Contemporary Issues in Counter-Terrorism

A Minnesota Journal of International Law and University of Minnesota Human Rights Center Symposium

November 4, 2019
The Human Rights Center promotes research on real-world challenges, prepares future lawyers with the commitment and skills to defend human rights, and partners with civil society, governments, and institutions to impact law, policy, and practice.

Founded in 1988, the Center is well placed as part of the exceptional human rights community at the Law School, across the University, and in the Twin Cities. Students benefit from on-campus programming and opportunities for applied research, hands-on experience, and professional development in the fields of human rights and international law.

Human Rights Center Faculty & Staff

- Fionnuala Ñ Í Aoláin, Faculty Director
- David Weissbrodt, Founding Director
- Amanda Lyons, Executive Director
- Eszter Kirs, Visiting Scholar
- Marsha Freeman, Senior Fellow and IWRAW Director
- Krisztina Huszti-Orban, Research Fellow & Senior Legal Advisor to the UN Special Rapporteur on counter-terrorism and human rights
- Tracey Blasenheim, Interdisciplinary Dissertation Fellow
- Anne Charbord, Visiting Scholar
- Sarah Thune, Administrative Coordinator

Additional Faculty

- Jennie Green (international human rights law, litigation in U.S. courts and international legal systems, business and human rights)
- Ryan Greenwood (history of international law)
- Oren Gross (international humanitarian law, national security law)
- Neha Jain (international criminal law)
- Steve Meili (rights of noncitizens, international human rights law, international refugee law)
- Chris Roberts (sociology and public policy perspective to human rights, international law, legal history)
- Robert Stein (rule of law)
- Loren Turner (international and foreign legal research)
Stephen Tankel

Stephen Tankel is an associate professor at American University and an adjunct senior fellow at the Center for a New American Security. He previously served as a Senior Advisor at the Department of Defense. An expert on terrorism, counterterrorism, and security and military affairs in South Asia, Dr. Tankel frequently advises U.S. policymakers and members of the Intelligence Community on these issues. He has conducted field research in Afghanistan, Algeria, Bangladesh, India, Kenya, Lebanon, Pakistan, and the Balkans. Dr. Tankel is the author of numerous works, including With Us And Against Us: How America’s Partners Help and Hinder the War on Terror, and Storming the World Stage: The Story of Lashkar-e-Taiba. He is also a senior editor at War on the Rocks, associate editor of the Texas National Security Review, on the editorial boards of Terrorism and Political Violence, and Studies in Conflict and Terrorism, and a frequent media commentator.

Ben Hayes

Ben Hayes is a TNI fellow and an independent researcher and consultant on security policies, counter-terrorism, border control and data protection. He has worked with the civil liberties organisation Statewatch in the UK since 1996, and also consulted for the European Centre for Constitutional and Human Rights, the UN High Commission for Refugees, Cordaid, the Heinrich Boll Foundation, the European Parliament and European Commission. He is also an Associate of the Human Security Collective, and a researcher at the Peace Research Institute in Oslo. In 2009, Hayes investigated into the European Security-Industrial Complex. His investigation catalyzed reform of EU security research policy. Hayes has participated in EU research policy Advisory Groups on societal impact, dual use and privacy-by-design. He regularly sits on Ethics Panels for the European Research Council and the European Commission.
Welcome
The Minnesota Journal of International Law and the University of Minnesota Human Rights Center warmly welcome you to our Contemporary Issues in Counter-Terrorism Symposium!

Overview
The concept for the Contemporary Counterterrorism Issues Symposium is to incorporate diverse views on key counterterrorism challenges that can be applied at global and local levels. To do so, our Symposium features panels addressing four contemporary counterterrorism issues: gender issues with foreign fighters and returnees (FFRs), deradicalization (PVE/CVE issues), civil liberties and the right to privacy, and transnational issues including state cooperation practices.

The civil liberties and privacy panel will analyze issues related to citizens’ right to free speech, in particular free speech on the internet, in light of counterterrorism regulations on internet usage. What are the reaches of legislation and company practice regarding speech on the internet? What are reasonable expectations on privacy regarding internet usage, in particular, internet usage involving the exercise of free speech? What are the problems with the current use of regulation of internet use and free speech? How does this regulation impinge on the right to privacy? What are some solutions to these issues? What are associated surveillance issues?

The deradicalization panel will examine current state practice on deradicalization. Speakers will speak on best practice, current problems with deradicalization (including such issues as racial and ethnic targeting, human rights violations, negative results of deradicalization efforts, etc.), and solutions to deradicalization.

The gender and foreign fighter returnees panel will analyze issues relating to foreign fighters and returnees from a gendered perspective. As states combat the flow of individuals attempting to join terrorist groups and as states regulate the return of said individuals, the results have been highly gendered. What are solutions to regulations and policies on FFRs that account for gender? How can these policies account for such discrepancies within genders such as female perpetrators versus women as passive participants? How can a gendered analysis help tackle FFR issues and FFR rehabilitation?

Finally, the transnationalism and state cooperation panel will examine various approaches to transnational and interstate forms of cooperation regarding counterterrorism. The primary focus of this panel will be on the issue of FFRs. What are state obligations to stem the flow of foreign fighters? What are state obligations to return their nationals from combat zones? What should the relationship between states and non-state actors be regarding counterterrorism efforts?
Jayne Huckerby

Jayne Huckerby joined the Duke Law faculty in 2013 as an associate clinical professor of law and inaugural director of the Duke International Human Rights Clinic. Prior to joining Duke, she most recently served as a human rights adviser to UN Women – the United Nations Entity for Gender Equality and the Empowerment of Women – on women and conflict prevention, conflict, and post-conflict; gender equality and constitutional reform in post-Arab Spring countries; and the use of gender and human rights indicators in national security policy frameworks. Huckerby served as a human rights officer with the International Service for Human Rights in Geneva, after which she joined the Center for Human Rights and Global Justice at NYU Law in 2005, serving as its research director from 2006 to 2011 and also teaching in NYU’s International Human Rights Clinic and Global Justice Clinic for two and a half years. She has also worked at the law firm Baker & McKenzie in Chicago, Sydney, and London. Huckerby has undertaken human rights research and advocacy in the areas of gender and human rights, constitution-making, national security, human trafficking, transitional justice, and human rights in U.S. foreign policy. She has led multiple fieldwork investigations, provided capacity-building to civil society and governments in five regions, and frequently served as a human rights law expert to international governmental organizations and NGOs, including the International Center for Transitional Justice and the Global Alliance Against Traffic in Women. She also has extensive domestic, regional (Africa, Americas, Europe) and international litigation and advocacy experience. She has written and co-authored numerous articles, book chapters, and human rights reports, and is most recently the editor, with Margaret L. Satterthwaite, of Gender, National Security, and Counter-Terrorism: Human Rights Perspectives (Routledge 2012).

Our Speakers

Alan Rozenshtein

Professor Alan Z. Rozenshtein joined the University of Minnesota Law School as a visiting professor in 2017 and in summer 2019 continued as an Associate Professor of Law. He is also a member of the Scholars Strategy Network and from 2018-2019 was an affiliate with the Berkman Klein Center for Internet and Society at Harvard University. Alan also served as an attorney advisor in the Office of Law and Policy in the National Security Division of the U.S. Department of Justice where his work focused on operational, legal, and policy issues relating to cybersecurity and foreign intelligence. He also served as a special assistant United States attorney for the District of Maryland. During this time he also taught cybersecurity at Georgetown Law.

Fionnuala Ni Aoláin

Fionnuala Ni Aoláin is a University Regents Professor; holder of the Robina Chair in Law, Public Policy, and Society; and faculty director of the Human Rights Center at the Law School. She is concurrently a professor of law at the Queen’s University of Belfast, School of Law. Professor Ni Aoláin’s work has continued to focus on the intersection of human rights and humanitarian norms. Professor Ni Aoláin was a representative of the prosecutor at the International Criminal Tribunal for the Former Yugoslavia at domestic war crimes trials in Bosnia (1996-97). In 2003, she was appointed by the Secretary-General of the United Nations as Special Expert on promoting gender equality in times of conflict and peace-making. In 2011, she was appointed by the International Criminal Court’s Trust Fund for Victims to lead an Expert Review on Reparations to victims in the Court’s first case. She has been nominated twice (2004 and 2007) by the Irish government to the European Court of Human Rights, the first woman and the first academic lawyer to be thus nominated. She was appointed by the Irish Minister of Justice to the Irish Human Rights Commission in 2000 and served until 2005. She remains an elected member of the Irish Council for Civil Liberties. In 2010 she was elected to a three-year term on the Executive Council of the American Society of International Law, and co-chaired its Annual Meeting in 2014. She is Board Chair of the Open Society Foundations Women Program, and serves on the Board of the Center for Victim of Torture National Advisory Council. Fionnuala Ni Aolain is also the current Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
Professor de Londras’ research concerns Constitutionalism, human rights and transnationalism. She is particularly interested in the role and function of rights in contentious policy fields, enquiring about whether—and if so how—rights shape the making of law and policy in complex contexts of, for example, counter-terrorism, the European Court of Human Rights, and abortion law in Ireland. Professor de Londras undertakes this through her academic scholarship, public engagement, and political advisory work. Together with her BLS colleague Máiréad Enright, she has been particularly involved in the ongoing process of abortion law reform in Ireland. Professor de Londras is the joint Editor-in-Chief of the *Irish Yearbook of International Law*, and formerly edited *Legal Studies*. She has held adjunct or visiting positions all over the world, and is currently an affiliate of the Oxford Human Rights Hub and a Senior Associate of the Global Justice Lab at the Munk School of Global Affairs and Public Policy in the University of Toronto. She is a regular media commentator on all aspects of legal, political, and constitutional affairs, and tweets about law at [@fdelond]. In 2017 she was awarded the Philip Leverhulme Prize in law and, from November 2018, is focused primarily on pursuing a research agenda supported by this Prize.

Ben Saul

Ben Saul is Challis Chair of International Law at the University of Sydney; the Whitlam and Fraser Visiting Chair of Australian Studies at Harvard University; a Visiting Professor at Harvard Law School; an Associate Fellow of Chatham House, London; and a barrister. He has published 20 books and 100 refereed articles, including *Defining Terrorism in International Law* (OUP 2006), *Research Handbook on International Law and Terrorism* (2014), *The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases and Materials* (2014) (awarded a Certificate of Merit by the American Society of International Law), and *The Oxford Handbook on International Law in Asia and the Pacific* (2019). Ben has advised the United Nations, governments, and NGOs; served on numerous professional bodies; and taught law or undertaken research or field missions in over 35 countries. He practices in various tribunals. He has a doctorate from Oxford and honours degrees in Arts and Law from Sydney.