

Advanced Summer Programme

Countering Terrorism: *Legal Challenges and Dilemmas*

24 - 28 August 2015

*PROGRAMME

Monday 24 August (Day 1): Countering Terrorism: Introduction and Legal Frameworks

- 08.45 – 09.00** **Registration**
- 09.00 – 09.30** **Opening Summer Programme, including Introduction Round Participants**
Mr. Mark Singleton (*ICCT*)
- 09.30 – 10.00** **Introduction of the Programme, Asser Academy (online learning platform) and (Internet) Facilities T.M.C. Asser Instituut**
Dr. Christophe Paulussen (*T.M.C. Asser Instituut/ ICCT*)
- 10.00 – 11.30** **Defining Terrorism under International and Domestic Laws**
Judge David Baragwanath (*Special Tribunal for Lebanon*)
- Examines the various existing definitions of terrorism under international and domestic laws, exploring the reasons for the lack of a universally accepted definition, the usefulness/needlessness of such a definition and ways in which international organisations/governments/international & domestic courts deal with the lack of a universal definition.
- 11.30 – 11.45** **Coffee & Tea Break**
- 11.45 – 13.15** **Essential Counter-Terrorism Paradigms: The War Paradigm vs the Law Enforcement Paradigm**
Prof. Richard English (*University of St Andrews*)
- Historically-based introduction to the two major paradigms in counter-terrorism: The war paradigm vs. the law enforcement paradigm. The presentation also includes an assessment of the effectiveness of these paradigms, including ways in which they have been deployed post-9/11.
- 13.15 – 14.15** **Lunch**
- 14.15 – 15.30** **The Role of International Humanitarian Law in Countering Terrorism and its Challenges**
Dr. Yasmin Naqvi (*Organisation for the Prohibition of Chemical Weapons*)
- Explores the applicability of international humanitarian law in the context of terrorism. Which rules apply and is the current legal system still adequate in countering terrorism? Who is the enemy? Should the law be adapted to what some say is a new kind of war that needs new rules?

15.30 – 15.45 **Coffee & Tea Break**

15.45 – 17.00 **Extraordinary Rendition: Responsibility, Accountability and the Way Ahead?**
Dr. Helen Duffy (*Human Rights in Practice*)

Explores the applicability of international human rights law in the context of terrorism. Topics that will be addressed include the (non) derogability of certain rights, states of emergency, the extra-territorial applicability of human rights and also the correlation between human rights law and international humanitarian law in countering terrorism.

17.30 – 21.00 **Welcome Dinner at Restaurant El Gusto**
Address: Danckertsstraat 37, 2517 TE The Hague

Tuesday 25 August (Day 2): A Closer Look at the Battlefield

09.00 – 10.30 **The Global War on Terror and Beyond**
Prof. Richard English (*University of St Andrews*)

Historical overview leading up to the Global War on Terror (GWOT) and its aftermath. The presentation will also look into the effects of the concept's use and what kind of role it plays in the general counter-terrorism debate.

10.30 – 10.45 **Coffee & Tea Break**

10.45 – 12.15 **Targeted Killings and Detention Issues while Countering Terrorism**
Dr. Eric Pouw (*Netherlands Ministry of Defence*)

This presentation will look at targeted killings and detention issues in the context of counter-terrorism. The speaker will delve into not only the theoretical questions currently under discussion, including the applicable legal frameworks, but will also address these issues from a more practical and operational standpoint.

12.15 – 13.15 **Lunch**

13.15 – 14.45 **The Use of Drones in Countering Terrorism**
Ms. Jessica Dorsey (*T.M.C. Asser Instituut*)

This presentation will follow-up on the previous one and will look in more detail at a specific targeting mechanism, targeting via drones. The speaker will address the legality of specific drone operations, and will in addition discuss to what extent the use of drones is an effective counter-terrorism tool. Moreover, the speaker will also look into a new topic on the CT agenda: the position of EU member states on armed drones.

14.45 – 15.00 **Coffee & Tea Break**

15:00 – 17:00 **Movie: 'A Most Wanted Man'**

Wednesday 26 August (Day 3): From Investigation to Prosecution: How to build a Terrorism Case?

09.00 – 10.30

From Intelligence Gathering to Intelligence Sharing **Mr. Ronald Steen** (*Netherlands Public Prosecution Office*)

Among other things, this session will explore the 'Need to know' vs 'Dare to share' concepts. Have the Paris attacks led to more intelligence sharing with traditional and new allies? Is intelligence information only being used to start investigations or also used as evidence in court? And if so, how does this transformation take place? This session will also look more generally into the (expanding?) powers of the intelligence services.

10.30 – 10.45

Coffee & Tea Break

10.45 – 12.15

The Role of the Police in Countering Terrorism **Mr. Youssef Ait Daoud** (*The Hague Police*) and **Mr. Stephen Van den Bosch** (*The Hague Police/Municipality of The Hague*)

In this presentation, the speakers will go into the role of the police in countering terrorism. Issues that will be addressed are the role of the police in investigating terrorism cases and the topic of community policing.

12.15 – 13.00

Lunch

13.00 – 14.00

The Protection and Use of Witnesses in Terrorism Cases **Mr. Iwan Waltenburg and Mr. Chris O'Brien** (*Special Tribunal for Lebanon*)

In this presentation, the protection and use of witnesses in terrorism cases will be discussed. What is the importance of using witnesses in terrorism trials? Which types of witnesses and protective measures exist? Can anonymous witnesses be used and if so, how can it be reconciled with a right to a fair trial? How should evidence of anonymous witnesses be weighed and what is the experience of international tribunals on this topic?

14.15

Departure by bus to Eurojust

Gather in time in front of the Asser Institute; bus will leave at 14.15

15.00 – 17.00

Visit to Eurojust **Ms. Alinde Verhaag** (*Head of Case Analysis Unit*) **Mr. Salvatore Cannata** (*Case Analyst*)

18.00

Networking Reception at The Hague Institute for Global Justice Address: Sophialaan 10, 2514 JR The Hague

The reception will also be attended by participants of the following summer programmes which simultaneously take place in The Hague:

- International Criminal Law, organised by the University of Leiden-Grotius Centre;
- 'Access of Individuals to International Justice', organised by The Hague Academy of International Law;
- International & European Environmental Law, organised by the T.M.C. Asser Instituut.

Thursday 27 August (Day 4): Countering and Trying Terrorists

09.15 **Departure by bus to the Special Tribunal for Lebanon**
Gather in time in front of the Asser Institute; the bus will leave at 09.15

10.00 – 12.30 **Visit to the Special Tribunal for Lebanon**

13.00 – 14.00 **Lunch**

14.00 – 15.30 **Countering Terrorism at the Supranational Level: The Role of the UN and other International and Regional Players**
Dr. Bibi van Ginkel (*Clingendael Institute/ ICCT*)

In this presentation, the role of the UN, GCTF, CTED and other important international and regional players in countering terrorism will be addressed. How can the UN assist countries in prosecuting terrorists? What is the role of UN conventions and resolutions? What are currently the main issues at stake for the UN and other organisations? How is coordination and cooperation ensured among the different organisations?

15.30 – 15.45 **Coffee & Tea Break**

15.45 – 17.15 **Countering Foreign Terrorist Fighters: The Prevention Side**
Mr. Fulco van Deventer (*Human Security Collective*) and
Dr. Alastair Reed (*Centre for Terrorism and Counterterrorism/ICCT*)

In this session the speakers will provide a general introduction to the phenomenon of Foreign Terrorist Fighters (FTF), while focusing on the preventative dimension. Why do people go to Syria to fight? What are the push and pull factors? Is it possible to convince fighters-to-be not to go? How can local communities and civil society be engaged to counter violent extremism?

Friday 28 August (Day 5): Pressing Challenges in the Counter-Terrorism World

09.00 – 10.15 **Countering Foreign Terrorist Fighters: The Repression Side**
Ms. Lucia Ling (*Netherlands Ministry of Security and Justice*)

Following up on yesterday's session, this session will provide a more general introduction to possible measures in countering the FTFs threat, with a specific focus on the repressive dimension. Which are the legal frameworks at the international, regional and national level to counter FTFs? What is the role of UNSCR 2178 (2014) and the GCTF's Hague Marrakech Memorandum? Some attention will also be paid to travel restrictions and the withdrawal of passports and citizenships.

10.15 – 10.30 **Coffee & Tea Break**

10.30 – 12.00 **Prosecuting Foreign Terrorist Fighters: a Dutch Perspective**
Mr. Simon Minks (*Netherlands Public Prosecution Office*)

Yet again following up on the general overview of the last session, this session will feature a Dutch CT prosecutor, who will examine in detail how to prosecute FTFs on the national plane. Which kinds of court procedures exist to try them? What are the legal and practical challenges involved in these cases? Who can be held responsible for FTF-related activities? Can

prosecution be initiated before FTFs leave for the conflict or only after they have returned? Can recruiters or those who incite others to become FTF be held criminally responsible? Which laws are being used - existing domestic laws, terrorism legislation - or are new laws being drafted to criminalise the issue of FTFs? Do countries resort to extradition?

12.00 – 12.45

Lunch

12.45 – 14.00

Written Evaluation (*library*)

14.00 – 14.30

Closure and Certificate Ceremony

14.30 – 15.00

Coffee & Tea Break

15.00 – 17.00

High Level Panel on “The Dilemmas Involved in Countering Terrorism through the Internet: What’s at Stake?”

Terrorist organisations are increasingly making use of the Internet for recruitment, incitement and radicalisation purposes, but also for financing, planning and preparing terrorist attacks.

While several countries are working on new legislation providing the intelligence community far-reaching powers to crack down all communications on the Internet between terrorists, EU ministers increase pressure on the social media industry – such as Google, Facebook, and Twitter – to prevent the spread of radicalisation through the internet. However, these measures can have a serious impact on a range of important human rights as well, such as the rights to freedom of speech, freedom of expression, freedom of association and privacy. What are the possibilities legally speaking? And what’s at stake? The panellists will take a closer look at all the dilemmas countering terrorism through the internet can entail.

After a welcome and introduction of the panellists by ICCT Director Mark Singleton, Europol Director Rob Wainwright will discuss the new Europe-wide police unit that focuses on online recruiters and PR-materials. How does the unit work and what are the difficulties it faces? Verity Harding (Head Security and Counter Extremism, Google Europe) will explain more about the activities that a company as Google can undertake on this topic. Lastly, Dr. Quirine Eijkman (Campus The Hague, Leiden University) will discuss the impact these policies and activities (could) have on human rights, and what the underlying risks are that need to be taken into consideration. After these presentations there is room for questions and discussion.

Agenda:

14:45 – 15:00

Doors open, coffee and tea served

15:00 – 15:10

Welcome by Mark Singleton (Director, ICCT)

15:10 – 15:25

Rob Wainwright (Director, Europol)

15:25 – 15:40

Verity Harding (Head Security and Counter Extremism, Google Europe)

15:40 – 15:55

Dr. Quirine Eijkman (Researcher, Campus The Hague, Leiden University)

15:55 – 17:00

Discussion

17.00 – 19.00

Drinks

**Please note that this programme is subject to change*