



CALL FOR PAPERS

Workshop: *Serious crime, presumption of innocence and lowered standard of proof*

- LANGUAGE:

English, Spanish or Portuguese

- ORGANIZERS:

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- SCOPE AND TOPICS:

The workshop aims to discuss the legal possibility of applying a lowered and case-by-case variable standard of proof, for serious crimes, based on the higher degree of complexity of the facts charged. Numerous theoretical and practical difficulties result from that possibility, as will be presented. We also intend to discuss how it's possible to conform the standard of proof applicable to the conviction sentence and the burden of proof with the accused's presumption of innocence.

- RATIONALE:

The topic is current and important because in South America, particularly in Brazil, there is a growing trend in case law and scholarship advocating for the adoption of a case-by-case variable and lowered standard of proof for serious crimes¹. This thesis has emerged in several briefs presented by the Brazilian Federal Prosecutors Office in the well-known mega-trials associated with the Lava Jato ("Car Wash") Operation since 2014. Those trials encompass a multitude of procedural phases, defendants, charges, and a vast amount of information. On the other hand, this trend is also observed in trials for sexual offenses, where the evidentiary collection is often limited to the testimonies of the victim and the accused².

¹ DALLAGNOL, D. M. (2018). *As lógicas das provas do processo*. Porto Alegre: Livraria do Advogado. pp. 253-259.

² SZESZ, A. (2022). O standard de prova para condenação por crimes sexuais: É viável e eficaz a flexibilização da exigência de corroboração probatória em crimes dessa espécie com o objetivo de redução da impunidade? *Revista Brasileira de Direito Processual Penal*, 8(2), 1007-1041.



- SHORT BIOGRAPHY OF THE ORGANIZERS:

Marcella Nardelli, a tenured Professor at Juiz de Fora Federal University specializing in procedural law, is a lawyer and researcher. She holds a doctorate in Criminal Procedure Law from Rio de Janeiro State University (UERJ), a master's degree in Public Policies and Procedural Law from Fluminense University Center (UNIFLU) and a bachelor's degree in Law from Vianna Junior Institute. She is a member of the research project "Prova sob Suspeita" of the Instituto de Defesa do Direito de Defesa (IDDD).

Livia Moscatelli is a doctorate candidate in Philosophy of Law at the University of Girona and holds a master's degree in Evidentiary Reasoning from the same institution. She holds a master's degree in Criminal Procedure and a bachelor's degree from University of São Paulo (USP). She is a member of the research project "Prova sob Suspeita" of the Instituto de Defesa do Direito de Defesa (IDDD) and served as a *pro bono* attorney for the *Innocence Project* Brazil.

- CALL FOR PAPERS:

Those interested should send by 15th September 2024 an abstract, in English, Spanish or Portuguese, with maximum of 300-400 words, indicating their paper proposal to the following email: provaeepistemologia@gmail.com.

Will be permitted to present the paper proposal in pairs. Thus, the paper proposal must present a hypothesis to elucidate the rationale behind the reduction in the standard of proof for certain crimes which may also encompass the challenges in gathering evidence for those specific crimes, the legal interest protected by the offense, the quantum of the assigned penalty, social or media influence, judicial authoritarianism, legislative policies, and other pertinent factors.