

20th ISODARCO Winter Course, Terrorism – Counterterrorism - Human Rights

- THE WAR ON TERROR UNDER INVESTIGATION -

EUROPE'S ATTEMPTS TO BALANCE HUMAN RIGHTS, SOVEREIGNTY, AND SECURITY

	<u>Page</u>
<u>I. Introduction</u>	2
<u>II. The USA: The GST program</u>	2
<u>III. European Institutions</u>	3
1. The Council of Europe (CoE)	3
<u>a) The Secretary General</u>	3
<u>b) Parliamentary Assembly</u>	5
2. The European Parliament	6
<u>IV. National investigations</u>	7
1. Germany	7
2. Italy	8
<u>V. Conclusions</u>	8
1. The Legal Dimension	9
a) Laws	9
b) Information	9
2. The Political Dimension	9
a) In Europe	9
b) EU Member States	10

I. Introduction

...

The Bush Administration viewed 9/11 as an Al Qaeda first strike in a war against the US. It further saw the numerous fundamentalist-driven terrorist attacks in other regions of the world as proof of further escalation. Examples of these include the bombing in Bali, the 11/3 Madrid train attack, and the 7/7 London subway attack. Also significant in this world view are the foiled plans, such as the failed bombing of a Christmas market in Strasbourg or last summer's Heathrow plot. Indeed, since 9/11, terrorists have increasingly identified targets in the West, (as well as those against Westerners in the Middle and Far East).

In response to these attacks—striking at the heart of the West—the US and its allies reacted with harsh measures. Besides military intervention in Afghanistan, Western law enforcement and intelligence communities focused on persecution, capture and sometimes elimination of suspected terrorists. Some of the alleged methods in this War on Terror are rendition flights, detention centres (such as in Guantanamo) so-called black sites for extra-judicial prisoners and new interrogation techniques.

During 2005, the existence of these methods became increasingly public in Europe. Depending on the political composition in European countries, reaction differed. In some cases, governments simply ignored the US undertakings and in others authorities began to take a closer look into the press' allegations. Since in a few cases, the detainees were holders of EU member states citizenship, evolving public pressure sometimes resulted in judicial or parliamentary investigation.

This paper briefly outlines how and when the official structures in Europe responded to allegations of collusion with alleged US extra-legal activities. In the first section, the paper examines the work of European institutions, namely the Council of Europe and the European Parliament. The second section outlines the investigations taken by some EU Member States themselves. Lastly, the paper will attempt to outline the legal and political consequences of the investigations on the means used in the War on Terror.

II. The USA: The GST program

The Bush Administration found that for its purposes current humanitarian and national criminal law was inadequate to protect its citizens and infrastructure against the terrorist threat. The new nature of confrontation not only called for new measures but also held inherent distrust of the old.

The Bush Administration worked to re-tool and reframe the discussion of Human Rights and rule-of-law principles. Within the administration there is a mistrust of the efficacy of international standards as evidenced by the National Defence Strategy that states “[o]ur strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism.”

With this mistrust in mind, the Administration has effectively taken the power to define the lawfulness of its own actions. This was done through his presidential power as Commander in Chief. As President, Bush has this Constitutional Article 2 authority. However, this authority has been interpreted by the administration to mean that the president has the sole authority to determine the means and methods of addressing the enemy in time of war. Even with recent judicial and legislative checks on some of his actions, this Constitutional interpretation may be seen to render such actions effectively meaningless. If the president determines his actions are legal, then they are legal as long as they were done subject to his power as Commander in Chief.

Thus, in response to this perceived inadequacy and with a broad new understanding of executive powers, the administrative authorized a broad-based umbrella of tactics for the Central Intelligence Agency (“CIA”). These became known as the “GST program,” an

acronym for its classified code name—and while slowly more is known about its particulars, there are still details that are shrouded in mystery.

What is known, however, is that the Program gives the CIA a broad mandate to arrest suspects with the help of foreign internal security services, hold them captive abroad, employ interrogation techniques (some of which are very widely regarded as possibly violating the United States' international undertakings regarding prohibition of torture) and maintain planes to fly prisoners between countries. Pursuant to the resulting U.S. activities, an unidentified number of alleged terrorists have been captured or killed on European soil. In general, captured suspects were either brought to Guantanamo, to so-called black sites, or other sites of detention outside the USA for questioning. In many cases, detainees were—and still are—held with the consent of other states who consider themselves allies in the war on terror. Suspects were often arrested in a country other than that of their citizenship by US agents or their local allies. They were then rendered to a third country for interrogation. This shuttling of detainees resulted in legal turmoil that directly implicates questions of citizenship, sovereignty, humanitarian international law and consulate protection.

III. European Institutions

This new legal stance by the United States has had particular consequences in Europe, where many CIA operations have occurred. The US was recently accused of carrying out rendition flights over Europe, using EU soil for stop-over, kidnapping of foreign nationals in EU member states or even using black sites. These incidents opened the debate of which actions and which methods are in accordance with domestic and international norms and law. And in parallel, a controversy began questioning if all means are morally acceptable in the persecution of suspected terrorists.

1. The Council of Europe (CoE)

The Strasbourg-based Council of Europe is the continent's oldest political organization. It was founded in 1949, and is made up of 46 countries, including 21 countries from Central and Eastern Europe. The CoE was created to defend human rights, parliamentary democracy and the rule of law, to develop continent-wide agreements to standardize social and legal practices, and to promote awareness of a European identity based on shared values across different cultures. Since 1989, its main job has become to act as a political anchor and human rights watchdog for Europe's post-communist democracies. In this regard, it both assists in carrying out and consolidating political, legal and constitutional reform in parallel with economic reform, and also provides know-how in areas such as human rights, local democracy, education, culture and the environment.

a) The Secretary General

In March 2006, as a part of an inquiry on the compliance of member States with their obligations under the European Convention on Human Rights (ECHR) in the context of the alleged secret detentions and rendition flights in Europe, the CoE Secretary General Terry Davis wrote to the Foreign Ministers of 36 of the 46 CoE Member States. In June, he issued the Secretary General's supplementary report under Article 52 ECHR on the questions of both secret detention and of transport of detainees suspected of terrorist acts, notably by or at the instigation of foreign agencies.

The States were requested to provide explanations or clarifications on their control mechanisms on the activities of foreign intelligence services within the jurisdiction of the State and whether such activities are conducted in co-operation with national agencies. Additionally, they were asked to elaborate on control mechanisms for transiting aircraft that may be used for rendition purposes by foreign agencies. Again, they were asked to

elaborate on the extent to which the authorities may exercise jurisdiction over such aircraft and whether such activities are conducted in co-operation with national agencies. Finally, Mr. Davis requested a report on possible involvement of public officials in and official investigations into allegations of unacknowledged detentions or rendition flights.

Many States indicated that **national security services** act under the supervision of the executive and are directly answerable to it and/or are monitored through specialized bodies emanating from the executive. Some States point out that a special type of judicial control exists over activities of security services. It often appeared unclear whether or not officials of security services can take coercive law enforcement measures. Several States indicate that ordinary criminal law applies to any act of officials of security services and that criminal proceedings can be initiated in case of human rights violations committed by these officials. Normal parliamentary powers seem to apply to the security services' activities, including the possibility for members of parliament to request information and to set up *ad hoc* inquiry committees. In most cases these committees report to the parliament and/or government and formulate recommendations. In sum, it was not possible to assess whether, in practice, the existing control mechanisms offer sufficiently effective guarantees against unlawful interference with the human rights and fundamental freedoms of individuals within their jurisdiction.

Some Member States replied that **foreign security services** may lawfully carry out activities in their territory, but only subject to the prior approval of the competent national authorities. In general, foreign security services are not entitled to use coercive means, such as deprivation of liberty. Certain States explicitly specified that activities of foreign security services taking place outside the approved framework are prohibited. A number of States emphasize that co-operation with foreign security services or the actions of the agents of these services must take place in accordance with domestic law—as well as their international obligations. In fact, some States have also specified that domestic criminal law also applies to foreign security services, for example in cases of human rights violations.

The current legal framework for controlling **civil aircraft** is controlled by the 1944 Convention on International Civil Aviation (“Chicago Convention”), to which all CoE member States (exception: Liechtenstein and Moldova), are Parties. Its main purpose has been to verify compliance with customs, immigration and security regulations. The CoE findings confirmed that the current international legal framework for civil air traffic appears to lack adequate safeguards against human rights violations.

Under international law, **State aircraft** do not enjoy automatic flyover rights. In the absence of any general or permanent clearances for specific types of aircraft, authorization for overflight by State aircraft is obtained on a case-by-case basis through the competent military or civil authorities. It appeared that most States Parties do not exercise effective controls in order to verify whether a State aircraft in transit is used for purposes incompatible with the ECHR. It seemed from their explanations that most States have not so far have felt the need to resort to such restrictions.

The replies confirmed that there would appear to be no legal obstacles, which would prevent States from exercising in practice jurisdiction over **transiting aircraft** in order to enforce their obligations under the ECHR.

All this adds up to the recognition that it is difficult to assess whether existing mechanisms are capable of ensuring in practice full respect for the rights and freedoms of the ECHR. It appeared that intelligence activities (collecting information, analysing) were not always sufficiently distinguished from law enforcement activities within the laws of many countries. It's confused because the rules are not clear. The control of intelligence officers is much more problematic than the channels of responsibility for law enforcement officers.

Effective legislative and administrative measures to protect individuals against violations of human rights committed by agents of foreign security services operating in the territory of member States appears to be the exception rather than the rule. This indirect and partial control was considered insufficient and thus should be addressed in the follow-up activities to the inquiry. As regards controls over air traffic, means should be found to reconcile respect for human rights with the requirements of efficient, orderly and safe air traffic.

b) Parliamentary Assembly, Committee on Legal Affairs and Human Rights

The CoE's Committee on Legal Affairs and Human Rights plays a major role in promoting and defending human rights in the Parliamentary Assembly. It is also classified as the *de facto* Assembly's legal adviser. Since the early 90's, the Committee played a key role for the newly democratic states of Europe, to ensure that they apply the rule of law and respect human rights and fundamental freedoms, parliamentary democracy and the rights of minorities. Since 9/11, it has been at the forefront of the Assembly's unequivocal condemnation of all forms of terrorism, while maintaining that all measures taken must comply with international standards on human rights and the rule of law.

At its meeting on December 13, 2005 the Committee appointed Dick Marty as Rapporteur and asked the European Commission for Democracy through Law (Venice Commission) to prepare a legal opinion assessing the legality of secret detention in light of the CoE Member States' international obligations—in particular the ECHR and the European Convention for the Prevention of Torture. At the January 2006 part-session of the Assembly, it instructed its Chair to submit a request to the Bureau for an urgent procedure debate on the allegations of secret detention in CoE member States. At this time, the Committee also extended the Rapporteur's mandate to allow visits to the headquarters of the European institutions and to conduct fact-finding visits as deemed necessary.

In the immediate aftermath of these meetings, Dick Marty contacted several public prosecutors, NGO representatives, journalists, former State employees, Eurocontrol, the Venice Commission. Additionally, he investigated a number of individual cases (Abu Omar, José Padilla, Ahmed Al Giza and the so-called "Algerian Six" from Bosnia-Herzegovina) and elaborated on various domestic investigations on the issue (focussing also on Poland and Romania).

In June 2006, Marty issued a draft report on alleged secret detentions in Council of Europe member states. His main findings were *inter alia* that rendition of prisoners must be carried out in accordance with legal procedure and the legal guarantees, including a fair trial within a reasonable time. Persons should not be returned or transferred "in reliance on 'diplomatic assurances' from countries known to engage in the systematic practice of torture and...unless the absence of a risk of ill-treatment is firmly established." In general, Marty emphasized that nothing can justify waiving the principles of the rule of law and respect for human rights and that torture is in any case absolutely prohibited.

Concerning human rights and other concerns implicated by black sites, Marty stated that there is no formal, irrefutable evidence of the existence of secret detention centers in Romania, Poland or any other country. Nevertheless, there are many indications from various sources, which must be considered reliable, justifying the continuation of the analytical and investigative work. These other sources include President Bush, who has admitted that the US had Black Sites abroad, although it is not clear where these sites are located.

In the end, Marty was explicit about the complexity of the issues. He concluded that the safety and security of citizens and the fight against terrorist threats are both undeniable fundamental priorities for democracies and an immense challenge to the State founded on

the rule of law. In support of this, he cited a June 2004 by the US Supreme Court decision, "The point at issue in this case is nothing less than the essence of a free society. If this nation is still attached to the ideals symbolized in its flag, it must not use the weapons of tyrants to resist an attack by the forces of tyranny". He suggested an open dialogue between the institutions on both sides of the Atlantic to explore effective means of combating the new threats facing both. In any event, Marty's work has raised many difficult questions about "relocation" or "outsourcing" of torture. One example being, is it enough for one's own secret services not to be physically present at the place of interrogation and to pretend to have no official knowledge of this practice to state that the law is not being broken?

His second report remains a draft until today. However, the issues raised remained a matter of committees, sub-committees and the Assembly itself.

2. The European Parliament (Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners ["TDIP"])

The Brussels and Strasbourg-based European Parliament (EP) is the parliamentary body of the European Union (EU), directly elected by EU citizens once every five years. Together with the Council of Ministers of the EU, it composes the legislative branch of the institutions of the Union. However, the Parliament has restricted legislative power. It cannot initiate legislation, but it can amend or veto it in many policy areas. In certain other areas, it only has the right to be consulted. The EP exerts a function of democratic supervision over all of the EU's activities.

In December 2005, the EP agreed to set up a temporary committee to investigate the alleged illegal transfer of detainees and the suspected existence of secret CIA detention facilities in the EU and in candidate countries.

The Temporary Committee focused primarily on the experiences of certain probable victims of extraordinary rendition (Abu Omar, Khaled Al Masri, Maher Arar, Mohamed El Zary, Ahmed Al Giza and the 'six Algerians' - five of Bosnian nationality - arrested in Bosnia and transferred to Guantanamo). The TDIP tried to reconstruct the events and their contexts. It launched several missions, one to Skopje, another one to Washington DC and in late 2006 to Berlin, Romania, Poland, Portugal and the UK.

The TDIP mission to **Skopje** served to elucidate the case of Al Masri, the German citizen allegedly held in detention for 23 days in Skopje before finally being transferred to Afghanistan where he remained in prison for almost five months before being released and returned to Germany. The delegation posed many questions to the government. However, it was only somewhat successful in getting answers. With many open questions, the TDIP Committee decided to follow the case and cooperate with other institutions implementing similar investigations; in particular, the inquiry committee of the German Bundestag and the conclusions of the Public Prosecutor of Munich.

The mission to **Washington** allowed the committee to hear the views of the State Department and some members of Congress on the issues it was addressing. The impression was that the Bush Administration was open in its claim for 'freedom of action' in its fight against al Qaeda—even in respect to accepted international law and certain international conventions. TDIP disagreed with that attitude. It felt that the Bush Administration's stance was in direct opposition to one that ensures respect for human rights and human dignity and that these values must be guaranteed in time of peace and of war and, thus also in the context of combating terrorism.

Special attention has also been paid to the issue of European flights by aircraft operated by companies with direct or indirect links to the CIA. By cross-referencing the data obtained by Eurocontrol with that of the Federal Aviation Administration and other sources available to it, the committee has been able to piece together records for over a thousand stopovers made in Europe between late 2001 and late 2005 that can be presumed were operated by the CIA. It is certainly possible that some of those flights were used for the rendition of prisoners. The TDIP also assessed that many Member States interpreted the Chicago Convention in an excessively liberal manner.

In sum, the TDIP came to the conclusion that after 9/11 there had been a marked scaling-back of the instruments that safeguard and guarantee human rights. This contravened the United Nations Convention against Torture, not only in the complete ban on torture but also in its explicit ban on extraditing prisoners to countries in which there is a risk of their being subjected to torture or to degrading or inhuman treatment. As regards to 'extraordinary renditions' in particular, many of the sources have confirmed that this practice was in all probability used in the US's effort to combat terrorism, and that it could be presumed that this was with the tacit or explicit cooperation of some European governments.

Recently, TDIP members raised concerns that other institutions showed a very limited interest in supporting the investigations. Some voices specifically blamed the European Council, namely Javier Solana, the High Representative for the Common Foreign and Security Policy. Others started to criticize NATO, NATO-led operations in the Western Balkans, specific EU member states or candidate countries. Some TDIP members accuse European decision-makers of having been informed on planned dubious law enforcement actions beforehand by highest representatives from Washington. The coming months will show whether these accusations will be upheld and what legal and political consequences might be drawn.

IV. National investigations

Parallel and/or subsequent to the European-level investigations, many European parliaments initiated investigations on alleged kidnappings, rendition flights and black sites. In some countries, the judiciary took the lead and filed cases against unknown US agents suspected of kidnapping or maltreatment. Regardless of EU membership, associated or candidate country, investigations were conducted all over the continent, including states such as Portugal, Switzerland, Romania or Armenia.

Two selected examples embracing all of the above-described allegations are Italy and Germany:

1. Germany

In April 2006, the Bundestag Parliament began a parliamentary investigation dealing with several questions regarding the above-described matters: The alleged rendition cases of Khaled el-Masri, Mohammed Haydar Zammar and Murat Kurnaz, the role of black sites and rendition flights, and finally Germany's role during the recent Iraq war.

The resulting investigation has concentrated on the question of whether German security authorities and senior politicians had knowledge or even played a role in the detention case of Khaled el-Masri. It heard dozens of witnesses who could report on his allegations that he was captured in the FYROM, then transported from Skopje to Kabul and detained there until May 2004. In parallel, the Public Prosecutor's Office in Munich assesses whether it shall issue warrants for the arrests of the alleged kidnappers of Mr. El-Masri.

Zammar, who is accused of involvement in the 9/11 plot, was allegedly transferred by CIA agents from Morocco on a rendition flight to a prison in Syria in early 2002. Damascus is alleged to have offered German agents access to the prisoner for interrogation purposes.

German security officials also questioned a Turkish (but Bremen-born) citizen held at the Guantanamo Bay detention camp for terrorism suspects in Cuba.

This investigation must be interpreted in light of the government change in fall 2005 when the Angela Merkel-run grand coalition took over from the former Schröder-led red-green government. The intelligence passed along to Washington by the Gerhard Schröder government while simultaneously publicly condemning US actions has caused an uproar in Berlin in early 2006. The retroactive investigation concentrates on this hypocrisy, political pragmatism and saving the anti-war reputation of the SPD, which is currently the major partner in the grand coalition. However, the inquiry could also embarrass new Chancellor's government and obstruct her bid to repair damaged trans-Atlantic ties.

2. Italy

On 17 June 2003, an Egyptian citizen, Hassam Osama Mustafa Nasr, known as Abu Omar, was allegedly kidnapped by CIA operatives in Milan, taken to a military base in Aviano, and then taken to Cairo. The resulting investigation by the Milan judiciary and the Italian police services, made Abu Omar's case one of the best-known of extraordinary rendition.

The Nasr case has received even more interest because of the actions of Armando Spataro, Italy's top Prosecutor in prosecuting the alleged perpetrators. In June 2005, he ordered the arrest of 13 CIA operatives, (eventually naming a total of 25 CIA officers in the case) for their role in the kidnapping. His office has repeatedly requested that the Italian government ask Washington to extradite the Americans in the case — all but one believed to be CIA agents. The Italian government has repeatedly refused to do so.

More extraordinary, this is the first case in which Member State government officials themselves are charged essentially with cooperating with the U.S. to violate Italian laws. In July, prosecutors arrested two Italian intelligence officers, alleging that they both knew of the kidnapping and helped to plan it. Moreover, prosecutors are contemplating indicting Italy's head of military intelligence, Nicolo Pollari, in connection with Nasr's rendition, alleging that Pollari and other top officials of the Italian intelligence service worked with the Americans to abduct Nasr. Pollari has recently been fired as a direct result of these allegations. Some allege that the US CIA operatives could not have functioned on Italian soil without, at the very least, the tacit consent of highest government leaders.

V. Conclusions

The above-described investigations on the means in the War on Terror on European soil had differing consequences. In some ways they may have resulted in public admission by government leaders of the existence of suspect programs. These investigations may have also led to the cessation of certain practices. For Europe, the debate continues on opened legal questions and the questionable cooperation of security services in alleged illegal activities. In the end, the political dimension is not yet predictable.

1. The Legal Dimension

All of the above-mentioned investigations condemned the alleged existence of so-called black sites, rendition flights and the breaches of international human and civil rights instruments through excessive interrogations of detained terror suspects. At the same

time, debate continues if some of the practices constitute breaches of international and national law *per se*. In detail, the reports do differ.

a) Laws

While the Marty report acknowledges a lack of evidence in some of the accusations, the TDIP is less apprehensive to believe in secret detention centres or rendition flights. In terms of recommendations, the European lawyers offer a variety of suggestions. Some call for a complete review of all legal instruments related to the War on Terror. Others believe that current legislation is adequate; it is just not applied and enforced when it comes to wrong acts during the persecution of suspected terrorists. They suggest that renditions need to be replaced by mutual legal assistance or extradition. In the end, all investigations tend to stick to domestic criminal law as the best tool against acts of terror.

a) Information

An important question remains unanswered: What to do with information obtained from extra-judicial detainees during alleged torture. Some voices refer to the “fruits of the poisoned tree”-doctrine and suggest refraining from such information. While this doctrine is valid in the case that such information is introduced in a court proceeding, the question remains whether it is valid for use to *prevent* terrorist acts. Some voices argue that the pure knowledge of such information by security officers in the planning phases does not contradict any laws.

In some cases, the national judicial investigations have issued warrants of arrests against members of security agencies. Thus, the former hunters became hunted themselves. However, this is not without the creation of internal conflict and diplomatic delicacy. The agendas of Member States’ judiciaries are often at odds with those of the executive responsible for home affairs and keeping ties with its international allies.

2. The Political Dimension

Parliamentary oversight, be at the national or European level, used the allegations on European soil to attract attention.

a) In Europe

Although of less impact than national parliamentary investigations, a heated controversy started within the European arena.

The TDIP especially touched on a number of sensitive issues of European integration and Europe’s general aim to become a global political player. The investigation did not only name various Member States and accused them of inadequate action to monitor illegal acts in the War of Terror, it also emphasized the lack of cooperation received from the European Council, namely Javier Solana, the High Representative for the Common Foreign and Security Policy. It can be expected that the discussion between the Council, the Commission and the Parliament on who is going to be the EU’s driving force towards a global role will continue.

In addition, the Brussels-based NATO was also accused of having a very limited interest to share requested information. This underlined Brussels’ dilemma. It has aims to take more responsibility in international peace-keeping and nation-building missions, but now peace-keeping missions are tainted. On the Balkans, European peace-keepers and NATO have to work very closely to fulfil their mandates in Kosovo, Bosnia or Macedonia. Anti-terror operations on the Balkans became under close supervision due to the European investigations.

For host countries such as Bosnia and Kosovo, the allegations led to political difficulties. Torn between European demands to respect rule of law and human rights and to hand-over suspected terrorists, they were between a rock and a hard place. A relaxed attitude would have put their loyalty to the US in question. On the other hand, the EU now questions their EU aspirations if misconduct is not properly investigated. Similarities can be found in the cases of candidate countries like Romania and Macedonia.

The question remains, did the investigations help the internal European integration process as such. Most probably, the average EU citizen will hardly understand why three European bodies deal with similar questions. While the debate of a European Constitution continues, the investigations could most likely not rebuff the argument that Brussels and Strasbourg stand for non-transparent bureaucracies with unclear competencies and remote actors.

Lastly, the investigations hinted that European decision-makers were informed beforehand that the US intended to fight terror through methods based on new legal interpretations. This would throw a dark light on Europe's former rhetoric condemning certain acts during the War on Terror. The debate on alleged tacit consent and hypocrisy will definitely continue.

b) EU Member States

European institutional findings, however, influence national investigations. In this context, parliamentary or Ombudsmen control over the role of security agents in the war on terror enjoys much more attention than four or five years ago.

Interesting enough, the political composition in major European capitals in the immediate post 9/11 era were very diverse. They ranged from conservative governments in Rome or Madrid to red-green coalitions in Berlin. However, in practice they seemed to have reacted in similar ways to public questions. Today, the European investigations hinted that these governments were all informed of major US-led operations and watched with half-turned heads. In consequence, national decisions-makers face embarrassing questions on their role, knowledge or negligence on excessive action against terror suspects.

In most countries, the media became a key factor to address violations of human rights laws. Almost every week, journalists publish new stories on returned detainees from Guantanamo, alleged black sites or misbehaviour of foreign or national agents or army personnel. Without a doubt, the debate is emotional. It raises issues of the legacy of the war against terror and against Al-Qaeda, of appropriate methods to confront the challenge and the overall Western stance after 9/11. However, at the same time, emotions run high in the immediate period after the discovery of planned terrorist attacks. The Heathrow plot or the failed bombing of German trains resulted in the complete opposite reaction. The media called for more protection, politicians promise a higher budget to fight the threat and lawyers submit new drafts for data or surveillance laws.

In either direction, the debate sometimes lacks a calm and neutral tone, allowing authorities to plan strategies against terrorism that balance efficacy and the maintenance of international human rights standards.