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3 The Inter-American Convention on Mutual Assistance in Criminal Matters and Fundamental Rights4 Due Process and Transnational Inquiries; References; Judicial Cooperation and Multilevel Protection of the Right to Liberty and Security in Criminal Proceedings. The Influence of European Courts'Case-Law on the Modern Constitutionalism inEurope; 1 Introduction; 2 Protection of the Rights of Freedom and Security in Criminal Proceedings by the European Court of Human Rights and Its Influence on the Italian Constitutional Court

2.1 Changes in the Italian Legal Order and the European Court of Human Rights2.2 The Voices of the European Court of Human Rights and the Italian Constitutional Court Compared; 3 The Issue of Res Iudicata; 4 The European Arrest Warrant Saga as Case Study in the Attempt to Identify the New Emerging Dynamics of the Relationship Between the European Constitutional Courtsand the European Court of Justice After the Enlargementof European Union to the East; 4.1 The Evolution of European Integration in Criminal Matters: From Nothing to the Lisbon Treaty

4.2 Rules, Regulations and Aims of the European Arrest Warrant Framework Decision4.3 The German Case; 4.4 A Comparison Between the Polish and the Czech Cases; 5 Conclusive Remarks; 5.1 Models of Conflict Settlement Between Interacting Legal Systems; 5.2 Final Remarks on the Constitutional Case Law on Res Iudicata and Limitations of Liberty: A New Attention of Italian Constitutional Court Toward Strasbourg?; References; The Role of the Proportionality Principle in Cross-Border Investigations Involving Fundamental Rights; 1 Introduction; 2 The Principle of Proportionality: A Broad Concept

3 The Proportionality Principle in the Case Law of the ECtHR on Criminal Investigation and the Right to Privacy

Sommario/riassunto

The protection of fundamental rights in the field of transnational criminal inquiries is of great delicateness in the current tangled web of domestic and international legal sources. Due to this complex scenario, this research has been carried out from a four-level perspective. The first level provides a critical analysis of the multilevel systems of protecting fundamental rights from the perspective of supranational and constitutional case law, and in the field of international and organized crime. The second level focuses on EU judicial cooperation in three main fields: financial and serious organized crime, mutual recognition tools, and individual rights protection. The third level provides the perspectives of ten domestic legal systems in two fields, i. e., obtaining evidence abroad and cooperation with international criminal tribunals. The fourth level analyses cross-border inquiries in comparative law, providing a reconstruction of different models of obtaining evidence overseas.
