

III. SPRAWOZDANIA I INFORMACJE

ACADEMIC CONFERENCE ‘EFFECTIVE JUSTICE – INTERNATIONAL AND COMPARATIVE APPROACHES: CHALLENGES OF DIGITAL TRANSFORMATION’ Poznań, 8–9 May 2024

On 8–9 May 2024, the Faculty of Law and Administration of the Adam Mickiewicz University (Poznań, Poland) welcomed scholars and practitioners from around the globe for an international scientific conference titled ‘Effective Justice – International and Comparative Approaches: Challenges of Digital Transformation.’ The conference was organized under the Effective Justice – International and Comparative Approaches research platform and showcased the collaborative efforts of researchers from 25 research centres across 11 countries, featuring 35 insightful presentations. The closing event included not only project members but also esteemed guests and national researchers selected through a rigorous abstract submission process. Financial support for this significant gathering was provided by the state through a grant from the Minister of Science and Higher Education as part of the Excellent Science II (Doskonała Nauka II) programme.

The conference was inaugurated with a lecture by the distinguished Prof. Stephen Thaman, Professor Emeritus at Saint Louis University School of Law. In his thought-provoking address, Prof. Thaman dealt with the complexities of accurately gauging the efficiency of criminal proceedings. He cited statistics from the Soviet justice system that claimed a prosecution efficiency of 99.9 per cent, emphasizing that while such figures may indicate a highly efficient system in a formal sense, they overlook the critical tenets of a fair trial. He pointed out that both convicting the guilty and avoiding wrongful convictions are essential dimensions in assessing judicial efficiency. Prof. Thaman also contrasted European judicial systems, which allow appeals against acquittals, with the finality inherent in US acquittals, which cannot be challenged. He underscored the considerable advantages the state enjoys in gathering evidence through the comprehensive resources of law enforcement agencies, thereby reinforcing its authority. Notably, he discussed the unique characteristics of legal proceedings across different systems, highlighting the shorter duration of proceedings in adversarial systems, especially in the United States, where pre-trial phases predominate over trial proceedings – an aspect that starkly contrasts with the lengthier Polish judicial processes. The challenges posed by abbreviated procedures, such as simplified pre-trial processes that may lack adequate evidentiary foundations for fair reviews, were also addressed in his analysis.

Over two days, the conference encompassed four thematic panels. The first panel, moderated by Prof. Paweł Wiliński (Adam Mickiewicz University, Poznań) concentrated on Special and Abbreviated Procedures, Evidence, and the Organization of Judicial Systems, and featured contributions from renowned scholars, including Prof. Aleksandar Maršavelski (University of Zagreb), Dr Andrea Zampini (Sapienza University of Rome), Prof. Magdalena Kowalewska-Łukuć (University of Szczecin), Dr Justyna Głębocka (University of Warsaw), and Dr Łukasz Cora (University of Gdańsk).

Discussions focused on restorative justice applications in special procedures, enhancing judicial processes through monetary penalties, and the critical role of evidence during pre-trial phases.

The next session continued with a panel on Special, Abbreviated Procedures and Evidence, followed by the first part of the panel on the Organization of Judicial Systems. This session was held remotely. Its moderator was Prof. UwB Wojciech Filipkowski (University of Białystok), and Prof. Chiara Gabrielli (University of Urbino “Carlo Bo”), Prof. Andrea Castaldo (University of Salerno), Mattia Cutolo, University of Salerno), Dr Christa Maria Madrid Boquín (Jaume I University), Dr Koidu Saia (Tallinn University of Technology, Tallinn University), and Lisa M. Rea (Restorative Justice International) delivered their speeches as panelists. Presentations covered such topics as discontinuation of criminal proceedings as a tool to reduce caseloads, the balance between enforcement of administrative competences and the abuse of power, the importance of pilot rulings, interdisciplinary approaches to effectively supporting vulnerable children, and the scope of actions promoting restorative justice by NGO's.

The last panel of the first day of the conference dealt with issues related to the organization of judicial systems. The moderator of the panel was Prof. Hanna Kuczyńska of the Polish Academy of Sciences. The panel included Heads of the Project, Prof. AMU Dr hab. Barbara Janusz-Pohl (Adam Mickiewicz University, Poznań), Prof. Daniele Vicoli (University of Bologna) and Dr Marcin Rau (Cardinal Stefan Wyszyński University in Warsaw), Tomás Manguel (University of Buenos Aires, University of Palermo), and Michał Wawrzyńczak (AMU, University of Bologna). The topics focused on matters related to efficiency from different angles. Presentations addressed the general perception of effectiveness, attempting to differentiate between the terms ‘effectiveness’ and ‘efficiency’, which are often used interchangeably, assessing and evaluating systems through different structured performance indicators, and reviewing the necessary balance between the requirements of swiftness of proceedings and procedural guarantees. Moreover, two distinct angles were taken: one presentation referred to legal education as a factor in enhancing judicial efficiency, whereas the other discussed matters related to the universal jurisdiction of the ICC.

The second day of the conference also included three panels, with the mid-panel allowing speakers to connect remotely. The first panel, composed of two parts, dealt with issues of so-called digital justice, and was moderated by Prof. Stephen Thaman, professor emeritus at St. Louis University. The presentations in the first part were delivered by Dr Marianna Biral (University of Trento), Prof. Arkadiusz Lach & Dr Maja Klubińska (Nicolaus Copernicus University in Toruń), Prof. Kristjan Kask (Tallinn University), Dr Federico Carmelo La Vattiatà (University of Catania). The presentations focused mainly on issues of digital justice, whether through the incorporation of digital activities into the course of the proceedings or crimes committed using digital tools. This session included interdisciplinary approaches, with one of the presentations combining the achievements of psychology and IT, placing them in the legal context by developing avatars as tools to enhance quality of the interrogations and interviews in criminal procedure. The session reconvened with the second part of the panel, which was moderated by Prof. AMU Barbara Janusz-Pohl and Prof. Daniele Vicoli. The speeches were delivered by Ewa Płocha (Cardinal Stefan Wyszyński University in Warsaw), Kaja Heckert, Marcin Galiński (The Jacob of Paradies University in Gorzów Wielkopolski), and Żaneta Özdemir (University of Białystok). This part focused on issues of digital transformation, primarily examining the impact of AI on criminal proceedings. The discussion explored the field of evidentiary actions and proceedings, recidivism risk assessment, legal ethics and procedural guarantees.

The second panel was conducted remotely, with Dr Michał Peno (University of Szczecin) as its moderator. Presentations were delivered by Prof. Andrea Planchadell Gargallo (Jaume I University), Dr hab. Konrad Burdziak (University of Szczecin), Dr Katarzyna Zombory (Central European Academy), Benedetta Arrighini (Université libre de Bruxelles), Dr Emanuele Toma (Sapienza University of Rome), and Rodrigo da Silva Brandalise (Fundação Escola Superior do Ministério Público Rio Grande do Sul). Topics covered included the Valencian judicial model Justiprop and its evaluation, the interdisciplinary application of psychological insights to improve judicial activity, systems of effective remedies for violations of cultural human rights, ensuring effectiveness in the AFSJ, and considerations regarding procedural consequences within flawed evidentiary actions and the chain of custody for securing digital evidence.

The final panel of the conference, focused on effective remedies, was moderated by Prof. Aleksandar Maršavelski. This panel featured findings from Prof. Szymon Pawelec (University of Warsaw), and presentations delivered by Dr Aleksandra Komar-Nalepa (University of Warsaw), Dr Cocou Marius Mensah (University of Maribor), Dr Stephen Terrett (University of Warsaw, British Law Centre), and Dr Aleksandra Komar-Nalepa (University of Warsaw). The discussions honed in on issues surrounding the effectiveness of judicial remedies, particularly concerning the excessive duration of proceedings and the compliance of evidentiary preclusion with the European Court of Human Rights standards in Polish appeal processes. Additionally, the panel explored the nuances of effective remedies before international judicial bodies, specifically assessing the roles of the International Criminal Court and the African Criminal Court, while contemplating optimized approaches to evaluating effectiveness in criminal proceedings.

The conference materials will be made publicly available. This includes the written submissions of most delivered papers, which will be published in a two-part monograph by Peter Lang, as well as the abstract booklet and recordings of the conference. These materials will be accessible on the Effective Justice: International and Comparative Approaches website (<https://www.effective-justice.com/>). The organizers would like to extend their sincere gratitude to everyone involved in the organization and execution of the project and the conference.

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