteed protection against abuse of power by the judiciary. The German Sonderweg is to let the judge conduct plea bargaining hearings. The judge then also passes the judgement (not as in the US where the public prosecutor’s office is responsible).

9 am – 1. Keynote Presentation

Prof. **Albert W. Alschuler**, University of Chicago Law School (USA)

9:30 am – 2. Keynote Presentation

Prof. Dr. **Chen Weidong**, Renmin University of China (PRC)

10 am – 3. Keynote Presentation

Prof. Dr. **Thomas Weigend**, University of Cologne (GER)

10:30 am – Coffee Break

11 am – Panel Discussion

- **Oliver Sabel**, Attorney General at the Federal Court of Justice, Federal Ministry of Justice and Consumer Protection (GER)
- Attorney Prof. Dr. **Franz Salditt** (GER)
- Prof. Dr. **Luís Greco**, Humboldt University of Berlin (GER)

Program

Saturday, 25 April 2020

Discussion with the Audience and Concluding Discussion

Host: Prof. Dr. **Thomas Rönnau**, Bucerius Law School (GER)

1 pm – Concluding Remarks

Prof. Dr. Dr. h.c. mult. **Bernd Schünemann**, Ludwig Maximilian University of Munich (GER)

1:15 pm – End of the Conference

Information

Date and Place


Wednesday, 22 April 2020 to Saturday, 25 April 2020,
Bucerius Law School, Jungiusstraße 6, 20355 Hamburg, Helmut Schmidt Auditorium.

Fee & Registration

The fee is 79,00 €. Please register until 29 February 2020:
www.law-school.de/strafprozessrechtssymposium2020. The registrations will be processed on a first come, first served basis.

Certificate

For lawyers a certificate according to § 15 FAO will be issued (up to 16.25 hrs for the entire period).



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