



International Association of Constitutional Law
Research Group on Constitutional Responses to Terrorism

Roundtable, held at Harvard Law School (USA) – 6-7 March 2014
“Constitutionalism Across Borders in the Struggle Against Terrorism”

Program (Feb. 27, 2014)

Thursday 6 March (afternoon)

Welcoming remarks: Martin Scheinin (IACL President), David Cole (Research Group Chair), and Vicki Jackson (Local Organizer) (1.30 pm)

Panel 1: International Constitutionalism, Due Process and Counter-Terrorism Finance (1:30 to 3:00 pm)

Moderator: Eva Brems (Ghent)

Speakers:

Martin Scheinin (EUI), *United Nations law: substantive constitutionalism through human rights vs formal hierarchy through Article 103*

Erika de Wet (Pretoria), *From Kadi to Nada: are judicial techniques favoring human rights over UN Security Council sanctions a manifestation of international constitutionalism?*

Karen Clubb (Derby) and Clive Walker (Leeds), *Heroic or hapless? The legal reforms of counter-terrorism financial sanctions regimes in the EU*

Panel 2: The Migration of (Un)Constitutional Practices and Ideas (3:15 to 5:15 pm)

Moderator and Commentator: Mark Tushnet (Harvard)

Speakers:

Kim Lane Scheppele (Princeton), *The evidence problem in the anti-terror campaign: Generating information from security service cooperation*

Vicki Jackson (Harvard), *Translating rights across centuries: U.S. constitutional protections against unreasonable searches and seizures in a transnational era*

Cian Murphy (King's College), *Control beyond the state? Towards a map and critique of counter-terrorism finance law*

Akiko Ejima (Meiji Tokyo), *Japanese efforts to have a secrecy law and a National Security Council*

Marcelo Figuereido (Sao Paulo), *International cooperation and the fight against terrorism in Brazil and Latin America. The Constitution and the Inter-American Convention*

DINNER for speakers, commenters and members of Executive Committee – Harvard Law School

Friday 7 March (morning)

Panel 3: Extraterritoriality and Constitutional Law (9:15 to 10:45 am)

Moderator and Commentator: Gerald Neuman (Harvard)

Speakers:

Brice Dickson (Belfast), *The extra-territorial obligations of European states regarding the human rights of terrorist suspects*

Jennifer Daskal (American University), *Transnational seizures: The Constitution abroad*

Anna Su (Buffalo), *Speech beyond borders: Extraterritoriality and the First Amendment*

Jonathan Hafetz (Seton Hall), *Detention at sea: The persistence of territorial constraints on the Constitution*

Panel 4: National Security, Privacy, Data-Sharing and Data-Protection: Transatlantic Divide? (11:00 am to 12:45 pm)

Moderator and Commentator: David Cole (Georgetown)

Speakers:

David Cole (Georgetown) and Federico Fabbrini (Tilburg), *Transatlantic cleavages? Counter-terrorism, data protection and the re-appropriation of constitutional values on a transnational scale*

Valsamis Mitsilegas (Queen Mary), *Transatlantic counter-terrorism cooperation and European values: Constitutional accommodation or a race to the bottom*

Céline Cocq (ULB), *Regional legal framework for intelligence sharing. Comparative analysis between the EU and ASEAN*

Arianna Vedeschi and Valerio Lubello (Bocconi), *Data Retention and its implications for the fundamental right to privacy*

Konrad Lachmayer (Vienna), *Rethinking privacy beyond borders*

Ioanna Tourkochoriti (Harvard), *The Transatlantic flow of data and national security exception in the European Data Privacy Regulation: In search of legal protection against surveillance*

LUNCH for all attendees

Friday 7 March (afternoon)

Panel 5: International Criminal Law, International Humanitarian Law, and the Globalization of Anti-Terrorism Remedies (2:30 to 4:00 pm)

Moderator and Commentator: Gabriella Blum (Harvard)

Speakers:

Or Bassok (Buffalo), *Missing in action: the human eye*

Marina Askenova (EUI), *Terrorism and international criminal law: incompatible concepts?*

Stephen Ellmann (New York), *Unraveling the law of war*

Amrit Singh (Open Society), *A comparative perspective of legal remedies and accountability for human rights violations associated with cross boundary counterterrorism operations*

General Conclusion (4:15 to 5:00 pm)

Moderators: Federico Fabbrini (Tilburg) and Manuel Cepeda (Colombia)

Speakers:

Lech Garlicki (formerly, ECtHR)

Savvas Papasavvas (CJEU)