

Workshop Program

Big Data in the Counter-Terrorism Context: Uses and Boundaries

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25 and 26 January 2020

1. Presentation.....	1
2. Agenda (NB: times are indicated in CET) - The workshop is held closed-door and Chatham house rules are applied. No discussion will be recorded.....	3
3. Speakers and Participants.....	5

1. Presentation

Big data holds the potential of transforming security practices.¹ This potential has already been used by numerous European states to respond to transnational terrorist threats which have intensified since the early 2000s. In this context, big data is particularly attractive as it facilitates predictive security strategies, which are tailor-made to tackle non-states threats that states find discrete, unconventional and difficult to anticipate.

This workshop will map out the ways in which big data reshapes and enhances security practices in the counter-terrorism context, from administrative measures and criminal sanctions, to monitoring in detention, post-detention surveillance, but also to border control and target selection in armed conflicts. The workshop will bring together scholars from different fields (cognitive scientists, social and political scientists, legal scholars), but also actors of the justice system and policy makers.

In the counterterrorism context, under the various applicable legal frameworks, actors can be interested in the same individual: the same person can be targeted overseas, controlled at the border, and incarcerated in his/her country of origin for having travelled to an area where a terrorist group is established. One common denominator at the core of their strategies and practices is the shared objective of risk assessment and threat anticipation.

¹ Big data will be used to refer to the practice of accumulating extremely large amounts of information from a variety of sources (phase 1: storage) and processing of that information using algorithms and statistical analysis (phase 2: analysis) (Ward and Barker, 2013; Ferguson, 2015).

This shared objective, accompanied with data collection tools and algorithmic processing of this data, translates into new practices. While, traditionally, target selection of non-state actors at war follows the observation of someone's actual participation in hostilities, data collection tools extend the scope of target selection beyond this moment of hostilities. It gives the idea that the state can have sufficient data, other than (and before) actual involvement in acts of hostilities, to identify who belongs to a terrorist enemy group. At the border, data collection technologies securitize and transform borders – or, traditionally, territory separators – into distributive and digital infrastructures, into *topoi* of threat detection. There is also a growing practice of pronouncing administrative measures and criminal sentences on the basis of digital communications or online behavior showing belonging of the individual to a terrorist group, *before* acts of violence materialise. In all these practices, under all the related branches of law, actors are attracted by the same technological tools to conduct risk-assessment strategies and take anticipatory measures.

These communities of interest and practice are substantially connected with one another. They all rely on a mixture of digital and non-digital tools, they relate to placeless digital networks and simultaneously involve territorially rooted actors. Their activities are neither exclusively national, nor completely global: they are sites of transformations of the state and its traditional functions/modus operandi. Participants in the workshop will discuss how these transformations are accelerated by new technologies when it comes to the relationship between security actors and contemporary terrorist groups.

Yet, although they are interconnected, these communities of interest and practice are quite autonomous from one another and very rarely come together. This workshop offers a unique opportunity to identify where practices align or diverge, but also to identify when they influence and overlap with one another. Indeed, these practices and their overlap might very well foster legal changes, implicit or explicit, and trigger the blurring of traditional distinctions such as criminal/enemy, inside/outside the domestic borders, battlefield/non-battlefield, peace/war, human/non-human. The participants will investigate whether these tendencies are enhanced by the data-driven nature of security practices, and whether and how to clarify confusions and identify points of agreement and disagreement.

The two-day workshop will be a journey from the inside to the outside, starting on Day 1 with domestic practices – delving into administrative measures, criminal sanctions, and conditions of detention applied to individuals considered as terrorists, as well as post-detention surveillance and monitoring. At the end of Day 1, we will move at the borders. On Day 2, we will move to extraterritorial uses of big data in situations of use of force in third states

territories, and in situations of armed conflicts in particular. Operational, legal and accountability issues will be explored in that context. Having travelled through different spatio-temporal dimensions, we will ask ourselves whether big data uses in the counterterrorism context bring us beyond traditional institutional and legal frames. Finally, we will discuss the obligations of UN and regional bodies concerning technical advice and capacity building on counter-terrorism data collection with national authorities.

2. Agenda (NB: times are indicated in CET) - The workshop is held closed-door and Chatham house rules are applied. No discussion will be recorded.

Day 1	COUNTERING TERRORISM INSIDE AND AT THE BORDER Uses of big data in domestic security practices
10:55-11:00	Join Zoom Meeting https://zoom.us/j/94267659877?pwd=eDF2TGpUMjFnRzdtQWVVDYjc0WHZxQT09
11:00–11:15	Introductory Remarks <ul style="list-style-type: none"> - Prof Janne Nijman (Academic Director, T.M.C. Asser Institute) - Alexander von Rosenbach (Director, ICCT) - Dr Rebecca Mignot-Mahdavi
11:15–11:45	Presentation: “Bring in the algorithm! What predictive models does big data allow?” , Prof Fabien Tarissan (CNRS-Paris/ Paris-Saclay University)
11:45-12:00	Discussion
12:00–12:30	Presentation: “Towards a neuroscience of terrorism?” , Nafees Hamid (Cognitive scientist, UCL)
12:30–12:45	Discussion
12:45–13:30	<i>Lunch break</i>
13:30–14:00	Session on “Big data, counterterrorism and transparency” Presentation by Prof Arianna Vedeschi
14:00–14:30	Reactions and Opening Questions by Prof Miron Lakomy, Michal Nesor and Dr Romyana Van Ark Discussion (all participants)
14:30 – 14:40	<i>Break</i>
14:40–15:00	Session on Big data, criminal sanctions and detention Presentation “The Search for Dangerousness: Individualized surveillance, systemic treatment” by Dr Mignot-Mahdavi

15:00—15:30	Reactions and Opening Questions by Prof. Damien Scalia and Dr Jonathan Mendel Discussion (all participants)
15:30–16:00	Session on Big data in border control 1) Presentation by Prof Charlotte Epstein 2) Presentation by Prof Raluca Csernaton
16:00–16:30	Reactions and Opening Question by Prof Maria Gavouneli, Dr Iakovos Iakovidis and Dr Dimitri van den Meerssche Discussion (all participants)
Day 2	COUNTERING TERRORISM OUTSIDE Uses of big data in extraterritorial security practices; Obligations of UN and regional bodies
9:25-9:30	Join Zoom Meeting https://zoom.us/j/92030744724?pwd=azBOdkt2TzNWWkd0L0lOck9NaGJ2QT09
09:30–10:00	Session on Big data at war 1) Presentation by Dr Evelyne Tauchnitz 2) Presentation by Dr Marta Bo
10:00–11:00	Reactions and Opening Questions by Prof Terry Gill, Dr Chantal Lavallée and Alfons Vanheusden Discussion (all participants)
11:00–11:30	Breakout room sessions – Recap and getting to know each other
11:30–13:00	<i>Lunch break</i>
13:00–13:45	Roundtable Discussion – Big data and counterterrorism: beyond traditional institutional and legal frames? Chair and Opening Remarks by Prof Marieke de Goede Discussion (all participants)
13:45–14:15	Presentation on “UN and regional bodies due diligence and human rights obligations concerning technical advice and capacity building on CT data collection with national authorities” By Prof Fionnuala Ní Aoláin, United Nations Special Rapporteur for the Protection and Promotion of Human Rights while Countering Terrorism
14:15–14:45	Discussion (all participants)
14:45–15:00	Concluding remarks (T.M.C. Asser Institute, ICCT)

3. Speakers and Participants

1.	Abhivardhan	Indian Society of Artificial Intelligence and Law
2.	Prof Fionnuala ní Aoláin	UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
3.	Dr Rumyana van Ark	Postdoctoral Researcher, TMC Asser Institute
4.	Zsófia Baumann	Junior Researcher, TMC Asser Institute (formerly GCTF)
5.	Irakli Beridze	Centre for Artificial Intelligence and Robotics United Nations Interregional Crime and Justice Research Institute (UNICRI)
6.	Prof Nehal Bhuta	Edinburgh Law School
7.	Dr Marta Bo	Postdoctoral researcher at the Graduate Institute for International and Development Studies; Researcher at the TMC Asser Institute; Member of the Board of the Antonio Cassese Initiative
8.	Anno Bunnik	Sr. Policy Advisor, Digital Society & AI
9.	Prof Raluca Csernaton	Guest Professor, Institute for European Studies, Vrije Universiteit Brussel
10.	Dr François Delerue	French Ministry of Defense Research Center, Institut de recherche stratégique de l'École militaire

11.	Prof Laura Dickinson	Oswald Symister Colclough Research Professor of Law and Professor of Law at The George Washington University Law School
12.	Jaap van Diggele	MFA Senior Policy Officer, Counter Terrorism and National Security
13.	Shraddha Dubbey	Intern, T.M.C. Asser Institute; Editorial Assistant of the Yearbook of International Humanitarian Law
14.	Dr Alex Edney-Browne	University of Melbourne, School of Social and Political Science
15.	Maria Eira	Information Technology Officer, UNICRI AI Centre
16.	Prof Charlotte Epstein	Associate Professor, The University of Sydney Department of Government and International Relations Visiting Fellow, Department of Political Science, University of Copenhagen
17.	Julien Fischmeister	PhD Candidate in criminal law, Université Libre de Bruxelles (formerly Observatoire International des Prisons)
18.	Aurelie Gaudron	Frontex - Research Officer, Research and Innovation Unit
19.	Prof Maria Gavouneli	Associate Professor of International Law, National & Kapodistrian University of Athens; President, Greek National Commission for Human Rights

20.	Prof Terry Gill	University of Amsterdam Law School, Chair of International Law
21.	Prof Marieke de Goede	Professor of Political Science, University of Amsterdam
22.	Inês Gonçalves Ferreira	Intern, UNICRI AI Centre
23.	Dr Goeff Gordon	Senior Researcher, TMC Asser Institute / University of Amsterdam
24.	Dr Chiara Graziani	Research Fellow at the University of Milan-Bicocca and Academic Fellow at Bocconi University"
25.	Nafees Hamid	Cognitive scientist of violent extremism, Fellow at Artis International
26.	Ben Hayes	Director, AWO
27.	Dr. M. Marijn Hoijtink	Assistant Professor in International Relations, Vrije Universiteit Amsterdam
28.	Thierry van der Horst	Ministry of Foreign Affairs of the Netherlands, Security Policy Department, Security and Defence Policy Division
29.	Dr Iakovos Iakovidis	Deputy Permanent Representative, Permanent Mission of Greece to the United Nations Office at Geneva
30.	Konstantinos Kavrakis	EUROPOL, European Counter-Terrorism Center (ECTC)
31.	Faisal Khan	United Nations Migration Agency

32.	Klaudia Kolonowska	Junior Researcher in public international law, T.M.C. Asser Institute
33.	Prof Miron Lakomy	University of Silesia, Poland
34.	Dr Chantal Lavallée	Adjunct Professor, Royal Military College Saint-Jean
35.	Dr Matthew Longo	Assistant Professor of Political Science at Leiden University
36.	Odhran McCarthy	Programme Officer, UNICRI AI Centre
37.	Dr Dimitri van den Meerssche	Postdoctoral Researcher, University of Edinburgh / TMC Asser Institute
38.	Dr Jonathan Mendel	Senior Lecturer, Geography and Environmental Science, School of Social Sciences; Eyes Online Project (University of Dundee)
39.	Alex Moorehead	Human Rights Officer at UN Human Rights
40.	Michal Nesor	European Union Agency for Fundamental Rights - Project Manager - Legal Research (Research & Data Unit)
41.	Adam Piotrowski	Frontex – SNE, Operational Officer, Law Enforcement Sector - Coast Guard and Law Enforcement Unit - Operational Response Division
42.	Marc Porret	ICT Coordinator - United Nations Security Council, Counter-Terrorism Committee Executive Directorate (CTED)

43.	Prof Damien Scalia	Chair of Criminal Law, Université Libre de Bruxelles
44.	Prof Mike Schmitt	Professor of International Law, University of Reading
45.	Chianna Shah	Intern, T.M.C. Asser Institute
46.	Dr Sadjad Soltanzadeh	Postdoctoral researcher in ethics and philosophy of technology, T.M.C. Asser Institute
47.	Dr Gavin Sullivan	Reader, University of Edinburgh
48.	Evelyne Tauchnitz	Senior Research Fellow and Post-Doc, Lucerne Graduate School in Ethics
49.	Alfons Vanheusden	Assistant Secretary-General at the International Society for Military Law and the Law of War
50.	Roxana Vatanparast	Fellow, Program on Science, Technology and Society, Harvard Kennedy School
51.	Prof Arianna Vidaschi	Professor of Comparative Public Law at Bocconi University, Milan (Italy)
52.	Janey Young	Europol - European Cybercrime Centre – EC3; Team Leader - Dark Web Team
53.	Christos Zervas	Frontex - Risk Analysis Unit
54.	Taylor Woodcock	PhD Candidate in International Law, T.M.C. Asser Institute/University of Amsterdam