

EUROPEAN COURT OF HUMAN RIGHTS
CRIMINAL LAW GROUP

*in cooperation with Liverpool John Moores University, Department of Legal Studies of the University of Bologna,
Zagreb Faculty of Law and 'Beyond Detention' Interest Group*

Webinar Training Series

Webinar IV: Police Power and National Emergency

Thursday 24.06.2021

4.00 pm (Rome time)

The full programme of the event and registration are available on the [Event page](#).

Programme

Chair

- Darian Pavli – Judge at the European Court of Human Rights

Speakers

- Julie Alix – Professor of Criminal Law at the University of Lille

- Latif Huseynov – Judge at the European Court of Human Rights; former President of the European Committee for the Prevention of Torture (CPT)

Discussant

- Manfred Nowak – Director of the Vienna M.A. in Human Rights; former UN Special Rapporteur on Torture

Q&A

Description

This event is the fourth in the webinar training series ‘Punishment, Detention, Crisis: Academic Judicial Dialogues’ (see below for further details and previous events).

The purpose of this seminar is to reflect on the impact of States’ counter-terrorism measures on the right to liberty. States of emergency pose the most significant challenges to the protection of fundamental rights and civil liberties. Crises are generally characterised by a strengthening of the executive to the detriment of judicial authority and parliamentary oversight.

As emergency-control policies generally translate into expanded police powers, deprivation of liberty emerges as a widespread counter-terrorism measure adopted across the board. In this context, preventive detention takes centre stage, paving the way for the arbitrary or excessive use of force by the security forces. These extraordinary measures affect in turn the protection of absolute and non-derogable rights like the prohibition of torture and ill-treatment.

In the light of the Court’s case law, speakers will address, *inter alia*, the human rights standards applicable to police operations during times of emergency; the abuse of preventive detention as a counter-terrorism measure; the recent French Anti-terrorism Bill and the alleged risk of normalising the state of emergency; the scope of judicial review in relation to emergency measures, notably those concerning deprivation of liberty.

Relevant cases:

[*Austin and Others v. the United Kingdom* \[GC\]](#)

[*De Tommaso v. Italy* \[GC\]](#)

[*Terheş v. Romania*](#)

This event is part of:

Webinar Training Series – “Punishment, Detention, Crisis: Academic Judicial Dialogues”

Previous Events

Webinar I – ‘Human Punishment: Life Imprisonment and the Right to Hope’, Monday, 22 March (Robert Spano, Ksenija Turković, Dirk van Zyl Smit, Bernard Harcourt, Paolo Lobba)

Webinar II – ‘Border Crossing and the Right to Liberty’, Thursday, 22 April (Ksenija Turković, Martin Mits, Cathryn Costello, Mariagiulia Giuffré, Triestino Mariniello)

Webinar III – ‘Detention during Pandemic’, Thursday, 20 May (Ivana Jelić, Roberto Chenal, Triestino Mariniello, Liora Lazarus)

The video recording of all the events may be viewed [here](#).

Description of the Webinar Training Series

The criminal law today is pushing its limits. Breaking through new frontiers, it extends beyond its traditional province, affecting increasingly more facets of individual liberty. As the criminal law flourishes in times of crisis, novel far-reaching provisions are incorporated into our legal systems. Emergency legislation has thus been normalised.

In this context, various questions arise as to the nature, aims and scope of punishment and detention. What makes punishment ‘human’ or ‘just’? When does a restrictive measure qualify as deprivation of liberty? To what extent, if any, does a pandemic impose additional limits to the resort to detention? Which restraints must remain in place in time of emergency to rein in the broad discretionary powers vested in the police?

This series of webinar offers a forum that brings together leading scholars, judges and practitioners to advance vibrant and constructive conversations between the Court and the academia on the tensions between deprivation of liberty and human rights standards. While the webinars are first of all training events for the Court’s staff, they warmly invite the active participation of the general public. The proposed audience includes scholars, students, and human rights law practitioners.

Webinar Training Series

Scientific Director: Judge Ksenija Turković

Organizers: Paolo Lobba and Triestino Mariniello