

TOWARDS AN INTERNATIONAL COURT AGAINST TERRORISM?

Bucharest, Ministry of Foreign Affairs of Romania

16 February 2017

- Draft programme -

9.00 Registration of participants

9.30 – 10.00 **Introductory remarks**

- State Secretary, Ministry of Foreign Affairs of Romania (TBD)
- H.E. Mr. Ramiro Fernandez Bachiller, Ambassador of Spain in Romania (TBC)
- Prof. Dr. Tudorel Toader, Rector of “Alexandru Ioan Cuza” University of Iași, Romania

10.00 – 10.15 **Keynote speaker**

- Prof. Dr. Bogdan Aurescu, Presidential Advisor for Foreign Policy, Former Minister of Foreign Affairs of Romania

10.15 - 10.30 Coffee break

10.30 - 12.00 **Session I: Combating terrorism with the tools of International Law. Does the current international legal framework address all challenges that terrorism currently presents to the international community?**

Moderator:

- Prof. Dr. Katalin Ligeti, Professor of Criminal Law, University of Luxembourg and Vice-President of the International Association of Penal Law

Speakers:

- Prof. Dr. Yuval Shany, Hersch Lauterpacht Chair in Public International Law, Hebrew University of Jerusalem and senior research fellow at the Israel Democracy Institute
- Prof. Dr. Ana Salinas, Professor of Public International Law, University of Malaga, Spain
- Dr. Laura Crăciunean, Associate Professor, Faculty of Law, “Lucian Blaga” University of Sibiu, Romania

The first part of the Conference will provide a historical background of the efforts of the international community to combat terrorism with the tools of international law, including the previous proposals to place the crime of terrorism under the jurisdiction of an international court. This part will equally present the different failed attempts to draw up a Comprehensive Convention on International Terrorism, the current universal legal instruments regulating specific aspects of terrorism in various areas, as well as the action taken at regional level, which resulted in a number of international treaties aimed at preventing and combating terrorism. However, does the current international legal framework address all the challenges that terrorism currently presents to the international community?

12.00 – 14.00 Lunch break

14.00 – 15.30 Session II: Why an International Court against Terrorism?

Moderator:

- Ms. Alina Orosan, Director General for Legal Affairs, Ministry of Foreign Affairs of Romania

Speakers:

- Prof. Dr. Emilio Viano, American University, Washington D.C.
- H.E. Mr. Ion Gâlea, Ambassador of Romania in the Republic of Bulgaria and Senior Lecturer at the Faculty of Law, University of Bucharest, Romania
- Prof. Carmen Martínez Capdevila, Legal Counsel at the International Legal Office, Senior Lecturer for International Law, Autonomous University of Madrid, Spain

The second part will present the rationale behind the proposal to place the crime of terrorism under the jurisdiction of an international court. Why an international jurisdiction on Terrorism? Or, in other words, what added value would bring an International Court against Terrorism (ICT), as a new international jurisdiction? What would be the benefits of creating such a court? Why is the ICT necessary when, in practice, most States which have been the target of terrorist attacks preferred to submit the perpetrators of such acts to their own jurisdiction? What would be the advantages and drawbacks of placing terrorism under the jurisdiction of a new international court, different than the International Criminal Court (ICC)?

15.30 - 16.00 Coffee break

16.00 - 17.30 Session III: Challenges of an International Court against Terrorism

Moderator:

- Prof. Dr. Jose Luis de la Cuesta, Honorary President of the International Association of Penal Law

Speakers:

- Dr. Gleb Bogush, Associate Professor at the Faculty of Law, Lomonosov Moscow State University
- Mr. Roeland Böcker, Legal Counsel at the Ministry of Foreign Affairs of the Netherlands and Government Agent to the European Court of Human Rights and UN treaty bodies
- Dr. Alicia Cebada, Senior Lecturer on International Public Law, University Carlos III, Madrid, Spain

The third part will examine the challenges that must be addressed in the context of this project. How should the absence of a general accepted definition of the crime of terrorism be dealt with? Is it possible to overcome this obstacle, by taking into account the relevant jurisprudence, including the case-law of the Special Court for Lebanon? Would it suffice in order for the Court to attain its purpose to rely only on the definitions already agreed upon in the Sectorial UN Conventions in force? What other jurisdictional challenges can be envisaged and should be addressed in the context of the creation of this international court? How would the principle of complementarity be applied in case of overlapping jurisdiction between the ICC and the ICT? How should be dealt with acts of terrorism related to situations of armed conflict, which are governed by International Humanitarian Law? How to reach the right balance between combating terrorism efficiently and providing the appropriate safeguards to ensure the full protection of human rights and the rule of law? How to respond to the specific needs of the victims of terrorism?

17.30 - 18.00 Concluding remarks

- Prof. Dr. John Vervaele, President of the International Association of Penal Law
- Prof. Dr. Jose Luis de la Cuesta, Honorary President of the International Association of Penal Law

Adoption of the Bucharest Declaration on the need for an International Court against Terrorism *(to be circulated in due time before the Conference)*