International and European Criminal Law

by

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C. H. Beck · Hart · Nomos
Preface

For a very long time, criminal law has been considered a “domaine réserve” of the sovereign nation states. More and more, this concept proves to be outdated. Modern criminality is rarely confined to national borders - which raises questions of jurisdiction and requires effective tools for transnational prosecution. Especially within Europe, where the creation of an area of freedom, security and justice is a main objective of the founding treaties, criminal law and criminal procedural law belong to the European legislator’s most dynamic fields of activity. Moreover, during the last two decades the permanent International Criminal Court (ICC) and other international criminal courts which continuously apply and develop international criminal law have been established.

This textbook intends to cover those areas of criminal law where the international and European influence is most obvious: jurisdiction and the territorial scope of application of national criminal law (B.), European Criminal Law, including the influence of EU law on national criminal law, the EU criminal legislation and the important European Convention of Human Rights, (C.) and finally international Criminal Law as applied by the ICC and other international criminal courts (D.).

The idea to publish an English textbook on “International and European Criminal Law” was born when several colleagues and numerous students from abroad showed a strong interest in a compact and concise textbook similar to the one I have published in German (“Internationales und Europäisches Strafrecht”, 5th edition, Nomos 2011). Since the English book primarily addresses readers from outside Germany, I decided to prepare an internationalised version rather than translate the German textbook into English. However, the form of a typical German textbook has been maintained. I tried to concentrate on the most important facts and problems in order to make the – partly very complex and most difficult – subject matters easily comprehensible for students but also for practitioners and all persons interested in a concise introduction to the international aspects of criminal law. In addition, I tried to illustrate the text by charts, examples and cases (which are all solved in the subsequent text). Often reference is made to national legal orders – my personal background and the genesis of this book explain why examples taken from the German legal order prevail.

International and European Criminal law is most complex and dynamic in character. Legal bases and documents of relevance are widespread and not always easily available. In order to provide the reader with a constantly updated list of all necessary material I have created a complementary website which can be accessed via

http://www.satzger-international.info

A rather long time has passed between when the first idea of preparing the English version of the textbook came to my mind and the eventual release of this volume. The book is the result of perfect team work by a whole generation of research assistants working at my chair at the Ludwig-Maximilians-University in
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Munich. All of them contributed to the result and all of them deserve my utmost gratitude for the most valuable discussions, their linguistic and intellectual input, their commitment and their long working hours.

First of all I want to thank Kristof Kremer who was in charge of coordinating the project; he did an excellent job and also drafted and revised many of the internationalised parts of this textbook. I would also particularly like to thank Prof. Dr. Johannes Kaspar, Georg Langheld, Johanna Weiß and Nicolai von Maltitz – they constituted the original “core team” dealing with adapting, updating and translating essential parts of the text. My further thanks go to all those diligent workers who subsequently dealt with the index, the formalities and all kinds of improvements and corrections: Juliane Abel, Britta Albrecht, Markus Buchmann, Andreas Dürr, Laura Funke, Roksana Hosseini, Michael Juhas, Florian Ruhs and Thomas Winkelmann.

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European criminal justice training guidelines, (European Judicial Training Network – EJTN). The European Judicial Training Network (EJTN) has developed guidelines for training in the field of criminal justice, which are aimed at trainers. These are regularly updated and assess the main areas relevant for judicial training in this field. The training materials cover eight different areas of EU criminal law and are aimed at judges, prosecutors and defence lawyers, as well as other legal practitioners. It is envisaged that they will be primarily accessed by trainers, but legal practitioners can of course make use of the materials themselves. The manual has been developed by Penal Reform International and is available in English. Restorative justice.