

Editorial

Three months ago, on the 17th August, 2013, we lost *Joachim Vogel* in an unbelievably tragic way. During a short summer holiday in Venice, while he and his family were on board a gondola, a vaporetto overwhelmed it leading to Vogel's death in the presence of his wife and three children. "*Death in Venice*" has not been literary fiction in this case, but a terrible reality.

Joachim Vogel was just 50. He was born on the 2nd of June of 1963, when his family had already settled down in Giessen after having adventurously managed to run away from East Berlin just two months before the Wall was completely built.

He was not just a brilliant and creative colleague, but also one of the first to become a real European Criminal Law Scholar. He learnt the importance of Comparative Criminal Law and of the great prospect of building European Criminal Law from his "Doktorvater", *Klaus Tiedemann*, during the years spent with him as academic assistant, PhD-student and "Habilitant" in the *Institut für Kriminologie und Wirtschaftsstrafrecht* of the University of Freiburg i. Br., where some of us got to know him personally and became long life friends of his.

Joachim Vogel believed in the creation of a science of European Criminal Law, based on the consideration of all legal traditions¹. He understood the EU intervention in criminal matters as an integrated system instead of the sum of harmonization and judicial cooperation. In his "*Antrittsvorlesung*" in the Faculty of Law of Tübingen, in June, 2002², *Joachim Vogel* tried to raise the debate on criminal policy to a European level and to develop a common criminal law science, allowing for the application of harmonized offences and also defining the limits of the legislators³. On the other hand, his opinion on judicial cooperation was no less important. For him, the time for simple cooperation was through. He felt the need of a transnational criminal process⁴.

The contribution of *Joachim Vogel* to the creation of a new European Criminal Law has not only been a scientific contribution, but also a practical one. He began working as "Rapporteur" in the EU-Commission project of the *Corpus Juris* for the protection of EU financial interests⁵ when he was very young, together with his academic "Maestro", *Klaus Tiedemann*: for the *Corpus Juris* he wrote a horizontal synthesis of comparative law of the Member States regarding the General Part of Criminal Law⁶ and the National Reports of Germany⁷. He later worked in the academic project of the "Eurocrimes" under the direction of

¹ See *J. Vogel*, *Wege zu europäisch-einheitlichen Regelungen im Allgemeinen Teil des Strafrechts*, *Juristenzeitung*, 7/1995, p. 331-341; *Id.*, *Strafrecht und Strafrechtswissenschaft im internationalen und europäischen Rechtsraum*, *Juristenzeitung*, 2012, p. 25-31.

² *J. Vogel*, *Europäische Kriminalpolitik- Europäische Strafrechtsdogmatik*, *Goldtammers' Archiv*, 2002, p. 517-534.

³ See also *J. Vogel*, *Harmonisierung des Strafrechts in der Europäischen Union*, *Goldtammers' Archiv*, 2003, p. 314-334.

⁴ He developed his proposals in this sense in many works: see e.g. *M. Grotz/J. Vogel*, *Perspektiven des internationalen Strafprozessrechts*, C. F. Müller, 2004; *J. Vogel*, *Gemeinsame Standards für Strafverfahren in der Europäischen Union*, *Strafverteidiger*, 4/2007, p. 206-214 and Vogel's contribution to *Grützner/Pötz/KreßC.F.* (eds.), *Internationaler Rechtshilfeverkehr in Strafsachen*, 3. ed., C. F. Müller, 2012, vor § 1.

⁵ *M. Delmas-Marty/J. A. E. Vervaele* (eds.), *The implementation of the Corpus Juris in the Member States*, vol. I-IV, Intersentia, 2000.

⁶ *J. Vogel*, *Criminal Law General Part: Articles 9-17 Corpus Juris* (draft of 1997), in *M. Delmas-Marty/J. A. E. Vervaele*, *op. cit.*, vol. I, p. 249-304.

⁷ *K. Tiedemann/J. Vogel*, *Rapport national allemande/National Report of Germany*, in *M. Delmas-Marty/J. A. E. Vervaele*, *op. cit.*, vol. II, p. 349-415; *J. Vogel*, *Vertical cooperation-Admissibility and evaluation of evidence-National Report of Germany*, in *M. Delmas-Marty/J. A. E. Vervaele*, *op. cit.*, vol. IV, p. 307-317.

Tiedemann⁸, with a contribution to the general part of the project concerning the subjective element of the crime. During the course of recent years he has turned out to be one of the most influent consultants in criminal matters of the European institutions.

Joachim Vogel was very close to our European Criminal Policy Initiative group. He participated actively in the discussion regarding the first Manifesto on European Criminal Policy, in a workshop at the University of Modena on 16th July, 2010. In the last few months, he also participated as an Expert in two seminars on the second Manifesto regarding the criminal procedure that took place at the University of Munich: on 25th January, he spoke about “Criminal Procedure Based on General Principles?” and on 5th July, he took part in the general debate about the Draft.

With the passing of *Joachim Vogel* we have lost a very dear friend and colleague; but the European Criminal Law has lost one of its best scholars. We would like to express our deepest and most sincere condolences to his wife, *Gundula*, and his children *Leopold*, *Jonathan* and *Emilia*.

Requiescat in pace, dear Joachim!

The editors

⁸ *K. Tiedemann* (ed.), *Wirtschaftsstrafrecht in der Europäischen Union. Rechtsdogmatik-Rechtsvergleich-Rechtspolitik*. Freiburg-Symposium, Köln, Heymanns, 2002.