

**Report:**  
**Advanced Summer Programme on Countering  
Terrorism:  
Legal Challenges and Dilemmas**  
**28 August – 1 September 2017**

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

**Session 1: Defining Terrorism under International and Domestic Law**

*Judge David Baragwanath (Special Tribunal for Lebanon)*

The Advanced Summer Programme opened with a lecture by Judge Baragwanath, who examined the various existing definitions of terrorism under international and domestic law and explored the reasons for the lack of a universally accepted definition, the need for such a definition, as well as ways in which international institutions, governments, and courts addressed the question.

Noting that there currently exist more than 250 definitions of terrorism, Judge Baragwanath pleaded for the need to find common ground on an all-inclusive single definition and to make terrorism an international crime. Taking the crime of piracy as an example, he argued that a specific definition of terrorism as an international crime is nowadays necessary to respond to the increasingly global nature of the terrorist threat. In that sense, he denounced the current systemic failure of the law's response to terrorism and stressed the importance for States, the UN Security Council, and international courts and tribunals to work together in recognising terrorism as a crime of customary international law, either by international treaty, resolution under Chapter VII of the UN Charter or judicial decision. He also reflected on whether terrorism is definable under international criminal law, highlighting the position of the UN Security Council and referring to existing international conventions, and stressed the need for achieving coherence in the law.

Recalling Article 38 (1) (d) of the Statute of the International Court of Justice (ICJ), Judge Baragwanath insisted on the importance of international and national judicial decisions and doctrine, and on the role of the judiciary in the making of international law. He concluded by discussing some examples of relevant jurisprudence on terrorism from the ICJ, the Special Tribunal for Lebanon, the Supreme Court of the United Kingdom (UK), and the Supreme Court of the Netherlands, among others, and reiterated that a definition and a crime of international terrorism can and must be created.

**Session 2: Countering Terrorism at the Supranational Level: Mapping the Role of the UN and other International and Regional Players**

*Professor Jan Wouters (KU Leuven)*

This presentation addressed the respective role of the UN, the Global Counterterrorism Forum (GCTF), the Counter-Terrorism Committee Executive Directorate (CTED), and other important international and regional players in countering terrorism and explored matters of coordination and cooperation between the UN and other organisations.

Professor Wouters started by outlining the legal and institutional framework governing terrorism on the global scale, noting a proliferation of instruments at the UN level. He noted that a great number of international treaties has been elaborated based on an instrumental approach to terrorism, for example in areas such as civil aviation and maritime navigation, the financing of terrorism, and terrorist bombings, while a comprehensive convention on international terrorism is still notoriously lacking. He explained the importance and weight of a number of key UN Security Council resolutions which condemned and criminalised terrorist acts while omitting to define terrorism, noting that the UN Security Council has increasingly acted as legislator, as illustrated by the *Lockerbie* case. Concerning the institutional aspects of the UN's action against terrorism, Professor Wouters commented on the role of the expanding number of Committees that have been created by the UN Security Council since the end of the 1990s to monitor the implementation of sanctions adopted under its resolutions. He also elaborated on the purpose and mission of the GCTF.

At the regional level, Professor Wouters noted that the European Union (EU) acted in response to terrorist events rather than preventively, notably by seizing the momentum of post-9/11 to implement an agenda of cooperation in criminal matters and by intensifying its political will after the Madrid and London attacks. He also described how the Lisbon Treaty, in particular by the means of its solidarity clause and the disappearance of the former pillar structure, had an impact on the EU's action in addressing the cross-cutting topic of terrorism and how the specificity of the EU's Common External and Security Policy (CESP) interplayed with this process. He concluded by discussing the EU Members States' compliance with the UN counter-terrorism framework, taking the *Kadi* case as an example.

### **Section 3: The Protection of Human Rights When Countering Terrorism**

*Professor Helen Duffy (Leiden University)*

In this lecture, Professor Duffy identified trends and challenges in the unfolding inter-relationship between terrorism, counter-terrorism and human rights, noting that terrorism as well as the measures adopted to counter it have a serious impact on human rights and the rule of law. Examining more specifically the multi-faceted relationship between security and human rights, Professor Duffy explored the implications of the definition and scope of terrorism, the applicability of human rights norms in the fight against terrorism, and the notion of a rule of law approach to counter-terrorism, remedy and accountability.

More specifically, she explained that, while adopting measures to counter terrorism is a human rights obligation incumbent upon States, human rights also provide for a flexible rule of law framework and should be part of any effective and long-term strategy to combat terrorism. To this end, she discussed avenues for achieving complementarity between the imperatives of security and respect for human rights, in particular by applying the criteria of necessity. She observed however that certain fundamental rights, such as the right to be protected against torture, cannot be balanced in the name of security.

Turning to the debate around the lack of a global definition of terrorism, she guarded against the dangers of a too broad definition, underlying that imprecise legislation to tackle terrorism

can also be used by governments for the purpose of repressing human rights defenders and undermining the rule of law.

Professor Duffy also discussed issues related to the scope of application of international human rights law in terms of personal, temporal and territorial jurisdiction, relying on specific provisions of international human rights treaties as well as on some key decisions of international and regional courts and bodies, such as the ICJ, the European Court of Human Rights (ECHR), and the UN Human Rights Committee. She concluded by discussing rule of law responses to human rights violations.

#### **Session 4: The War Paradigm and the Law Enforcement Paradigm**

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

Professor English's first presentation focused on two paradigms through which States may address terrorism and counter-terrorism, namely, the war paradigm and the law enforcement paradigm. In a historically-based introduction, he described the increased interest in terrorism since 9/11 and suggested that it is likely any response to terrorism will involve elements of both paradigms, triggering the question of how they should be balanced.

Professor English highlighted five main ideas when considering this topic: first, when addressing terrorism, there tends to be an amnesia through which past experiences are not considered to be relevant or are passed over due to perceived differences; second, there is an intimate relationship between acts of terrorism and the corresponding counter-terrorism responses that can be either destructive or productive; third, there is a need to be objective and emotionless when dealing with terrorism; fourth, the particular context of each counter-terrorism situation needs to be considered and catered to; and, fifth, there is a need to be realistic towards the public about the goals and aims of any counter-terrorism activity.

In addressing the war paradigm, Professor English highlighted that there are certain advantages to relying on a military response. For example, while terrorists often frame their fight in a "war" context, citizens may feel safer with a military response and it may well be effective. However, he argued that a military response risks blow back: since it might be perceived as a foreign occupation, it can feed a sense of revenge, encourage further recruits, and, ultimately, fuel terrorism. In contrast, the law enforcement paradigm may be able to temper some of these collateral damages by focusing on the protection of human rights, promoting trust within communities and looking at the long-term consequences of any action undertaken. Ultimately, Professor English suggested that all responses to terrorism should use elements of both paradigms that are well coordinated, both internally and externally.

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

#### **Session 1: The Global War on Terror and Beyond**

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

Professor English began his second presentation by emphasising that we cannot consider current circumstances or situations without understanding the decisions of the past. He observed that although ISIS is a new version of things we have seen before, the broad pattern is very well known, and the motivations of foreign fighters in Iraq and Syria are not so different from those of previous terrorist groups. Noting that ideological beliefs are often considered to be primary drivers for terrorist groups, he expressed scepticism about the extent to which

ideology truly plays a role and underlined that monetary reward, revenge, identity and minority oppression are other examples of valid drivers for terrorists.

According to Professor English, high grade intelligence and its correct interpretation is essential for an effective counter-terrorism strategy, and the high cost of extensive surveillance is still cheaper than the probable economic impact of a terrorist attack. In terms of law and credibility, there is a need to recognise the dark moral decisions required for countering terrorism and to create legal frameworks that protect the liberal democracy and allow for effective counter-terrorism measures. While terrorists tend to lose credibility over time, it is up to those conducting counter-terrorism to ensure they do not overstep their legal executive power in order not to lose credibility themselves.

Rejecting the idea that terrorists are inherently drawn to violence because of mental problems, Professor English emphasised the need to understand root causes of terrorism and stressed that the use of that knowledge in intelligence gathering is essential in countering terrorism. In concluding, he underlined that the exaggeration of the terrorist threat, the overuse of military force, and the misdiagnosis of the cause are ongoing issues in the war on terror.

## **Session 2: Legal Justifications to the Use of Force Against Terrorist Groups**

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

This presentation analysed justifications put forward by States regarding the legality of using force against terrorist groups under *jus ad bellum*.

First, Dr. Tibori-Szabó outlined the legal bases for the use of force under international law and elaborated on the historical development of the prohibition on the use of force and its two exceptions under Chapter VII of the UN Charter, namely, collective enforcement measures and the right to self-defence, including its customary law dimension. Second, she addressed the difficulties in identifying terrorist groups as targets of the use of force and observed that the “terrorist” label on a group is irrelevant to the application of the international law on the use of force given their status of non-State actors (NSAs). Third, Dr. Tibori-Szabó explored whether or not collective enforcement measures and the right to self-defence can be applied against terrorist groups.

Noting that the UN Charter does not refer to the author of a breach or threat to peace, she elaborated on the recent practice of UN Security Council resolutions that can be interpreted as calling for collective enforcement measures against the Islamic State (IS) and other terrorist organizations. She then described how the position of the international community on the application of the right to self-defence against NSAs has evolved, from the 1837 *Caroline* incident to the post-1945 dominant rejection of the use of force against NSAs and to the 2002 so-called “Bush doctrine”.

She subsequently discussed in more detail the application of the right to self-defence against NSAs by analysing the application of the necessity criterion, the question of attributability of acts of terrorist armed groups to States, including the controversial “unwilling and unable” test, and the customary law principle of proportionality. She illustrated her points by reflecting on contemporary examples such as the US invasion of Afghanistan and Iraq and the more recent interventions in Yemen, Somalia and Syria.

## **Session 3: The Use of Drones in Countering Terrorism**

*Jessica Dorsey (PAX/ICCT)*

Ms. Dorsey began by discussing the background to the use of drones within counter-terrorism, outlining some of the advantages and disadvantages for their use, alongside some data on the use of drones and their estimated civilian casualties. She emphasised the importance of understanding the purpose and objectives of the use of drones to analyse their effectiveness, and underlined the need to maintain pressure upon all parties to increase transparency and openness with their practice of using armed drones as a counter-terrorism tool.

After presenting the legal framework for drone strikes and targeted killings, including rules of *jus ad bellum*, *jus in bello* as well as the counter-terrorism and law enforcement paradigm, Ms. Dorsey examined how drone strikes can be carried out within these systems. She went on to discuss the effectiveness of drones as a counter-terrorism tool by defining the aims and expected benefits for their use and analysing the resulting cost/benefit relation. Among other things, she highlighted that the focus on eliminating the enemy at a minimal financial and human cost often lacks a longer-term strategic objective that would take into account the long-lasting effects of drone use.

Turning to policy issues, Ms. Dorsey highlighted that only a few European countries have openly pronounced themselves on how they interpret the legal framework on the use of armed drones, while the majority is taking a “wait and see” approach. She highlighted that a European position on the use of armed drones should include a human rights approach focusing on transparency, oversight and accountability for drone strikes.

Her presentation concluded with an interactive discussion about the legal justifications invoked by the US Administration in the conduct of its drone programme based on the release of key documents in this regard.

#### **Session 4: Complicity in the Counter-Terrorism Operations of Other States**

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

This lecture addressed 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, such as sharing critical intelligence later used to target individuals or allowing other States to use military bases in its territory. More specifically, Mr. Schüller analysed the legal consequences of such facilitation and presented ways in which complicit States can be held accountable.

Mr. Schüller started by marking the distinction between, on one hand, aiding and assisting as a form of State responsibility, and, on the other hand, complicity as a form of individual responsibility. Focusing on the former, he outlined the current international legal framework governing the responsibility of States for wrongful acts and its inherent contradictions, including the UN Charter, international humanitarian law and human rights law as well as Article 16 of the ILC articles on State responsibility. He analysed in detail certain conditions, such as the nexus between aid or assistance and the wrongful act, the “mental element”, and the requirement that the wrongful act would be wrongful if committed by the assisting State. Concerning the mental element, he commented on the requirements of knowledge by the assisting State of the commission of a wrongful act by the recipient State (including the principle of due diligence), as well on the element of “intent”.

Mr. Schüller concluded by discussing some challenges related to the enforcement of responsibility by international and domestic courts and elaborated on some recent case law, notably from the ECHR, illustrating the different ways in which a State can be deemed to have facilitated or contributed to the commission of a wrongful act by another State. This included providing assistance to arrests, transfers, and interrogations, or authorising black sites, overflights, and the use of airbases in the context of the US extraordinary rendition programme. He also discussed issues related to the sharing of data, airbases and satellite capacities in the context of the global drone programme, including targeted killings. The examples mentioned involved notably Germany, Poland, Macedonia, Pakistan and Italy. He concluded by underlying the importance of regular risk-assessment, due diligence test, accountability mechanisms and international transparency to reduce the risks of assisting unlawful acts.

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

#### **Session 1: Countering Violent Extremism and Radicalisation**

*Dr. Bibi van Ginkel (ICCT/Clingendael Institute)*

In this session, Dr. Van Ginkel provided an overview of key issues with regards to the prevention of terrorism. She underlined that to understand the process of radicalisation, it is necessary to identify the different push and pull factors that entice people to engage in terrorism and their interaction in a specific context. While different models can explain possible pathways of radicalisation, individuals have unique personal reasons for radicalising, and the specific context applicable to their situation may provide them with different triggers for doing so. Therefore, it is important to understand how the root and trigger causes of radicalisation influence individual, social and macro/external factors of radicalisation that are unique for each individual.

Dr. Van Ginkel also highlighted that the combination of many internal and external factors, some of which are beyond a person's control, may steer a person to radicalise. Internal factors include for instance whether a person is easily susceptible to being influenced. External factors are typically peer pressure, extremist recruiters, and lacking economic opportunities. She also stressed the need to protect moderate voices that help preventing the spreading of radical interpretations of an ideology, such as imams that teach about moderate visions of Islam, and underlined that integration works better when identities are allowed to co-exist.

Dr. Van Ginkel further discussed the differences between policies aimed at countering terrorism (CT), countering violent extremism (CVE) and preventing violent extremism (PVE). She noted that the post-9/11 focus on security made approaches to CT repressive, and that as a result the connection between human rights and terrorism has been long ignored. Currently, she observed, both the CVE hard-line approach and the PVE soft power approach are used, with prosecution, administrative measures, disengagement, rehabilitation and reintegration. She noted that a soft power approach allows for the inclusion of affected groups like the youth, and that a multi-stakeholder approach is useful when conducting PVE.

#### **Session 2: 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)*

Using Somalia as a case-study, Ms. Visser discussed the development and implementation of strategies for preventing and countering violent extremism (PCVE) in a conflict setting, and provided insights from practice in this regard.

After describing Somalia's complex political structure and territorial division between different pro-government forces and Al-Shabaab, Ms. Visser noted that the varying grievances of the different regions of the country have produced unique drivers of radicalisation. Taking advantage of an embedded clan structure and a weak civil society, Al-Shabaab has been effective at exploiting grievances of groups that felt neglected by the Somali government.

Ms. Visser observed that, as part of an effective PVE strategy for Somalia, the two UN missions and the African Union (AU) mission currently operating in the country, in cooperation with the Government of Somalia and international partners, have adopted a comprehensive approach to security (CAS) catered specifically for Somalia. She identified four strands in Somalia's State-building process: strengthening the national military to replace the AU's troops in two years; establishing a civilian justice system; setting up a functioning governance system that can fill the vacuum left behind by Al-Shabaab; and applying a functioning PCVE strategy focused on targeted interventions. She underlined that the State-building process must be carried on by a government that is and appears legitimate and avoid creating a militaristic society.

According to Ms. Visser, an effective PCVE strategy must build on a cyclical approach which incorporates strategic policy, regional programmes and regular re-evaluation. She underlined that policies should: be geared to providing people basic services to address local root causes of radicalisation specific to their region; include education of the local population about radicalisation and legal training for judges; focus on the youth, given Somalia's young population; and have a strategic communications plan. In conclusion, she noted that these are long-term good practices which should be cultivated over time rather than imposed.

### **Session 3: From Intelligence Gathering to Intelligence Sharing**

*Sergei Boeke (ICCT/Leiden University)*

This session explored some of the basic concepts of intelligence in the fight against terrorism and discussed fundamental questions, such as: 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?

Mr. Boeke began by stressing the importance of understanding the role and mandate of any intelligence agency one may deal with and explained the distinction between HUMINT (human intelligence) and SIGINT (signals intelligence), the variances between intelligence and law enforcement agencies, as well as the differences between national security services and foreign intelligence services. Importantly, he highlighted that a successful intelligence operation will likely be kept secret, whereas an unsuccessful one may well receive significant media coverage.

Furthermore, Mr. Boeke described the role of analysts within the intelligence systems as being those who collect the various strands of information and provide advice or make a determination as to whether it is actionable. He further suggested that both SIGINT and HUMINT have vital roles to play but may have different qualities or values. For example, SIGINT is faster but may still be unreliable, whereas HUMINT may be more reliable but the networks used to gather it take longer to build.

Finally, Mr. Boeke underlined that the potential role of intelligence sharing between agencies or between States raises numerous questions. For example, is the raw data or the analysis to be shared? Should sources, including human sources, be shared? Who should information be shared with? On the international level, he commented on the Five Eyes programme as an example of successful intelligence sharing.

#### **Session 4: The Role of Europol in Countering Terrorism**

*Paul Minnebo (Europol)*

In this session, Mr. Minnebo presented an overview of the European Union Agency for Law Enforcement Cooperation (Europol). Notably, he described how the idea of establishing a supra-national police organisation originated in 1991 and how it evolved from an intergovernmental body to an EU Agency. He underlined Europol's role as a law enforcement organisation that supports EU Member States with policy analysis and advice as well as information exchange relating to crimes, including terrorism. He also highlighted the extent of Europol's operational and strategic cooperation agreements and commented on its role in relation to other key actors as well as in counter-terrorism in the EU framework, both at political and operational levels.

Mr. Minnebo highlighted that while Europol has traditionally focused on drug-related crime, terrorism has generated more attention since recent attacks. He elaborated on several databases and methods used by Europol in its counter-terrorism activities, including: European Information System; Analysis Work File (AWF)-Organised crime; Analysis Work File (AWF)-Counter-Terrorism; and the EU Internet Referral Unit. Europol also uses the Secure Information Exchange Network Application (SIENA) used by 43 counter-terrorism units of EU Member States.

Mr. Minnebo further discussed certain issues of concern to Europol in relation to counter-terrorism operations, including borderless terrorism, multi-layer funding, networked and lone-wolf terrorism, soft and symbolic targeting, the nexus between crime and terrorism and the nexus between migration and terrorism. He stressed that IS is currently the major concern in Europe, with potential attackers including domestic extremists, IS recruits (potentially refugees), Jihad returnees and IS operatives from Syria and Iraq, and noted that Europol has the capacity to assist a target country's investigations following an attack at the country's request.

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

##### **Session 1: Study Visit to the Special Tribunal for Lebanon (STL): Presentation on the Workings of the STL, and Lecture on the Protection and Use of Witnesses in Terrorism Cases**

*Shannon Soreen Raj (Chambers) and Yaiza Alvarez Reyes (Victims and Witnesses Unit)*

The first presentation by Ms. Shannon Soreen Raj gave an overview of the establishment, mandate, organisation and structure of the Special Tribunal for Lebanon (STL) as well as of its applicable law. Ms. Raj started by describing how the events of 14 February 2005 in Beirut were referred to as a terrorist attack by the UN Security Council, directly affected many Lebanese and led to the creation of the STL by a resolution adopted under Chapter VII of the UN Charter. She noted that its primary mandate can be extended, under certain conditions, to other connected attacks.

Furthermore, she explained how the international character of the Tribunal is reflected in the composition of its chambers and in its governing law, and more specifically how the Lebanese Criminal Code, international law, and the STL Rules of Procedure and Evidence are applied by the Tribunal. She also elaborated on some unique features of the Tribunal such as its jurisdiction over terrorist crimes, potential for in absentia trials, special modalities of victim's participation, and the role of the pre-trial judge. She concluded by providing an insight into the Prosecutor's theory with regards to technical evidence in the *Prosecutor v Ayyash et al.* case, and commented on the STL's 2016 contempt of court decision.

In the second presentation, Ms. Alvarez Reyes explained the purpose of the Victims and Witnesses Unit and its methods of intervention as an independent and neutral body within the Registry of the Tribunal, underlying the importance of its role in facilitating the appearance of victims and witnesses before the Tribunal. She stressed that the Unit is responsible not only for protecting the safety and physical integrity of victims and witnesses as well as other individuals put at risk by testimony, but also for the preservation of their dignity and privacy through the legal proceedings before the STL.

She elaborated on a number of procedural protective measures that can be applied, such as the non-disclosure of information or identity, as well as on the legal requirements for their application, notably the criteria of necessity and proportionality. Considering the specific challenges associated with terrorism cases, she commented on the possibility of using anonymous witnesses and on how such measure can be reconciled with the right to a fair trial. In conclusion, she spoke about the Protection Programme provided for by the STL Rules of Procedure and Evidence for the relocation of victims and witnesses deemed to be at risk of imminent and serious harm or death in relation with their participation or testimony before the Tribunal.

## **Session 2: The Use of Administrative Measures in Counter-Terrorism**

*Dr. Bérénice Boutin (Asser Institute/ICCT)*

Dr. Boutin's lecture addressed security measures aimed at protecting from terrorism and analysed questions such as: 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? She presented a number of those so-called administrative measures, such as travel bans and passport revocations, and discussed the impact of these measures on the protection of human rights, for example on the right to due process and the freedom of movement.

Defining administrative measures as restrictive measures issued by the executive and subject to limited judicial review, Dr. Boutin explored their application through two case studies: restrictions on movement and exclusion measures in the UK, and measures imposed under the state of emergency in France. She underlined some of the concerns and criticism of these measures, notably that broad and unclear criteria open the door to abuse and excess, and pose serious difficulties for judges and lawyers in the taking and production of evidence. In particular, she pointed to the hazards associated with the fact that a number of measures which traditionally pertained to the realm of criminal justice, like restrictions to liberty, are now entering the administrative field.

Dr. Boutin also discussed the rationale behind the use of administrative measures, notably as protective measures or as an alternative to criminal prosecution, and the possibility of using secret intelligence to uncover terrorist links. Broader legal and policy issues arising from the application of administrative measures include, notably, the permanence and normalisation of exceptional measures, the concentration of power with the executive, and the risk that the current “legislative fever” and accompanying anti-human rights discourses ultimately ends up feeding radicalisation.

### **Session 3: Prosecuting Foreign Terrorist Fighters: A Practitioners’ Perspective**

*Roger Lambrichts (Advocate General)*

From the Dutch Public Prosecution Service, Mr. Lambricht gave a presentation about the prosecution of Foreign Terrorist Fighters (FTFs) in the Netherlands. As part of its comprehensive action programme, the Netherlands is concerned with protecting democracy and the rule of law, combatting and weakening the domestic jihadist movement and removing breeding grounds for radicalisation. Mr. Lambricht explained that current domestic intervention includes five types of measures:

- 1) Criminal, administrative and social measures that aim at reducing the risk of FTFs returning;
- 2) Various travel interventions, including minor protective measures, arrest prior to departure and withdrawal of travel documents;
- 3) Disrupting opportunities for radicalisation by targeting recruiters;
- 4) Preventing violent extremist propaganda dissemination through social media;
- 5) Information sharing and cooperation through joint risk and intervention assessment, context-specific interventions and the creation of expert groups.

After presenting the organisation of Dutch Courts and Public Prosecution Service, Mr. Lambricht highlighted the role of the *Veiligheidshuis*, a successful national example of an information sharing hub which conducts case reviews at a local level and works with partners ranging from municipalities, local police and welfare organisations. However, as Mr. Lambricht underlined, collecting evidence remains difficult, especially in conflict areas.

Mr. Lambricht also explained that Dutch law does not provide for a specific procedure for the prosecution of FTFs, although there exists a special regime for detainees, including a “terrorist section”, and coercive measures regarding suspects were broadened. He concluded by highlighting the relevant provisions of the Dutch Criminal Code which are used in the prosecution of FTFs, including specific articles on the definition of terrorism, recruitment and incitement as well as on the financing of terrorism, among other things.

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

### **Session 1: Police and Judicial Cooperation in Countering Terrorism**

*Stef Wittendorp (ICCT/Leiden University)*

Mr. Wittendorp’s presentation focused on domestic and cross-border police and judicial cooperation as an essential counter-terrorism strategy. Exploring the relevant procedures and best practices aimed at cooperation in the fight against terrorism, Mr. Wittendorp identified the hurdles and shortcomings of operational cooperation both at the national and international level.

Starting from the assumption that obstacles and frictions in cross-border cooperation are inevitable, Mr. Wittendorp explored in more details some of its inherent challenges, including sensitivity and trust, the dependence on others and other organisational difficulties that can lead to misspelling of names or wrong listing, among other issues. He warned against the risks of information overload in what he calls the process of “connecting the dots”: As an increasing number of public and private organisations such as banks and airlines become involved in data sharing, the amount of information continues to grow and therefore it becomes increasingly difficult to establish the right connections between scattered pieces of information before a terrorist attack occurs.

Highlighting that the success of international judicial cooperation depends on domestic success, Mr. Wittendorp outlined the respective competences and institutional organisation of security, intelligence, military and signals in the UK, the Netherlands, Denmark and the United States. Turning to the different forms of cooperation, he discussed the respective value of bilateral and multilateral, formal and informal as well as top-down and bottom-up channels of cooperation, noting that bilateral cooperation remains the preferred way of sharing information between national jurisdictions for the advantage it provides in terms of reciprocity. He also underlined the utility of multilateral cooperation in building the necessary trust amongst agencies and institutions, which is a time-consuming process.

## **Session 2: Strategic Communications**

*Dr. Alastair Reed (ICCT)*

Dr. Reed addressed the use of strategic communications in counter-terrorism by drawing on research done by the ICCT as part of the Counter-Terrorism Strategic Communications (CTSC) project. Noting that understanding and confronting the propaganda messaging of terrorist groups is one of the most pressing challenges in the fight against terrorism and violent extremism, Dr. Reed stressed the need to develop counter-narratives and discussed the effectiveness of such campaigns.

While propaganda is intended to generate fear amongst the population, the use of a strategic communications campaigns by terrorist groups can be used to foster the radicalisation of individuals. Dr. Reed explained that such framework works most effectively when all the sum of its parts work to reinforce the others in order to create a narrative of terrorist propaganda: on the macro-level, relevant messages have to reach and resonate with those individuals it is targeting; the mezzo-level refers to the means of delivering a message, the messenger and the format; and the micro-level refers to rational and identity choice, defensive and offensive messaging as well as the “say-do-gap”.

Dr. Reed stressed that a strategic communications campaign is more likely to be successful if it is based on the cumulative effects of a multi-dimensional messaging strategy and highlighted some key strategic policy principles in that respect, such as the diversity of messaging, the use of core themes and of a variety of media as well as the synchronisation with politico-military efforts. Dr. Reed also discussed the role of instructional material in jihadist propaganda, the concepts of “just terror” and “open source jihad”, noting that instructional material should be understood in the greater context of overall IS propaganda where it gradually cultivates a system of meaning. He concluded by presenting some lessons for counter-terrorism strategic communications, such as the linkage-based approach and the simple core or overarching narrative.

## High Level Panel: Juveniles in Terrorist-Related Activities

The week was concluded with a High Level Panel opened to external participants, on the topic of 'Juveniles in Terrorist-Related Activities'. For a report, please visit: <https://icct.nl/update/report-icct-high-level-panel-on-juveniles-in-terrorist-related-activities/>