

## Advanced Summer Programme

### Countering Terrorism: Legal Challenges and Dilemmas

28 August – 1 September 2017

PROGRAMME

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

- 08:45 – 09:00**                    **Registration**
- 09:00 – 10:00**                    **Opening Summer Programme**
- 10:00 – 11:30**                    **Defining Terrorism under International and Domestic Law**  
*Judge David Baragwanath (Special Tribunal for Lebanon)*  
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.
- 11:30 – 11:45**                    **Break**
- 11:45 – 13:15**                    **Countering Terrorism at the Supranational Level: Mapping the Role of the UN and other International and Regional Players**  
*Professor Jan Wouters (KU Leuven)*  
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?
- 13:15**                                **Group photo**
- 13:20 – 14:15**                    **Lunch**
- 14:15 – 15:45**                    **The Protection of Human Rights When Countering Terrorism**  
*Professor Helen Duffy (Leiden University)*  
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.
- 15:45 – 16:00**                    **Break**
- 16:00 – 17:30**                    **The War Paradigm and the Law Enforcement Paradigm**  
*Professor Richard English (Queen's University, Belfast)*  
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.
- 18:00 – 21:00**                    **Welcome Dinner at Restaurant Amici (Van Speijkstraat 43, 2518 EV Den Haag)**

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

09:00 – 10:30

### **The Global War on Terror and Beyond**

*Professor Richard English (Queen's University, Belfast)*

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 concept's use 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, strong language and resort to repressive measures, are falling into the 'post 9/11 trap'.

10:30 – 10:45

### **Break**

10:45 – 12:15

### **Legal Justifications to the Use of Force Against Terrorist Groups**

*Dr Kinga Tibori-Szabó (Kosovo Specialist Chambers)*

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 preemptive self-defence.

12:15 – 13:15

### **Lunch**

13:15 – 14:45

### **The Use of Drones in Countering Terrorism**

*Jessica Dorsey (PAX)*

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.

14:45 – 15:00

### **Break**

15:00 – 16:30

### **Complicity in the Counter-Terrorism Operations of Other States**

*Andreas Schüller (European Center for Constitutional and Human Rights)*

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: 'Eye in the Sky'**

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

- 09:00 – 10:30**                    **Countering Violent Extremism and Radicalisation**  
*Dr Bibi van Ginkel (ICCT/Clingendael Institute)*
- In this session the speaker will provide a 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?
- 10:30 – 10:45**                    **Break**
- 10:45 – 12:15**                    **Integration of Prevention and Countering of Violent Extremism and Terrorism in a Peace and State Building Environment**  
*Anne Chris Visser (United Nations Assistance Mission in Somalia)*
- This session will bridge the theory of the abstract UN resolutions and requirements to the practice of operationalizing a national strategy in a state and peace building environment. What is prevention and countering of violent extremism? How to develop and assess implementation? PCVE specific vs PCVE relevant. Participants will get the opportunity to exchange views and engage in a group discussion.
- 12:15 – 13:00**                    **Lunch**
- 13:00 – 14:30**                    **From Intelligence Gathering to Intelligence Sharing**  
*Sergei Boeke (ICCT/Leiden University)*
- 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?
- 14:30 – 14:45**                    **Break**
- 14:45 – 16:15**                    **Interactive workshop: the Role of Europol in Countering Terrorism**  
*Paul Minnebo (Europol)*
- Following a presentation of Europol and its role in counter-terrorism, participants will get the opportunity to exchange views and engage in a group discussion.
- 19:00 – 20:00**                    **Networking reception organised by the Municipality of The Hague**  
The Hague Public Library (Spui 68, next to City Hall in the city centre), 11<sup>th</sup> floor

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

- 09:30 – 10:00**            **Study Visit Special Tribunal for Lebanon (STL)**, departure by bus from the Asser Institute at 09:30
- 10:00 – 10:15**            Security check STL
- 10:15 – 12:30**            **General Presentation on the Workings of the STL including a Lecture on the Protection and Use of Witnesses in Terrorism Cases**  
*Yaiza Alvarez Reyes (Special Tribunal for Lebanon)*  
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?
- 12:30 – 13:00**            Travel back to the Asser Institute by bus
- 13:00 – 14:15**            **Lunch**
- 14:15 – 15:15**            **The Use of Administrative Measures in Counter-Terrorism**  
*Dr Bérénice Boutin (Asser Institute/ICCT)*  
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, and will discuss the impact of these measures on the protection of human rights.
- 15:15 – 15:30**            **Break**
- 15:30 – 17:30**            **Prosecuting Foreign Terrorist Fighters: A Practitioners' Perspective**  
*Roger Lambrichts (Public Prosecution Service)*  
This session will feature 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?

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

- 09:00 – 10:30**                      **Police and Judicial Cooperation in Countering Terrorism**  
*Stef Wittendorp (ICCT/Leiden University)*
- 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.
- 10:30 – 10:45**                      **Break**
- 10:45 – 12:15**                      **Strategic Communications**  
*Dr Alastair Reed (ICCT)*
- This session will address the use of strategic communications in counter-terrorism. Understanding and confronting the propaganda messaging of terrorist groups is one of the most pressing challenges in the fight against terrorism and violent extremism. Counter-terrorism strategies increasingly refer to the need to develop counter-narratives, yet limited insights exist regarding the effectiveness of these campaigns. Based on recent empirical research, the lecture will present a number of key principles and guidelines for counter-terrorism strategic communications efforts.
- 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: Juveniles in Terrorist-Related Activities (public event)**
- The High Level Panel will bring together four experts in the field to discuss the involvement of juveniles in terrorist activity and approaches to this phenomenon within and beyond the criminal justice sector.
- In particular, *Nikita Malik (Centre for the Response to Radicalisation and Terrorism)* will discuss the roles children have assumed under Islamic State; *Céline Glutz (Switzerland Federal Department of Foreign Affairs)* will introduce how juvenile justice standards are implemented in the counter-terrorism context; *Lili-Anne de Jongh (International Juvenile Justice Observatory)* will share practical experiences with radical juveniles and give insights into general and local approaches; and *Liesbeth van der Heide (ICCT/Leiden University)* will focus on the steps that are taken with respect to rehabilitation and reintegration within and outside the prison context. The panel will be followed by a Q&A session
- 17:30 – 19:00**                      **Drinks**