

AGENDA

(Provisional)

JUSTICE PROJECT

Roundtable discussions on the material elements and the *mens rea* of EU terrorism offences

Friday 12 April 2019, 8:30 – 17:30

Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna, Pisa

Through roundtable discussions, participants will share practices and experiences of the different legal systems within the European Union (EU) in the interpretation of the material elements of the criminal offences enshrined in the EU Directive 2017/541 on combating terrorism, as well as its *mens rea* element whether by generic or specific intent. These practices will be assessed in light of international human rights law principles in order to select best practices that could be promoted throughout the EU.

Please note that this event will be held under the Chatham House Rule.

8:30 – 9:00 Welcome and registration of the participants

OPENING REMARKS

9:00 – 9:30 **Presentation of the JUSTICE project and the EU Directive 2017/541 on combating terrorism**

Gaetana Morgante, Associated Professor of Criminal Law, Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna

Massimo Frigo, Senior Legal Adviser, International Commission of Jurists European Institutions

9:30 – 10:15 **International and EU Law principles on material elements of the crime and *mens rea***

Helen Duffy, Director, Human Rights in Practice

This session - a scene-setter - will outline the elements of the terrorism crimes in the light of article 7 of the European Convention of Human Right. It will posit

some initial observations on the principle of legality in criminal law and raise a number of questions for further discussion notably regarding restrictions of affected rights such as freedom of movement, association, assembly, expression, privacy, family life or home. The session will end with questions and observations from the audience.

10:15 – 10:30 *Coffee Break*

SESSION I. THE MATERIAL ELEMENTS OF THE CRIME

This session will frame the discussion around participants' expertise and experience in approaching the elements of the crime in their own national system. How far are the EU Member States going from the act of terrorism in prosecuting activities such as travelling or training? What are the best practices in delimiting participation to terrorism crimes? What kind of evidence is/should be used in criminal proceedings to determine terrorist activities?

10:30 – 11:00 Introduction

Maurizio Romanelli, National Antiterrorism Prosecutor

Discussant: Gaetana Morgante, Associated Professor of Criminal Law, Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna

11:00 – 14:00 Roundtable discussion

13:00 – 14:00 *Lunch*

SESSION II. THE MENS REA OF THE CRIME

This session will frame the discussion around participants' expertise and experience in approaching the mental element of the crime in their own national system. What is the level of intent required in each Member State? How do national legislations define the mental element and address issues such as the presumption of culpability, attempted crimes or conspiracy?

14:00 – 14:30 Introduction

Arianna Vedaschi, Full Professor of Public Comparative Law, Bocconi University

Discussant: Massimo Frigo, Senior Legal Adviser, International Commission of Jurists European Institutions

14:30 – 15:30 Roundtable discussion

15:30 – 15:45 *Coffee Break*

15:45 – 17:00 Roundtable discussion



17:00 – 17:30 **Conclusions and best practices on elements of the crime and mens rea**

Gaetana Morgante, Associated Professor of Criminal Law, Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna

Massimo Frigo, Senior Legal Adviser, International Commission of Jurists European Institutions

20:00 – 22:00 *Dinner*

