

TUTORIAL COURSE FORM – 2018-2019 ACADEMIC YEAR

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| Name of the tutorial course (Erasmus/exchange students) | European Union Criminal Procedure Law – prosecution of criminal cases based on evidences obtained by technical surveillance |
| Professor | Name: Sandra Gradinaru Office _____ Email: sandra.gradinaru@yahoo.com |
| Semester in which the tutorial course is available | I (first) |
| No. of ECTS credits | 5 |
| Level of study | Bachelor |
| Short description/Contents | <p>This tutorial course aims to disseminate to exchange students coming to the “Al. I. Cuza” University of Iasi, comparative EU law aspect from the criminal procedure, especially about technical surveillance.</p> <p>The students will gain significant knowledge from the research results and practical experience of the proffesor about anticorruption case files based on evidences obtained by electronic surveillance.</p> <p>Also the students can benefit from the proffesors experience as elected expert of The Superior Council of Magistrates where I taught criminal and criminal procedure law to judges and prosecutors within Courts of Appeal all over Romania.</p> <p>At the same time, it is a great opportunity for me to improve my teaching methods and to bring new ideas into the attention of the students from the sending university, based on the points of view of the foreign students and on their interest on specific issues regarding the European and international legal framework about electronic surveillance.</p> <p>Content of the teaching programmed:</p> <p>Given the total length of a semester (14 weeks), the teaching programme will include presentations and discussions on following topics:</p> <p>I. Technical surveillance in the evidence system of the criminal trial (week 1)</p> |

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| | <p>II. European Union comparative law aspects regarding the methods of technical surveillance and how to obtain means of evidence (week 2)</p> <p>III. Conditions derived from the ECHR jurisprudence for the effectuation of interceptions in European Union Member States. (weeks 3-4)</p> <p>IV. The method of administration of evidences from the perspective of the European Court's jurisprudence (weeks 5-6)</p> <p>Week 7 will be reserved for a short evaluation of the gathered knowledge from course I-II.</p> <p>V. Criminal Procedure Law – prosecution of criminal cases based only on wiretaps and electronic surveillance (week 8)</p> <p>VI. Aspects related to the public disclosure of informations obtained from interception and recording of conversations. (week 9)</p> <p>VII. Guarantees provided by other States' legislation on interception and recording of conversations and communications (week 10)</p> <p>VIII. Issues related to the need for a warrant or interception authorization(week 11)</p> <p>IX. Admissibility of unlawful audio and video recordings as evidences in criminal trial (week 12)</p> <p>X. Evidence integrity and probative value (week 13)</p> <p>The final week (week 14) will include the final exam in order for the student to obtain the ECTS.</p> |
| Assessment | <p>Exchange students coming to “Al. I. Cuza” University of Iasi will benefit by the most significant knowledge and research results of the proffesor in the area of performing the technical surveillance and use of the data resulting from these activities, based on the European and international legal framework in the field.</p> <p>They will also get practical knowledge on the subjects based on the former experience of the proffesor in practicing this activity in several known corruption cases prosecuted by the Anticorruption Department.</p> <p>On the other hand, this tutorial will give the proffesor the opportunity to find out which is the point of view of the foreign students on the topics regarding the criminal procedure law, to understand their main points of interest</p> |

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| | <p>and to compare them with the ones of the students studying at our university.</p> <p>In the end this would be a good starting point for improving the teaching methods and for bringing new topics into attention of the students.</p> |
| Bibliography | <ol style="list-style-type: none"> 1. Sandra Gradinaru, <i>Technical surveillance in the new Criminal Procedure Code</i>, C.H. Beck Publishing House, Bucharest, 2014. 2. Mihail Udriou, <i>Criminal Procedure. General part</i>, C.H. Beck Publishing House, Bucharest, 2014. 3. Gheorghita Mateut, <i>Criminal procedure treaty. General part</i>, vol. II, C.H. Beck Publishing House, Bucharest, 2012. 4. Norel Neagu, <i>International judicial cooperation in criminal matters</i>, Universul juridic Publishing House, Bucharest, 2012. 5. Mihai Viorel Tudoran, <i>Theory and practice of interceptions and audio or video recordings</i>, Universul juridic Publishing House, Bucharest, 2012. 6. BULFINSKY v. ROMANIA (Application no. 28823/04) ECHR JUDGMENT 1 June 2010 7. CASUNEANU v. ROMANIA (Application no. 22018/10) ECHR JUDGMENT 16 april 2013 8. CRAXI (No. 2) v. ITALY (Application no. 25337/94) ECHR JUDGMENT 17 July 2003 9. DRAKŠAS v. LITHUANIA (Application no. 36662/04) ECHR JUDGMENT 31 July 2012 10. HALFORD v. UNITED KINGDOM (Application no. 20605/92) ECHR JUDGMENT 25 June 1997 11. KHAN v. THE UNITED KINGDOM (Application no. 35394/97) ECHR JUDGMENT 12 May 2000 12. Kopp v. Switzerland (Application no. 23224/94) ECHR JUDGMENT 25.3.1998 13. KRUSLIN v. FRANCE (Application no. 11801/85) ECHR JUDGMENT of 24 April 1990 14. MALONE v. THE UNITED KINGDOM (Application no. 8691/79) ECHR JUDGMENT 2 August 1984 15. SHIMOVOLOS v. RUSSIA (Application no. 30194/09) ECHR JUDGMENT 21.6.2011 16. UZUN v. GERMANY (Application no. 35623/05) ECHR JUDGMENT 02.09.2010 17. VAN VONDEL v. THE NETHERLANDS (Application no. 38258/03) ECHR JUDGMENT 25 |

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| | <p>October 2007</p> <p>18. VETTER v. FRANCE (Application no. 59842/00) ECHR JUDGMENT 31 May 2005</p> |
| Observations | <p>It is expected, firstly, that the students from sending institution to widen their knowledge about the legal framework on the issues regarding wiretapping. On their turn they might forward the information gathered from the foreign teacher also to other students and to use this information in practice.</p> <p>The tutorial also creates the opportunity to make valuable connections between the departments of law from both universities for possible future extended cooperation between them, both on teaching and on research area.</p> |