

RAPPORT D'ACTIVITE / ACTIVITY REPORTAnnée académique / Academic
year

2015-2016

Numéro de dossier /
File number : 2014-1740

Pays / Country : IT

Professeur Titulaire / Professor in charge :

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Intitulé / Title : **The Right to Hope. Life Imprisonment in the European Context**

Type d'action /Type of Project : **Module Européen / European Module**

Discipline :

Enseignement obligatoire / Mandatory teaching activity

oui

Nombre d'heures enseignées / Number of hours taught

40

Cycle

1^{er} / 2^{ème} Cycle / Undergraduate

Nombre d'étudiants / Number of students

150/350

Période couverte par l'enseignement / Period covered by teaching activity

autre

Votre Module est-il composé de plusieurs enseignants? / Your module consists of several teaching activities?:
oui

Enseignement/Teaching activity

Professeur/Professor

Fundamental Rights (Jean Monnet Course), april-june 2015

Prof. Davide Galliani

see below

see below

Activités réalisées durant l'année académique 2015-2016 / Activities carried out during the academic year 2015-2016:

Manifestations, séminaires, conférences / Initiatives, seminars, conferences :

FROM OCTOBER 2015 TO SEPTEMBER 2016

ALL ACTIVITIES LISTED BELOW HAVE BEEN AUDIO-VIDEO RECORDED AND (see, www.lifeimprisonment.eu):

a) Modular Seminars:

- univ. of Milan, nov. 11, 2015,

"Never-Ending Story? The Contemporary Debate on Death Penalty", Professors E. De Marco, D. Galliani, Hands Off Cain, E. Zamparutti, S. D'Elia

- univ. of Milan, nov. 26, 2015,

"The Human Rights from an European Perspective", Judge of the European Court of Human Rights, Professor Paulo Pinto de Albuquerque, Professors P. Bilancia, O. Pollicino, F. Viganò, M. Pedrazzi, D. Galliani

b) 2nd Annual Seminar:

- prison of Opera, Milan, Italy, dec. 18,19, 2015,

"Spes contra spem. Death Penalty and Penalty until Death", 6th Congress of Hands Off Cain, with "The Right to Hope" Project

c) Modular Seminars:

- univ. of Milan, may 30, 2016,

"Responsible Forgiveness. New Justice?", Former Judge, G. Colombo, Conciliator, G. Bertagna, Professors P. Bilancia, N. dalla Chiesa, D. Galliani

- univ. of Milan, may 31, 2016,

"End Penalty: Now. New Constitutional Penal Law", Former Judge, Italian Senator, E. Fassone, Professors A. Pugiotto, A. Della Bella, N. dalla Chiesa, D. Galliani, and S. Pelicci, ILWG member

- univ. of Milan, june 14, 2016,

"Debating Prisons", Professors S. Simonetta, A. di Martino, D. Galliani, Guarantee of the Right of the Detainee, B. Mellano, and G. Pagano, ILWG member

- prison of Opera, Milan, Italy, june 16, 2016,

"Hell of Hope. Debating Italian Life Imprisonment", Ministry of Justice, Association of Penal Lawyer (Section of Milan), Professors D. Galliani, A. Pugiotto, Jurist of the European Court of Human Rights, R. Chenal, and other

Autres / Others :

- The 2nd BOOK of the Project: "I DIRITTI UMANI IN UNA PROSPETTIVA EUROPEA", "HUMAN RIGHTS FROM EUROPEAN PERSPECTIVE"

From October 2015 to September 2016: Inner Life Working Group (ILWG, subgroup of "The Right to Hope" Project) had 50 meetings (duration of each: 5 hours minimum) to translate, from English and French to Italian, separate opinions of the Judge of the European Court of Human Rights, Professor Paulo Pinto de Albuquerque.

The book is the final result of these activities (it include the first Italian version of case Ocalan no. 2 on Life Imprisonment).

- The 1st BOOK of the Project: "GLI ERGASTOLANI SENZA SCAMPO", "NO ESCAPE LIFERS"

Print: January 2016. For the activities regarding this book, see the first Activity Report 2014-2015 (October 2014-September 2015).

The Project and ILWG have taken care of diffusion, presentations and reviews.

The public presentations (congress, seminars, and other) were many, as the reviews: see, www.lifeimprisonment.eu

- ITALIAN CONSTITUTIONAL COURT

The Project (in particular, Professors A. Pugiotto and D. Galliani, and ILWG members) worked on question of constitutionality of the Italian No Escape Life Imprisonment.

The goal: publish a sort of document ("keys in hands") for Italian Judges useful to constitutionality recourse to the Constitutional Court.

Finally, the doc. has been published, in www.dirittopenalecontemporaneo.it, on of the most Italian widespread law review.

- DEGREE THESIS

Other ILWG members take a Degree. In particular, Giulio Pagano (on Strasburg case law about Differentiates Prison Regimes: vote 109/110) and Marta Stroppa (on Anders Breivik Case, vote: 110/110 cum lode). After Degree, Oxford University (UK) accepted Pagano request for Master, and Tilburg University (Netherland) accepted Stroppa.

Also Pagano and Stroppa thesis have been published in Ristretti Orizzonti, www.ristretti.it, one of the most important Italian internet site on prisons and rights of prisoners.

Regarding other ILWG members: Cecilia Sabbadini continues her Master in Bruxelles, and her stage to European Parliament; Sara Pelicci continues her training to Milan Judge useful to public concourse to the access on judiciary

All Degree Thesis (and other with Professor Galliani as supervisor) are on line at www.lifeimprisonment.eu

- OFFICIAL INTERNET SITE OF THE PROJECT, WWW.LIFEIMPRISONMENT.EU

The results achieved were extraordinary.

At October 17, 2016 (from December 2014): total visitors: 20,630; total pages visited: 51,688.

The visitor are place in more than 50 States worldwide.

More detailed information, directly from ShinyStat, at home page of www.lifeimprisonment.eu

- OFFICIAL AGREEMENTS FOR SCIENTIFIC RESEARCH

Professor D. Galliani, Scientific Coordinator of "The Right to Hope" project, has become, from October 3, 2016,

responsable for the University of Milan of the "Universities Against Death Penalty Network".

The Network includes more than 40 Universities Worldwide, leading by University of Oslo, Norway.

- CONFERENCES

Professor D. Galliani has been invited as Guest Speaker to the seminar, organized by Bocconi University, Milan,

on "Death Penalty and Life Imprisonment. Still Open Debate", dec. 3, 2015.

He presented, for the first time, the paper "Reopen the Question. Death Penalty, Life Imprisonment and Constitutionalism",

published in www.lifeimprisonment.eu

- INITIATIVES FOR THE THIRD YEAR OF THE PROJECT

a) drawing up a doc. as "amicus curiae" for the presentation to the European Court of Human Rights, regarding Life Imprisonment in the European Context;

b) writing a paper on "internet and detainees", for a broad Commentary on the fundamental rights and internet (print: January 2017);

c) ILWG: other students and undergraduates joined ILWG, about 20; the first meetings listed a lot of themes:

- the next judgments on Life Imprisonment from the European Court of Human Rights (Hutchinson, GC, and Harkins no. 2, GC);
- the temporary suspension of the European Convention on Human Rights, as in the cases of France and Turkey;
- the new EU and States policies on immigration and the problem of Life Imprisonment (expulsion, extradition, and other);
- the initiatives to awarenees the Life Imprisonment question: informal agreements with Penal Lawyer Associations, Association of Judges of first instance, and other political bodies
- death penalty and life imprisonment, regarding in US and European Perspective (for example, the California referendum to abolish death penalty and replace it with life imprisonment without parole)

d) plan and schedule of modular seminars and 3rd annual conference; the first will be on november 29, 2016, "Terrorism and death penalty",

with A. Marchesi, President of Amnesty International (Italian Section) and S. D'Elia, Founder and Secretary of Hands of Cain

Publications (année académique 2015-2016) / Publications (academic year 2015-2016) :

SCIENTIFIC COORDINATOR, PUBLICATIONS

BOOKS

1.

Paulo Pinto de Albuquerque,

I diritti umani in una prospettiva europea. Opinioni concorrenti e dissenzienti (2011-2015),
 Human Rights from European Perspective. Concurring and Dissenting Opinions (2011-2015),
 a cura e con un saggio di Davide Galliani, prefazione di Paola Bilancia,
 edited by and with an essay of Davide Galliani, preface of Paola Bilancia
 Giappichelli, Torino, 2016, 395 pp.

(2nd book co-funded by "The Right to Hope" Project, contain the translations from ENG-FRE to ITA of the 29
 Judge Pinto's separate opinions)

2.

Carmelo Musumeci, Andrea Pugiotto,

Gli ergastolani senza scampo. Fenomenologia e criticità costituzionali dell'ergastolo ostativo,
 Hopeless Lifers. Phenomenology and Constitutional Issues of the Italian No Escape Life Imprisonment
 prefazione di Gaetano Silvestri, con un'appendice di Davide Galliani,
 preface of Gaetano Silvestri, with and appendix of Davide Galliani
 Editoriale Scientifica, Napoli, 2016, 216 pp.

(1st book co-funded by "The Right to Hope" Project, with the result of the Life Imprisonment Questionnaire)

PAPERS

4. Davide Galliani,

"E' più difficile perdonare un amico che un nemico". La Corte europea dei diritti dell'uomo, la giusta
 giustizia, la giurisprudenza consolidata, l'ordinamento italiano,

"It is more difficult to forgive an enemy than a friend". The European Court of Human Rights, the Justice, the
 Established Case Law, and the Italian Law.

in Paulo Pinto de Albuquerque, I diritti umani in una prospettiva europea. Opinioni concorrenti e dissenzienti
 (2011-2015),

a cura e con un saggio di Davide Galliani, prefazione di Paola Bilancia,
 Giappichelli, Torino, 2016, pp. 5-45.

5.

Davide Galliani,

La concretezza della detenzione senza scampo,

The Concreteness of the No Hope Detention,

in Carmelo Musumeci, Andrea Pugiotto,

Gli ergastolani senza scampo. Fenomenologia e criticità costituzionali dell'ergastolo ostativo,
 prefazione di Gaetano Silvestri, con un'appendice di Davide Galliani,

Editoriale Scientifica, Napoli, 2016, pp. 181-216.

6.

Davide Galliani,

Una rilettura della sentenza della Corte costituzionale sul potere di grazia,

New Reflections about the Judgment of the Constitutional Court on pardon power,

in Il ruolo del capo dello Stato nella giurisprudenza costituzionale,

a cura di Lorenza Violini,

Editoriale Scientifica, Napoli, 2015, pp. 101-116.

ARTICLES

7.

Davide Galliani,

The Reducible Life Imprisonment Standard from a Worldwide and European Perspective,

in Global Jurist, 1/2016, pp. 1-19.

8.

Davide Galliani,
Una questione di limiti. A proposito di "Fine pena: ora" di Elvio Fassone,
A question of limit. On "Fine pena: ora" edited by Elvio Fassone,
in Diritto penale contemporaneo, 19 maggio 2016

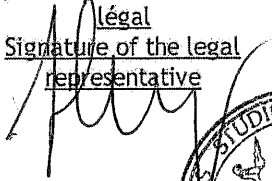

9.

Davide Galliani,
Murray c. Paesi Bassi: progressi in materia di pena perpetua,
Murray v. Netherland: progress on Life Imprisonment case law,
in Quaderni costituzionali, 3/2016, pp. 603-608.

PROJECT MEMBERS PUBLICATIONS (SOME)

A. Pugiotto,

Come eccepire l'incostituzionalità dell'ergastolo ostativo,
How address Constitutional Court on Italian No Hope Life Imprisonment
in Diritto penale contemporaneo, www.dirittopenalecontemporaneo, 13 luglio 2016, 26 pp.

<u>Date et lieu</u> Place and date	<u>Nom complet en lettres</u> capitales Full name in capital letters	<u>Fonction</u> Function	<u>Signature du représentant</u> légal Signature of the legal representative
MILANO, 24 OTT. 2016	GIANLUCA VAGO	RECTOR	 

Au cas où le représentant légal a changé, merci d'envoyer à l'Agence une lettre notifiant le changement, accompagnée d'un document officiel confirmant la capacité du nouveau représentant légal à engager l'université sur le plan légal et financier.

If the legal representative has changed, please send a letter to the Agency notifying the modification, accompanied by an official document confirming the capacity of the new Legal representative to enter into legal/financial commitments on behalf of the organisation.