



International Conference

The Investigation and Prosecution of Terrorist Offences Committed in the Context of Armed Conflict

PROGRAMME

15-16 May 2024

Palais de l'Europe, Strasbourg

Introduction

The International Conference on the Investigation and Prosecution of Terrorist Offences Committed in the Context of Armed Conflict aims to explore the complex interaction of counter-terrorism law and the laws applicable during armed conflict and the experience of States in bringing the perpetrators of serious crimes to justice.

Background to the Conference

The intersection between armed conflict and terrorist activity has raised significant questions on the relationship between counter-terrorism measures and international humanitarian law (IHL), particularly as it relates to issues of criminal liability.

In the past two decades, there has been a significant increase in the amount of international law and domestic legislation aimed at addressing acts of terrorism. A substantial body of law has emerged to criminalise a range of terrorism-related acts committed with the intent to spread fear, or coerce states or international organisations.

However, depending on contextual factors, some of these prohibited acts could amount to serious violations of the laws of armed conflict. IHL prohibits a variety of acts, many of which entail specific criminal responsibility, including the prohibitions on deliberate, indiscriminate, or disproportionate attacks on civilians and civilian objects, the taking of hostages, reprisals against civilians and specific war crimes such as acts intended to spread terror among the civilian population.

While many international counter-terrorism instruments, including the Council of Europe [Convention on the Prevention of Terrorism](#)

(CETS No. 196), expressly state that the activities of armed forces during an armed conflict are not governed by such instruments, there remains a number of considerable overlaps between the two regimes which can cause confusion in doctrine and practice.

This situation can present significant challenges for states in their efforts to respect the integrity and applicability of both legal regimes. As in such contexts there may be competing legal obligations to investigate and prosecute war crimes as well as terrorist offences, this can lead to different approaches which may not fully capture the nature or gravity of the conduct in question, may not fully satisfy either of the regimes, may not result in appropriate and proportional punishments for perpetrators, or may present issues regarding fair trial rights and other procedural safeguards.

This new context accordingly requires a greater investment in understanding the interplay between these two legal frameworks, points of conflict and complementary, in order to ensure that no accountability gaps exist and that perpetrators are brought to justice.

Conference Agenda

Day one – 15 May 2024	
09:30 – 10:00	Opening Remarks <ul style="list-style-type: none"> • Mr Christos Giakoumopoulos, Director-General, Directorate General Human Rights and Rule of Law (DGI), Council of Europe • Professor Ben Saul, United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism
10:00 – 11:00	The interplay between counter-terrorism and the laws of armed conflict <p>Moderator: Ambassador Petr Válek – Ambassador Extraordinary and Plenipotentiary and Permanent Representative of the Czech Republic to the Council of Europe and the Focal Point on the Fight against Terrorism</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Dr Tristan Ferraro, Senior Legal Advisor, International Committee for the Red Cross (ICRC) • Prof. Gloria Gaggioli, Director, Geneva Academy of International Humanitarian Law and Human Rights • Prof. Hanne Cuyckens, Educational Director and Assistant Professor, Leiden University College
Break	
11:15 – 12:30	Acts of terrorism and serious crimes committed during armed conflict: approaches and challenges <p>Moderator: Mr Nicola Piacente, Chief Prosecutor, Genoa, and Chair of the Council of Europe Committee on Counter-terrorism (CDCT)</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Ms Christin Ann van der Torre, Senior Legal Officer, International Crimes, Netherlands Public Prosecution Service, National Office • Mr Vincent Guerra, Federal Prosecutor, Federal Prosecutor's Office, Belgium • Mr Eric Mongelard, Human Rights Officer, UN Office of High Commissioner for Human Rights (OHCHR) • Ms Tanya Mehra, Senior Research Fellow and Programme Lead (Rule of Law Responses to Terrorism), International Centre for Counter-terrorism (ICCT)
Lunch	
14:30 – 15:40	Terrorism and core international crimes: the experience of cumulative prosecution in member States <p>Moderator: Ambassador Sandra Lendenmann Winterberg, Vice-Director of the Directorate of Public International Law, Ministry of Foreign Affairs of Switzerland</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Mr Matevž Pezdirc, Head of the Genocide Network Secretariat, EUROJUST • Ms Xenia Schmitt, Senior Public Prosecutor, Germany • Prof. Mark Klamberg, University of Stockholm, and Deputy Director of the Stockholm Centre for International Law and Justice (SCILJ) • Mr Lou Bouillaguet, Assistant Federal Prosecutor, Office of the Attorney General of Switzerland

Day one (continued)

Break

15:45 – 16:45	<p>Battlefield Evidence: The challenges of sourcing, sharing and using information collected in conflict zones in criminal proceedings</p> <p>Moderator: Ambassador Päivi Kairamo, Ambassador for Counter-terrorism Cooperation, Legal Service, Ministry for Foreign Affairs, Finland</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Mr Benjamin Chambre, 1st Deputy Prosecutor, National Anti-Terrorism Prosecutor's Office, France • Mr Larry Schneider, Deputy Chief, Counterterrorism Section, United States Department of Justice • Mr Steven Hill, Executive Secretary, International Institute of Justice and the Rule of Law (IJ)
---------------	--

Day two – 16 May 2024

09:30 – 10:30	<p>Terrorism and sexual or gender-based violence committed in the context of armed conflict: victims' rights in investigation and prosecution</p> <p>Moderator: Ambassador Sini Paukkunen-Mykkänen, Ambassador Extraordinary and Plenipotentiary and Permanent Representative of Finland to the Council of Europe</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Ms Maria-Andriani Kostopoulou, President, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Vice-Director of the Marangopoulos Foundation for Human Rights and member of the Greek National Commission for Human Rights • Ms Alexandra Lily Kather, Co-Founder, Emergent Justice Collective • National expert (TBC)
Break	
10:45 – 11:45	<p>Roundtable on the future of international cooperation in the fight against terrorism and war crimes</p> <p>Moderator: Mr Carlo Chiaromonte, Council of Europe Counter-terrorism Coordinator</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Mr Larry Schneider, Deputy Chief, Counterterrorism Section, United States Department of Justice • Mr Manuel Eising, Senior legal advisor, Action against Terrorism Unit, OSCE • National expert (TBC)
11:45 – 12:00	Closing Remarks

Session Overview

Session I: The interplay between counter-terrorism and the law of armed conflict

This opening panel will explore the increasingly observed interactions between counter-terrorism law and the law of armed conflict, such as international humanitarian law (IHL), by looking at the catalyst for this convergence and its subsequent effects. The discussions will cover the potential challenges of maintaining the integrity of both frameworks in a hybrid context and the possible policy solutions in this respect.

Session II: Acts of terrorism and serious crimes committed during armed conflict: approaches and challenges

To support the overall policy discussion, this session will examine the requirements and practical challenges in considering application of acts of terrorism and/or war crimes in the context of terrorist groups involved in armed conflict. It will explore the different factors that need to be considered when assessing and qualifying these crimes, the challenges emerging from different modes of liability and the implications of this distinction for prosecution and punishment.

Session III: Terrorism and core international crimes: the experience of cumulative prosecution in member States

This session will look at the experience of States in prosecuting terrorism and core international crimes together. Particularly in relation to returning foreign fighters, a number of cases have been brought against individuals charged with membership of a terrorist organisation but also for core international crimes. It will explore the challenges and benefits of this approach, and the lessons that can be learned from the experiences of different jurisdictions.

Session IV: Battlefield Evidence: The challenges of sourcing, sharing and using information collected in conflict zones in criminal proceedings

This session focuses on the ongoing efforts by States to bring terrorists to justice for criminal acts committed during armed conflicts and the major challenges related to the use of information collected in conflict zones as evidence in criminal cases in a range of jurisdictions. In particular, it will feature a discussion of the main mechanisms and means that are available to identify and exchange such information between criminal justice authorities, as well as the obstacles that may be encountered in the process.

Session V: Terrorism and sexual or gender-based violence committed in the context of armed conflict: victims' rights in investigation and prosecution

This session will focus on the challenges of investigating and prosecuting sexual and gender-based violence (SGBV) committed by terrorist groups in the context of armed conflict. It will explore the ways in which victim-centric approaches can be used to improve the investigation and prosecution of these crimes.

Session VI: Roundtable on the future of international cooperation in the fight against terrorism and war crimes

This final session will wrap up the conference by hosting a high-level roundtable at the future of international cooperation in the fight against terrorism and war crimes. The roundtable will highlight some of the ongoing challenges to cooperation in these areas, as well as discuss the potential means to improve cooperation between key stakeholders.