



UNIVERSITÀ DEGLI STUDI DI MILANO
DIPARTIMENTO DI DIRITTO PUBBLICO
ITALIANO E SOVRANAZIONALE

Round Table on the issue of: The New EU Proposal for a Directive on Combating Terrorism: Key Issues and Challenges

Panelists:

Dick Marty,

Former Swiss Senator and Member of the Parliamentary Assembly of the Council of Europe.

Armando Spataro,

Public Prosecutor at the Turin Tribunal, Former Coordinator of the Specialized Group on Counter-Terrorism at the Milan Tribunal.

Martin Scheinin,

EUI Professor of International Law and Human Rights, former UN Special Rapporteur on human rights and counter-terrorism.

Marloes van Noorloos,

Meijers Committee, Assistant Professor, Tilburg Law School, Department of Criminal Law.

Emilio De Capitani,

Executive Director of Fundamental Rights European Expert Group, Former Head of Parliamentary Committee Secretariat (European Parliament)

Moderator:

Nerina Boschiero,

Dean and Professor of Public and Private International Law at the Law Faculty of The University of Milan

The Law Faculty of The University of Milan is happy to invite you at a round table debating the main controversial legal issues arising from the new Proposal of an European Directive on terrorism: the question of the need to effectively address, combat and prevent the evolving terrorist threat (one of the major challenges facing our societies today), thereby enhancing the security of the EU and the safety of its citizens, and the obligation of all States and International Organizations to comply with international human rights law when fighting terrorism, underscoring that respect for human rights and the rule of law are essential to a successful counter-terrorism effort.

The idea is to stimulate an inclusive discussion among experts in terrorism and academics working on different aspects of international law, criminal law and human rights law to further possible amendments to the proposed text before its final approval by the EU's co-legislators.

Terrorism, radicalization and the ongoing deadly attacks against innocent European civilians continue to threaten the security of Europe. EU identified upgrading and the EU framework to address terrorism as a priority and announced its intention to update in the next months the existing criminal law legislation in this area.

The European Commission Proposal for a Directive of the European parliament and of the Council on Combating Terrorism was announced as a necessary measure to align the existing rules to the changing terrorist threat Europe is facing and the need to revise the Framework Decision on Terrorism to implement new international standards and obligations taken by the EU. The proposed new EU directive will replace the Council Framework Decision 2002/475/JHA by implementing the obligations stemming from UNSCR 2178(2014), adopted on 24 September 2014, which sets out a broad range of measures to combat the Foreign Terrorist Fighters phenomenon; UNSCR 2249(2015) of 20 November 2015 which urges Member States to intensify their efforts to stem the flow of foreign terrorist fighters to Iraq and Syria and to prevent and suppress the financing of terrorism; and, finally, the Additional Protocol to the Council of Europe Convention on the prevention of terrorism, adopted in May 2015, and signed by EU (as well as the Convention) on 22 October 2015.

The new directive on combating terrorism will include new criminal law provisions addressing the foreign terrorist fighter phenomenon and risks related to the travel to third countries for the purposes of terrorism and the threat they pose upon their return and complement the preventive measures related to terrorist financing of Directive 2015/849/EU. It proposes to criminalize the following behaviors: attempt of recruitment and training, travel abroad with the purpose of participating in the activities of a terrorist group, and the financing of the various terrorist offences defined in the draft Directive.

The round table organized by the Law Faculty of The University of Milan aims to assess this proposal in the light of the EU obligation to ensure the implementation of UNSCRs and the Additional Protocol in the full respect of human rights obligations, in particular the right to freedom of movement, freedom of expression, freedom of association and freedom of religion, as set out in the European Treaties, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and other obligations under international law, as well as in the light of the relevant jurisprudence of CJEU and ECHR.

It will be also discussed the need to ensure an impact assessment of the new criminal provisions envisaged, the respect of the principle of **proportionality**, with regard to the aims pursued and their **necessity** in a democratic society, in order to exclude any form of arbitrariness or discriminatory or racist treatment.

The meeting is bilingual: the panelists will present their analysis and views in either English or in Italian. The round table will be followed by a question and answer session with the audience.

Friday 15 April, 2016, 3:00-6:00 p.m., Sala Crociera Alta, via Festa del Perdono, 7