Roundtable Discussion

Legal and Technical Aspects of Counterterrorist Monitoring

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Topics

Diego Latella

Air passenger pre-screening systems:

Secure Flight

Gary Chapman

Electronic surveillance in the US after 9/11

Giampiero Giacomello

Technological & legal aspects of

security in EU

Legality and Illegality in the EU fight on terrorism?

- Dichotomy: legal/illegal; inside/outside

- Overall, the EU sees terrorism as "mainly a law-enforcement" and intelligence problem

- Hence terrorism fight comes under the CFSP/ JHA => hence it is 'inter-pillar' issue and

- It is addressed 'inside' and 'outside'

Outside

- Outside, i.e. In the CFSP

- Petesberg's tasks (Amsterdam 1997 and European security strategy): 1) humanitarian aid 2) peacekeeping 3) multilateralism and 4) international law principles

- Benita Ferrero-Walden: 'soft power' and 'human security' 'nation-building' are EU concerns

- Next to military component there are police officers, judges, legal experts

Inside

- All EU countries have had special terrorism laws

- Usually for 'limited periods'

- Limiting personal liberties

- Schengen (late 1980s) database for law enforcement

- Has been extended and refined: finger tips and facial features

- Problem with immigration...

Future Issues 1?

- 'home' terrorists (London 05)?

- Privacy: EU accepting for travels to US than privacy authorities would like

- Info in databases likely to be kept for decades

- Organized crime: seems that terrorism is used as 'excuse' to actually fight org crime

- CFSP + JHA=> no Eu Parliament oversight, 'democracy gap'

Future Issues 2?

- Europol (no actual law enforcement): only gov. oversight?

- Council of Europe Convention on Cybercrime (incl.US 2006)

- EU security research program => more technology-based surveillance

- es. intelligent urban environment obs sys

- Or detection of abnormal behaviour

- Again 'quis custodiet ispos custodies'?