

# COUNTER-TERRORISM AND HUMAN RIGHTS CONFERENCE 2010

RECENT DEVELOPMENTS AND FUTURE DIRECTIONS

**Thursday 11 March 2010**

THE HOLIDAY INN LONDON BLOOMSBURY,  
LONDON WC1N 1HT



## HIGHLIGHTS INCLUDE:

- Public interest immunity and secret evidence
- Control orders
- Terrorism offences and sentencing
- Criminal proceedings: pre-charge detention and post-charge questioning
- Civil proceedings: deportation, terrorism and national security
- Legal issues in the war on terror
- The future of UK counter-terrorism law and policy

**EARN 6 CPD HOURS**  
ACCREDITED BY THE SRA/  
BAR STANDARDS BOARD

## KEYNOTE SPEAKER:

*The Hon. Mr Justice Blake*

## PLENARY SPEAKERS:

*Michael Fordham QC*  
*Philippe Sands QC*

## SPEAKERS:

*Ali Naseem Bajwa,*  
25 Bedford Row

*Lord Carlile QC,*  
Independent  
Reviewer of Terrorism Legislation

*Tim Eicke,*  
Essex Court Chambers

*Judith Farbey,*  
Doughty Street Chambers

*Nick Fussell,*  
Home Office Legal Advisers' Branch

*Max Hill QC,*  
18 Red Lion Court

*Raza Husain,*  
Matrix Chambers

*Alison Morgan,*  
6 KBW

*Gareth Peirce (invited),*  
Birnberg Peirce & Partners

*Matthew Ryder,*  
Matrix Chambers

*Professor Clive Walker,*  
University of Leeds

*Deborah Walsh,*  
Deputy Head of Counter-Terrorism  
Division, Crown Prosecution Service



**JUSTICE**



# COUNTER-TERRORISM AND HUMAN RIGHTS CONFERENCE 2010

RECENT DEVELOPMENTS AND FUTURE DIRECTIONS

EARN 6 CPD HOURS  
ACCREDITED BY THE SRA/  
BAR STANDARDS BOARD

## KEEP ABREAST OF FAST-MOVING CHANGES

Counter-terrorism law and practice is in a state of flux. In the United States, the Obama administration has announced its intention to close Guantanamo Bay and renounced the use of torture. But, here in the UK, the courts are still grappling with the fallout from the 'War on Terror'.

The past year has seen important developments – both in terms of new legislation and case-law.

The Counter-Terrorism Act 2008 includes provisions for post-charge questioning, post-sentence monitoring and a new appeals regime for asset-freezing orders.

In the courts, there have been a number of significant decisions affecting a range of counter-terrorism measures including:

- Control orders – the groundbreaking decision of the House of Lords in *AF* and others in July has reshaped the legal landscape;
- Deportation – *RB and U* (House of Lords) upheld the government's policy of negotiating assurances with Algeria and Jordan, but the European Court of Human Rights is due to hear the Abu Qatada case in 2010;
- Criminal cases under Terrorism Acts 2000 and 2006 – *R v G*; *R v J* (House of Lords) and *R v da Costa* (Court of Appeal)
- Public interest immunity – the appeals in Binyam Mohamed and Al Rawi show the courts balancing competing public interests of national security and open justice;
- Stop and search – more than 100,000 people have been searched under s44 of the Terrorism Act since its introduction in 2000. Now the European Court of Human Rights in *Gillan* has ruled the power breaches the right of privacy. What is the future for this controversial power?

And, with a general election looming, the future course of counter-terrorism law is uncertain. Control orders may be ultimately be replaced, but with what? Will a new Parliament produce the long-awaited consolidating Act?

## AN IN-DEPTH ANALYSIS FROM LEADING EXPERTS:

The **Counter-terrorism and Human Rights Conference** will provide you with a comprehensive, up-to-date picture of the state of current counter-terrorism law. In attending, you will benefit from:

- A keynote address from Mr Justice Blake – a judge with wide experience of issues concerning national security
- A detailed assessment of the key issues of public interest immunity and secret evidence
- Specialist breakout sessions, covering:
  - Control orders
  - Terrorism offences and sentencing
  - Criminal proceedings – including pre-charge detention and post-charge questioning
  - Civil proceedings – including deportation on the grounds of national security
- Guidance on the domestic and international legal issues raised by the war on terror
- An expert panel's assessment of the likely future direction of UK counter-terrorism law and policy

## SPOTLIGHTING THE KEY ISSUES FOR PRACTITIONERS AND POLICY-MAKERS:

- Counter-Terrorism Act 2008 – what have been its effects after 15 months of operation?
- The control order regime – where next after the Lords decision in *AF*?
- Intercept evidence – more than two years after the Chilcot report, will the ban on its use ever be lifted?
- Secret evidence or open justice – can the circle be squared?
- Post-charge questioning – what safeguards does the ECHR provide?
- Deportation and diplomatic assurances – how has recent case-law developed?
- The UK in the dock – what are the implications of allegations of unlawful rendition, complicity in torture and abuse of detainees?
- A new Parliament – what will a general election mean for the future of UK counter-terrorism policy and practice?



JUSTICE is a UK-based charity. It promotes access to justice, human rights and the rule of law - through research, education, lobbying and interventions in the courts. JUSTICE relies on its members and supporters for the funds to continue its work. Members receive priority notice of JUSTICE activities and are entitled to discounts on publications and events - including this conference. For more information, visit [www.justice.org.uk](http://www.justice.org.uk)

# BENEFIT FROM A COMPREHENSIVE PROGRAMME OF TOPICS

## 9.00 REGISTRATION

### 9.30 MORNING PLENARY SESSION

Chaired by **Shaheen Rahman**, 1 Crown Office Row

Introduction from the Chair

#### KEYNOTE SPEECH

**The Hon. Mr Justice Blake**

## 10.00 PLENARY SPEECH

### PUBLIC INTEREST IMMUNITY AND SECRET EVIDENCE

**Michael Fordham QC**, Blackstone Chambers

The law relating to disclosure (public interest immunity) and the law relating to closed proceedings are two areas that have become increasingly intertwined, especially in cases involving national security. Michael Fordham QC will discuss the important human rights obligations at stake and analyse the latest judicial decisions in this area.

## 10.30 DISCUSSION/QUESTIONS

## 11.00 COFFEE BREAK

### 11.15 MORNING BREAKOUT SESSIONS

[choose one session from the following two]

#### 1. CONTROL ORDERS

**Judith Farbey**, Doughty Street Chambers

**Tim Eicke**, Essex Court Chambers

The control order regime has recently been dealt a severe blow by the House of Lords in *AF*, which makes it clear that a suspect must be given sufficient information about the allegations against him in order to be able to give instructions to the special advocates representing him. Are control orders still a viable counter-terrorist mechanism? And what other case-law must be considered in making allegations and setting conditions?

Chaired by: **Qudsi Rasheed**, JUSTICE

#### 2. TERRORISM OFFENCES AND SENTENCING

**Max Hill QC**, 18 Red Lion Court

**Ali Naseem Bajwa**, 25 Bedford Row

The past twelve months have seen important judgments handed down on constituent elements and sentencing of terrorist offences, including those under the Terrorism Acts of 2000 and 2006. New legislation on sentencing for terrorist offences has also been enacted. This session will provide a full update on relevant case-law and statutory provisions.

Chaired by: **Sally Ireland**, JUSTICE

## 12.45 LUNCH

## 13.45 AFTERNOON BREAKOUT SESSIONS

[choose one session from the following two]

### 3. CRIMINAL PROCEEDINGS: PRE-CHARGE DETENTION AND POST-CHARGE QUESTIONING

**Matthew Ryder**, Matrix Chambers

**Deborah Walsh**, Deputy Head of Counter-Terrorism Division, Crown Prosecution Service

The controversial pre-charge detention regime for terror suspects is now in operation. The Counter-Terrorism Act 2008 has also made provision for the use of post-charge questioning in terrorist cases. But what are the criteria for using these powers? And what restrictions upon them are provided by the European Convention on Human Rights?

Chaired by: **Jodie Blackstock**, JUSTICE

### 4. CIVIL PROCEEDINGS: DEPORTATION, TERRORISM AND NATIONAL SECURITY

**Raza Husain**, Matrix Chambers

**Nick Fussell**, Home Office Legal Advisers' Branch

Despite the introduction of control orders and increases to the maximum period of pre-charge detention in criminal cases, deportation on the grounds of national security continues to be a major feature of the government's counter-terrorism strategy. This session looks at how the Special Immigration Appeal Commission's case-law has developed in recent years, particularly in light of the use of assurances against torture negotiated with countries such as Jordan.

Chaired by: **Eric Metcalfe**, JUSTICE

## 15.15 TEA BREAK

### 15.30 AFTERNOON PLENARY SESSION

Chaired by: **Roger Smith**, JUSTICE

#### LEGAL ISSUES IN THE WAR ON TERROR

**Philippe Sands QC**, Matrix Chambers

The counter-terrorist policies of the UK government have given rise in recent years to allegations of unlawful rendition, complicity in torture and abuse of detainees – for example those currently being examined in the Baha Mousa inquiry and the case of Binyam Mohamed. Professor Sands will assess the domestic and international legal issues raised.

### 16.10 PANEL DISCUSSION

#### THE FUTURE OF UK COUNTER-TERRORISM LAW AND POLICY

**Professor Clive Walker**, University of Leeds

**Alison Morgan**, 6 KBW

**Gareth Peirce**, Birnberg Peirce & Partners (*invited*)

**Lord Carlile QC**, Independent Reviewer of Terrorism Legislation

How will ministers respond to challenges to counter-terrorism laws and policies, before and after the general election? What is the future for controversial powers such as stop and search post-*Gillan*? What will the implications be for practitioners? And what is likely to influence UK counter-terrorism law in the next one to two years? Our expert panel will assess these issues from a number of different perspectives.

## 17.00 CLOSE

Please note that the programme is subject to change without notice

TO BOOK YOUR PLACE, COMPLETE THE BOOKING FORM OVERLEAF OR REGISTER ONLINE AT <http://www.sweetandmaxwell.co.uk/conferences-events/sweet-maxwell-conferences.aspx> FOR ADDITIONAL ENQUIRIES PLEASE CALL (020) 7393 7589 OR EMAIL [conferences@sweetandmaxwell.co.uk](mailto:conferences@sweetandmaxwell.co.uk)

# COUNTER-TERRORISM AND HUMAN RIGHTS CONFERENCE 2010

SWEET & MAXWELL

Material No.: 415471

THURSDAY 11TH MARCH 2010

THE HOLIDAY INN LONDON BLOOMSBURY, CORAM STREET, LONDON WC1N 1HT

Please complete a separate form for each delegate, photocopy if necessary

Details	Title	First name	Surname
	Job title		
	Organisation		
	Nature of business		
	Address		
			Postcode
	Tel	Fax	
	E-mail		
	Dietary requirements		
	Morning Breakout Session		
	1st choice	2nd choice	
	Afternoon Breakout Session		
1st choice	2nd choice		

**Please tick only one box**

**Standard Delegate Fee:** £399.00 + £69.83 VAT = £468.83

**Fee for Members of JUSTICE:** £299.00 + £52.33 VAT = £351.33

**(JUSTICE annual membership fee £60 – for more information visit [www.justice.org.uk](http://www.justice.org.uk))**

*Fees include course materials and refreshments. Once payment has been received a VAT receipt will be issued.*

**I am unable to attend. Please send me the Conference Documentation.**  
(Subject to our 30 day Satisfaction Guarantee applicable to EU customers only)\*

**£125.00** (this product is zero VAT rated and the price includes delivery) Material No.: 414270

**Total Fees Payable (please complete)** £

**Please invoice my organisation**

**Using my account number (if known):**

**P O number (if relevant):**

**Please charge my credit card:**  American Express  Visa  Mastercard  Switch/Maestro

NO.

**START DATE**     **EXPIRY DATE**     **ISSUE NO.**   **(Switch/Maestro only)**

Card billing address (if different from above)

**I enclose a cheque payable to Sweet & Maxwell for £**

Signature  Date

Print name

Payer name (if different from delegate/organisation specified above)

Payer address (if different from delegate/organisation specified above)

All orders are accepted subject to the terms of this booking form and our Terms of Trading (see [www.sweetandmaxwell.co.uk](http://www.sweetandmaxwell.co.uk)).  
By submitting this order form, I confirm that I accept these terms and I am authorised to sign on behalf of the customer.

Thomson Reuters (Legal) Limited (Company No. 1679046. Registered in England & Wales. Registered office and address for service: 100 Avenue Road, London, NW3 3PF) trades using various trading names, of which a list is posted on its website at [www.sweetandmaxwell.co.uk](http://www.sweetandmaxwell.co.uk), and is part of Thomson Reuters.

Thomson Reuters (Legal) Limited is a registered data controller under number Z7602050.

Your information will be added to the marketing database and will not be given to third parties without your prior consent. Your information will be used to send you relevant marketing and informational material on our products and services.

If you do not wish to receive information about products and services from the following please tick the relevant box(es)  
Sweet & Maxwell  W Green  Incomes Data Services

If you do not wish to receive information from other companies in Thomson Reuters please tick here

If you do not wish to receive information from JUSTICE please tick here

For a detailed privacy statement, a copy, or correction of your information please write to Marketing Information, 100 Avenue Road, London NW3 3PF or call 0207 393 7000.

UK VAT is charged on all Bookings at the prevailing rate. UK VAT Number: GB 900 5487 43. Irish VAT Number: IE 9513874E. For customers in an EU member state (except UK & Ireland) please supply your VAT number.  
VAT No.

Rates, prices, discounts, dates and other information are subject to change at anytime without prior notice.

The price charged to customers, irrespective of any prices quoted, will be the price specified in our price list current at the time of despatch of goods, as published on our website unless the order is subject to a specific offer or discount in which case special terms may apply  
Goods will normally be despatched within 6 working days of availability.

\* Our customer promise means that if you are not totally satisfied with the goods you have ordered you are protected under our 30-day satisfaction guarantee. As long as the goods are returned within 30 days of the date of the invoice, in good resalable condition and according to our returns procedure (as supplied with the conference documentation), your order will be cancelled and you will owe nothing or will be refunded the price of the goods. Applicable to EU customers only.

"Thomson Reuters" and the Thomson Reuters logo are trademarks of Thomson Reuters and its affiliated companies.



## How to book

Post  
Conferences & Courses  
Sweet & Maxwell  
Freepost  
PO Box 2000  
Andover  
SP10 9AH  
United Kingdom

Fax  
020 7393 8051

Online  
[www.sweetandmaxwell.co.uk](http://www.sweetandmaxwell.co.uk)

For enquiries, please call  
020 7393 7589 or email  
[conferences@sweetandmaxwell.co.uk](mailto:conferences@sweetandmaxwell.co.uk)

Promotion code  
(please quote in all correspondence):  
**0301802 A B C**

## BOOKING TERMS AND CONDITIONS

Payment must be made before the conference, unless specific arrangements have been made to the contrary. A VAT invoice will follow acknowledgement of booking. Once submitted this booking form constitutes a firm booking which can only be cancelled in accordance with our cancellation policy set out below. Once we receive your booking form we will send you a booking acknowledgement, with directions to the venue. If you have not received this acknowledgment prior to date of the conference, please contact us on 020 7393 7589.

**Cancellation Policy**  
Bookings may only be cancelled by written notice (by fax to 020 7393 7790 or email to [conferences@sweetandmaxwell.co.uk](mailto:conferences@sweetandmaxwell.co.uk)) received by us not less than 10 working days before the date of the conference (i.e. 25th February 2010) This must be followed by a telephone call to us to confirm receipt. You will then be sent a refund of your delegate fee, less an administration charge of £50 + VAT for each delegate booking that is cancelled. Telephone cancellations will not be accepted. Refunds of delegate fees for late cancellations (i.e. cancellations other than in accordance with the above paragraph) will not be given. Failure to attend the conference will constitute late cancellation and payment will still be due or forfeited if already paid. We reserve the right to change the programme, date, content, price, speakers and venue as necessary; or cancel the conference totally in which case we will refund any payment made in respect of the cancelled conference.

**Substitute Delegates**  
Substitute delegates can be accepted at any time, without charge. Please telephone the Conference Administrator on 020 7393 7589 to let us know the name of the substitute.



**THOMSON REUTERS**