

Summer Programme

Countering Terrorism in the Post-9/11 World: Legal Challenges and Dilemmas

25-29 August 2014

*PROGRAMME

Monday 25 August (Day 1): Countering Terrorism: Introduction and Legal Frameworks

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| 08.45 – 09.00 | Registration |
| 09.00 – 09.15 | Opening Summer Programme |
| 09.15 – 09.45 | Introduction of the Programme, Assersversity Learning Platform and (Internet) Facilities TMCAI
Peter Knoope (<i>Director ICCT</i>) and Christophe Paulussen (<i>T.M.C. Asser Instituut/ ICCT</i>) |
| 09.45 – 10.00 | Introduction Round Participants |
| 10.00 – 11.30 | Defining Terrorism under International and Domestic Laws
Guido Acquaviva (<i>Special Tribunal for Lebanon</i>)
Confirmed

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
Richard English (<i>University of St Andrews</i>)
Confirmed

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 – 15.15 | The Role of International Humanitarian Law in Countering Terrorism and Its Challenges
Yasmin Naqvi (<i>International Criminal Tribunal for the former Yugoslavia</i>) |

Confirmed

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?

15.15 – 15.30

Coffee & Tea Break

15.30 – 16.30

The Role of International Human Rights Law in Countering Terrorism and Its Challenges

Helen Duffy (*International Lawyer, Human Rights in Practice*)

Confirmed

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.

18.00 – 21.00

Welcome Dinner at Restaurant Juliana's (Plaats 11
2513 AD Den Haag)

Tuesday 26 August (Day 2): A Closer Look at the Battlefield

09.00 – 10.30

The Global War on Terror and Beyond

Richard English (*University of St Andrews*)

Confirmed

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

Wherever War? Whenever War?

Jessica Dorsey (*T.M.C. Asser Instituut*)

Confirmed

This presentation will look into the geographic and temporal limitations to armed conflict in countering terrorism. When does an armed conflict start and when does it end? How long can detainees stay in Guantanamo Bay? Is the concept of self-defence stretched in the fight against terrorism? Is an armed conflict related to a "hot battlefield" or does it follow the participants wherever they may go?

12.15 – 13.15

Lunch

13.15 – 14.45

Targeted Killings and the Use of Drones in Countering Terrorism: Legal, Moral, Technical and Efficiency Issues

Quirine Eijkman (*Leiden University*)

Confirmed

This presentation will look at targeted killings in the context of counter-terrorism, both in the war paradigm and the law enforcement paradigm. It will specifically focus on the use of drones in targeted killings. Which legal

standards apply, which moral issues play a role, what are the technical features of drones and perhaps most importantly: is the use of drones efficient or counter-productive? The presentation will specifically focus on the situation in Pakistan and Yemen.

14.45 – 15.00 Coffee & Tea Break

15:00 – 17:00 Movie: “Five Years (Kurnaz – Fünf Jahre Leben)”

Wednesday 27 August (Day 3): From Investigation to Prosecution: How to Build a Terrorism Case?

**09.00 – 10.30 The Role of the Police in Countering Terrorism
Mr. Ait Daoud and Mr. van den Bosch
Confirmed**

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.

10.30 – 10.45 Coffee & Tea Break

**10.45 – 11.45 The Role of Intelligence in Countering Terrorism
Bibi van Ginkel (*Clingendael Institute/ ICCT*)
Confirmed**

In this presentation, the role of the intelligence (gathering) in countering terrorism will be discussed. Is intelligence information being used to start investigations or also used as evidence in court? Which powers do the intelligence services have? To what extent have the Snowden revelations changed anything? In what aspect is the intelligence services' mandate different from the police? Are the intelligence and police services growing more towards each other and is this a good development?

11.45 – 12.00 Coffee & Tea Break

**12.00 – 13.00 The Protection and Use of Witnesses in Terrorism Cases
Iwan Waltenburg (*Special Tribunal for Lebanon*)
Confirmed**

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?

13.00 – 14.00 Lunch

**15.00 – 17.00 Visit to Eurojust
Confirmed**

Thursday 28 August (Day 4): Trying Terrorists

- 09.15** Departure by bus to the Special Tribunal for Lebanon (gather at the T.M.C. Asser Instituut)
- 10.00 – 12.30** **Visit to the Special Tribunal for Lebanon (STL)**
Confirmed
- 12.30 – 13.00** Travel back to the Asser Instituut
- 13.00 – 14.00** **Lunch**
- 14.00 – 15.30** **Trying Terrorists Domestically**
Alexander van Dam (*Senior Public Prosecutor, the Netherlands*)
Confirmed
- Examines how terrorists are brought to justice on the national plane. Which kinds of court procedures exist to try them? The presentation will address a number of terrorism cases from the Netherlands from the perspective of a Dutch counter-terrorism prosecutor.
- 15.30 – 15.45** **Coffee & Tea Break**
- 15.45 – 17.15** **Trying terrorists ‘internationally’: the role of the UN**
David Scharia (*United Nations Security Council Counter Terrorism Committee Executive Directorate, CTED*)
Confirmed

Friday 29 August (Day 5): Pressing Challenges in the Counter-Terrorism World

- 09.00 – 12.00** **Practical Workshop Foreign fighters: definitions, legal challenges and threat assessment by Edwin Bakker** (*Leiden University/ ICCT*) **and Jirko Patist** (*Public Prosecution Service, the Netherlands*)
Confirmed
- 12.00 – 12.45** **Lunch**
- 12.45 – 14.00** **Written Evaluation**
- 14.00 – 14.15** **Coffee & Tea Break**
- 14.15 – 15.00** **Informal Evaluation Round, Closure and Certificate Ceremony**
- 15.00 – 17.00** **High Level Panel on “The Use of Military Evidence in Counter-Terrorism”**
- 15:00 – 15:10** : Welcome – Christophe Paulussen (*T.M.C. Asser Instituut / ICCT*)

15:10 – 15:20 : Introduction to the topic – Bibi van Ginkel (*Clingendael Institute/ ICCT*)

15:20 – 15:30 : The UN approach, perspectives and challenges – David Scharia (*UNCTED*)

15:30 – 15:40 : Practical matters: the military perspective – Col. Joop Voetelink (*NLDA*)

15:40 – 15:50 : Court matters: a prosecutor's perspective – Bas van Hoek (*Centre of Military Criminal Law*)

15:50 – 17:00 : Interactive discussion

17.00 – 19.00 Drinks

*Please note that this programme is subject to change



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