**Project Title:** World Justice Project (WJP) on the Rule of Law and Counter-Terrorism

**Date:** 2009-ongoing

**Location:** University of Nottingham

**Unit:** Security and Human Rights

**Core staff:** Prof. Nigel White, Dr Katja Samuel

**Project Summary**

This multinational, multidisciplinary research project examines how domestic, regional, and multilateral security imperatives may be accommodated within rather than erode the rule of law in the context of counter-terrorism. This is under the overall umbrella of the World Justice Project, a multinational, multidisciplinary, and independent initiative to strengthen the rule of law worldwide, currently engaged in approximately 17 disciplines and with over 100 countries.

The project is co-directed by Dr Katja Samuel (also the project manager) and Professor Nigel White at Nottingham University. Its partners are the Club of Madrid (82 former heads of state from 56 countries committed to furthering democratic values worldwide); Dr Silvia Casale (formerly President of the UN Subcommittee on Prevention of Torture, and of the European Committee for the Prevention of Torture); and Malága University, Spain (Professor Ana María Salinas de Friás).

Over 50 experts - with judicial, practitioner, policy-making, institutional, (inter)governmental, academic, policing, military, and civil society perspectives and expertise – from around the world have contributed to the project’s outputs.

The project’s overarching theme is how legitimate security imperatives may be accommodated within - rather than erode or weaken - the applicable international rule of law framework and its inbuilt mechanisms for exceptionality. It starts with the recognition that governments often face very real and complex terrorist threats that pose significant challenges, including in terms of meeting one of a state’s most fundamental human rights obligations, namely the protection of those residing or present within its territory from such threats. The project, however, guards against the notion of balancing security against the rule of law due to the associated risk of
exceptional responses becoming what the International Commission of Jurists in their 2009 report termed as ‘the normalization of exceptional’ responses.

**Objectives**
The project’s key objectives include the examination, clarification, normative development, and making recommendations regarding the implementation of key rule of law principles underpinning the UN Global Counter-Terrorism Strategy – especially those of the UN Charter, international humanitarian, human rights, refugee, and criminal law. More specifically, the topics and themes examined by the project include: governmental and non-governmental impunity; strengthening accountability; regional and international judicial and non-judicial control mechanisms; terrorist classification; battlefield administration and treatment of detainees; extraordinary rendition; extra-judicial killings; intelligence gathering, including interrogation methods; discrimination; *non-refoulement*, and reparation of victims ((both of terrorist attacks and of security imperative responses).

**Participants**
Aimed especially at governmental and intergovernmental legal and non-legal practitioners and policy-makers on counter-terrorism, the project is very solution orientated. Consequently, its 180 recommendations seek to strengthen the legal framework in practice, including by suggesting how current (perceived) lacunae may be addressed, and by identifying best practices which may be transferrable to other national/ regional jurisdictions.

To date, the project has received funding from inter alia the WJP; the International Bar Association; the regional governmental authorities of Cantabria, Spain; Venable LLP; the University of Sheffield; and the University of Nottingham.

**Activities**
To date, there are four core outputs:

- A comprehensive edited collection of 1200 pages, to which Her Excellency Mary Robinson has written the foreword: A M Salinas de Friás, KLH Samuel and ND White (eds), *Counter-Terrorism: International Law and Practice* (Oxford University Press, January 2012).
- A report which summarizes and develops the project’s key findings and recommendations. Please follow this link to download the Multi-National Counter-Terrorism Expert Network Report of Key Findings and Recommendations on the Rule of Law and Counter-Terrorism.

- A report which links key project findings to the UN Secretary General’s 5 year agenda of reform, focusing in particular on strengthening substantive aspects of the UN’s architecture for responding to terrorism, including the meaning and parameters of the concepts of the ‘rule of law’ and ‘prevention’. UN Reform, the Rule of Law, and Counter-Terrorism: How Can Past Lessons Inform Future Responses? published in March 2012.

- A Multi-National Counter-Terrorism Expert Network (Multinational CT Expert Network)

Since the Oxford University Press book was published and the executive report was finalised in January 2012, the team has been focusing on the effective dissemination of the project’s key findings and recommendations. To date, details have been sent to approximately 100 countries, many of which at governmental and intergovernmental levels. Additionally, a series of national and multinational book launch events, presentations, workshops, discussions, etc. are currently taking place, including with NATO (legal, intelligence and law enforcement officers); in Pakistan (including with the judiciary and practitioners); in New York (co-sponsored by the UN CTITF Working Group on Protecting Human Rights while Countering Terrorism); in Washington DC (including the American Society of International Law, Washington College of Law, and National Center for State Courts); and The Hague (International Criminal Court, International Centre for Counter-Terrorism, and presentation to the Global Counter-Terrorism Forum’s Criminal Justice Sector/ Rule of Law Working Group making recommendations regarding the Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector).

Closer to home, a book launch panel was convened during the recent ILA British Branch Annual Spring Conference on ‘Security and International Law’, 20 - 21 April 2012, hosted by the University of Nottingham, which was centred around the concept of preventive approaches to counter-terrorism. The book’s three editors were present - Ana Salinas, Katja Samuel and Nigel White - as well as three other book contributors - Sir Nigel Rodley, Olympia Bekou and Richard Pregent.

Currently, the project team are considering how the findings and outputs to date might form the basis for future rule of law and counter-terrorism related activities.