

Editorial Note

Católica Law Review is pleased to publish its Vol. IV, no. 3 (2020), this time dedicated to criminal law. It contains five articles by renowned Professors of both national and international Universities, and an article resulting from a call for papers, to allow the participation of a larger community of researchers. All articles have been subject to blind peer review by academics with no institutional connection to the University.

The articles address various subjects (from economic criminal law to sexual crimes), and some of them assume an interdisciplinary perspective. The Review also includes a commentary on a recent and very relevant decision by the European Court of Human Rights and two book reviews – one book by the late Professor Augusto Silva Dias and another by Professor Laurence Burgogue-Larsen.

Professor Maria João Antunes, University of Coimbra – Faculty of Law, reflects upon “Preventive seizure and apprehension in criminal procedure and in insolvency procedure” based on the analysis of both Article 149, no. 1, a), of the Insolvency and Corporate Recovery Code and Article 178 and ff. of the Criminal Procedure Code. The Author claims that both the apprehension which aims to guarantee the declaration of loss of assets to the State and the apprehension that serves as evidence are conceptually distinct from preventive seizure.

The article by Professor Inês Ferreira Leite, University of Lisbon – Faculty of Law, follows a brief review of cumulative and concurrent sentencing in Portuguese law and doctrine and presents the interpretative criteria imperative for a reading thereof in accordance with article 30 of the Criminal Code in light of the *ne bis in idem* principle.

Michele Papa, Professor at the University of Florence, discusses the construction of *Fattispecies* or *Tatbestand* as in a literary text, accepting the possibility of metaphors as a way of describing the criminal offence.

María Concepción Torres Díaz, Professor at the University of Alicante, addresses “Sexual violence with reference to the forthcoming Law for the Guar-

tee of Sexual Freedom in Spain”. Based on the ideological assumptions of the feminist legal theory, the author addresses sexual crimes within Spanish Law, presenting some *lex referenda* recommendations.

Magdalena Perkowska, Professor at the University of Białystok, writes about “Criminality by foreign nationals in Poland and the State’s legal response”, analysing the impact of crimes committed by foreigners in Poland based on the legal parameters of the EU and the European Council.

Kelly Blount, researcher at the University of Luxembourg, presents a reflection upon “Forfeiting legal protections to prevent crime”, discussing the impact of artificial intelligence on criminal prevention policies and defending the strengthening of suspects’ guarantees during preliminary investigations.

Conditions of detention in Portugal are addressed by Professors José Alberto Azeredo Lopes and Maria Isabel Tavares, Universidade Católica Portuguesa – Porto Faculty of Law. In December 2019, in the Petrescu case, the European Court for Human Rights found Portugal in violation of Article 3 of the European Convention on Human Rights, related to the prohibition of torture and cruel, degrading or inhumane treatment, determined just satisfaction for the applicant and recommended the adoption of “general measures” by the Portuguese State. The authors analyse the decision in these two dimensions, highlighting the international nature of the Court and the necessary balance between judicial and political decision-making both at an international institutional level and at internal level.

Professor Maria Paula Ribeiro de Faria, Universidade Católica Portuguesa – Porto Faculty of Law, reviews the book by AUGUSTO SILVA DIAS “Crimes culturalmente motivados” (“Culturally motivated crimes”). The author recalls Professor SILVA DIAS’ relevant contribution to Portuguese criminal law and, in particular, to the resolution of conflicts in multicultural societies through the opening of criminal procedure to cultural evidence and the review of the categories of criminal law dogmatics regarding cultural motivation.

Professor Paulo Pinto de Albuquerque, Universidade Católica Portuguesa – Lisbon Faculty of Law, reviews the excellent book by Professor LAURENCE BURGORGUE-LARSEN, “Les Trois Cours Régionales des Droits de l’Homme”, highlighting her clear-sighted reflections on the challenges currently faced by international justice, which “fights for the forward-looking defence of human rights in an increasingly adverse world”.