

Advanced Summer Programme

Countering Terrorism: Legal Challenges and Dilemmas

28 August – 1 September 2017

PRELIMINARY PROGRAMME*

Monday 28 August (Day 1): Countering Terrorism: Introduction and Legal Frameworks

08:45 – 09:00	Registration
09:00 – 10:00	Opening Summer Programme Presentation of the programme, introduction round by participants, presentation of Asser Academy (online learning platform), and of facilities at the Asser Institute.
10:00 – 11:30	Defining Terrorism under International and Domestic Law This lecture will examine the various existing definitions of terrorism under international and domestic law, exploring the reasons for the lack of a universally accepted definition, the need (or lack thereof) for such a definition, and ways in which international institutions, governments, and courts address the question.
11:45 – 13:15	The War Paradigm and the Law Enforcement Paradigm This lecture will provide a historically-based introduction to the two major paradigms in counter-terrorism: the war paradigm and the law enforcement paradigm. It will assess the effectiveness of these paradigms, including ways in which they have been deployed post-9/11.
13:15 – 14:15	Lunch

- 14:15 – 15:45** **The Protection of Human Rights When Countering Terrorism**
- The lecture will identify trends and challenges in the unfolding inter-relationship between terrorism, counter-terrorism and human rights. Terrorism has a serious impact on human rights, but many of the measures adopted to counter terrorism have a corrosive effect on human rights and the rule of law. The lecture will explore how counter-terrorism strategies can be developed while respecting human rights.
- 16:00 – 17:00** **Countering Terrorism at the Supranational Level: Mapping the Role of the UN and other International and Regional Players**
- In this presentation, the respective role of the UN, GCTF, CTED and other important international and regional players in countering terrorism will be addressed. What are the key 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?
- 18:00 – 21:00** **Welcome Dinner**

Tuesday 29 August (Day 2): Military Approaches to Counter-Terrorism

- 09:00 – 10:30** **The Global War on Terror and Beyond**
- This lecture will provide an historical overview leading up to the Global War on Terror (GWOT) and its aftermath. It will look into the effects of the use of the notion, and what kind of role it has played in the counter-terrorism debate. It will also address the extent to which countries nowadays, through an expansion of the powers of security agencies, use of strong language and the resort to repressive measures, are falling into the 'post 9/11 trap'.
- 10:45 – 12:15** **Legal Justifications to the Use of Force Against Terrorist Groups**
- This presentation will analyse justifications put forward by States regarding the legality of using force against terrorist groups under jus ad bellum. Taking the anti-IS coalition in Syria as a case study, it will analyse the (evolving) contours of the right to self-defence, including the status of the test of 'unable or unwilling' and the limits of pre-emptive self-defence.
- 12:15 – 13:15** **Lunch**
- 13:15 – 14:45** **The Use of Drones in Countering Terrorism**
- This presentation will look at the increasing use of armed drones in the context of counter-terrorism. The speaker will address the legal framework of drone operations, and will also discuss to what extent the use of armed drones is an effective counter-terrorism tool. Moreover, the speaker will

look into cutting-edge topics on the counter-terrorism agenda: the position of EU member states on armed drones, the quest for transparency and accountability in armed drone use, and implications of the United States' release of a number of key documents in this regard.

15:00 – 16:30

Complicity in the Counter-Terrorism Operations of Other States

This lecture will address scenarios where a State, while not necessarily itself engaging in military counter-terrorism operations, provides various forms of support to the operations of another State. For instance, it has been reported that some States have provided critical intelligence later used to target individuals, or have allowed other States to use military bases in their territory. The speaker will analyse the legal consequences of such facilitation, and present ways in which complicit States can be held accountable.

17:00 – 19:00

Movie Screening

Wednesday 30 August (Day 3): Preventive Approaches to Counter-Terrorism

09:00 – 10:30

Countering Violent Extremism and Radicalisation

In this session the speaker will provide a sociological background to the prevention of the phenomenon of Foreign Terrorist Fighters (FTF) and terrorism more generally. Why do people resort to terrorism? 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? How to take into account these factors when drafting counter-terrorism policies?

10:45 – 12:15

The Use of Administrative and Security Measures to Protect from Terrorism

This lecture will address security measures aimed at protecting from terrorism. What legal tools are available prior to an attack, in order to prevent it from happening? How to address the threat posed by individuals suspected of being involved in terrorist activities, when there are not enough material elements to pursue a criminal investigation? The lecture will present a number of so-called administrative measures, such as travel bans and passport revocations, as well as surveillance tools used to monitor suspected individuals. It will also discuss how these security measures should be drafted and implemented in line with human rights.

12:15 – 13:00

Lunch

13:00 – 14:30

From Intelligence Gathering to Intelligence Sharing

This session will explore some of the basic concepts of intelligence (including acquisition and analysis) in the fight against terrorism. How are

foreign intelligence and domestic security interrelated? Why is it still difficult for intelligence agencies to share data with their national and international partners? How can analysts translate intelligence into actionable assessments?

15:30 – 17:00 **Study visit**

Thursday 31 August (Day 4): Repressive Approaches to Counter-Terrorism

09:30 – 12:30 **Study visit & on-site lecture**

The Protection and Use of Witnesses in Terrorism Cases

In this presentation, the protection and use of witnesses in terrorism cases will be discussed. Which types of witnesses and protective measures exist? Can anonymous witnesses be used and if so, how can this 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?

13:00 – 13:45 **Lunch**

13:45 – 15:15 **Repressing the phenomenon of Foreign Terrorist Fighters: An Introduction**

In this session, the speaker will provide a 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? How to ensure that criminal justice measures do not excessively impact human rights?

15:30 – 17:00 **Prosecuting Foreign Terrorist Fighters: A Practitioners Perspective**

This session will feature prosecutors who have been involved in terrorism cases. They 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? How can evidence be collected (on the internet)? Is it possible to prosecute a person who has allegedly died? And how do prosecutors deal with the interaction between international humanitarian law and national counter-terrorism law?

17:30 – 19:30 Networking reception

Friday 1 September (Day 5): Pressing Issues in Counter-Terrorism

09:00 – 10.30 European Homegrown Terrorism: Factors and Responses

This session will address the specific phenomenon of European homegrown terrorism. How and why do people become involved in terrorism? Why do only some of those who participate in such groups actually go on to use violence? The lecture will provide a state-of-the-art analysis of the various processes which lead some individuals to plan and perpetrate acts of terrorism. It will present structural and individual causes of European homegrown terrorism, and suggest possible responses to the phenomenon.

10:45 – 12:15 Police and Judicial Cooperation in Countering Terrorism

In this session, the issue of police and judicial cooperation, both at the domestic and international levels, will be discussed. Operational cooperation – internally and across borders – is essential to effective counter-terrorism strategies, yet it can be difficult to achieve in practice. The lecture will explore the relevant procedures and best practices aimed at cooperation in the fight against terrorism; and identify hurdles and shortcomings that may arise in practice. It will also discuss the respective value of formal and informal channels of cooperation, and enquire how to develop necessary trust amongst agencies and institutions.

12:15 – 13:15 Lunch

13:15 – 14:30 Written Evaluation

14:30 – 15:00 Closure and Certificate Ceremony

15:30 – 17.30 High Level Panel (*Topic To Be Decided*)

17:30 – 19:00 Reception

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