

**FROM THE WAR ROOM TO THE COURT ROOM:
ASYMMETRICAL WARFARE AND INTERNATIONAL LAW IN THE 21ST CENTURY**

**October 18th, 2010
Union League Club
65 West Jackson Blvd., Chicago**

Recent conflicts have pitted sovereign states and their militaries against non-state terrorist groups and militias. This policy conference will feature panels of internationally renowned legal experts and practitioners with battlefield experience who will examine existing international human rights law governing the conduct of war under these often nebulous circumstances and their application to subsequent investigations and proceedings concerning charges of alleged human rights violations and war-crimes.

Sponsoring Organizations: DePaul University, College of Law, International Human Rights Law Institute; National Strategy Forum; Jewish Federation of Metropolitan Chicago; Public Affairs Committee of the Union League Club of Chicago; **In cooperation with:** The Consulate General of Israel to the Midwest, the Cohen Group and DLA Piper.

COST: \$50.00/person includes conference and keynote banquet luncheon

CONFERENCE PROGRAM

(as of 9/17/10)

9:30-9:45 **Welcome.** Ambassador J.D. Bindenagel, VP for Community, Government and international Affairs, DePaul University

9:45-11:45: Session I: The Law of War and International Human Rights Law: Compatible or Conflicting?

Topics to be discussed may include:

(Final topics to be determined by panelists and moderator):

- 1) *Casus Belli*: Grounds for launching security operations against non-state actors;
- 2) Normative effectiveness of the rule of law vis-à-vis *international* counter-insurgency and counter-terrorism operations;
- 3) Lawful conduct of complex security operations according to international law;
- 4) Legally differentiating combatants, hostile non-combatants and civilians;
- 5) Appropriate uses of force to achieve security objectives (the “lesser evil” dilemma);
- 6) Role of International Organizations and NGOs in monitoring compliance with IHRL;
- 7) LOAC and IHRL applied to conflicts involving non-state actors; and
- 8) International Agency investigations and adjudications of alleged war crimes.

Participants:

Mr. Charles Allen, DOD Deputy General Counsel, International Affairs (Probable)

M. Cherif Bassiouni; Distinguished Research Professor of Law; President Emeritus, International Human Rights Law Institute (Confirmed)

Ambassador Arthur Lenk, Director of the Department of International Law in the Office of the Legal Advisor of Israel's Ministry of Foreign Affairs. (Confirmed-really)

Tom Mockaitis, Professor of History, DePaul U. (Confirmed)

Mr. Jamie Williamson, Legal Advisor, International Committee of the Red Cross. (Confirmed)

Moderator/Discussion Leader: Mr. W. Darrell Phillips, Associate Chief of International and Operations Law, USAF JAG School (Confirmed)

Noon-1:45 PM Lunch Sponsored by the National Strategy Forum.

Keynote: General Paul J. Kern, Senior Counselor, Cohen Group, Washington, DC; Commanding General, Army Materiel Command (2001-2004); Senior Advisor for Army Research, Development, and Acquisition (1997-2001); Commander, 4th Infantry Division (1996-1997). Headed Dept. of Defense Internal Abu Ghraib Investigation. (Appearance courtesy, Cohen Group and DLA Piper). (Confirmed)

Topic: Justice for All

2:00-4:00 Session II: Case Studies of military operations, decision-making and real-time application of laws: Iraq, Afghanistan, Gaza /Lebanon.

Topics to be discussed may include:

(Final topics to be determined by panelists and moderator):

- 1) The civil-military understanding, lawful implementation of, and cooperation with, coalition policies and strategy vis-à-vis counter-terrorism and counter-insurgency.
- 2) Lawful options for civil-military planners and operators regarding the tactics, techniques and procedures necessary to successfully conduct international counter-insurgency and counter-terrorism operations, as well as coalition peace support/peace enforcement operations and other non-traditional civil-military operations.
- 3) Challenges of counter-terrorism intelligence and impact on LOAC.

4) Post-conflict: Investigating and adjudicating allegations of military wrongdoing.

Participants:

Lieutenant General Dana K. Chipman, Judge Advocate General of the US Army (Confirmed).

Col. Liron Liebman, Military Advocate General Corps, International Law Dept., Israel Defense Forces. (Confirmed).

Lieutenant General (Ret) Jack Rives (USAF TJAG, 2006–2010) Executive Director, American Bar Association (Probable)

Kathleen Kiernan, CEO Kiernan Group- Counter-terrorism Intelligence (Confirmed).

Iraq/Kurdistan: Judge Qader Hama Jan Azeez, Kurdistan, and **Peshraw Ahmed Hassin**, Iraq. (Probable-depending on visa status)

Moderator/Discussion leader: Major General Charles Tucker, Executive Director, International Human Rights Law Center, DePaul, U. (Confirmed)

4:05-5:35 pm Concluding Panel and Round Table Discussion

Topic: “From the War Room to the Court Room: Case Study- Gaza Blockade, Flotillas and International Maritime and Humanitarian Law”

Panel:

Ambassador Feisal Amin Rasoul Al-Istrabadi, Iraq- Former Ambassador of Iraq to the UN; visiting Professor of Law, Indiana U. (Probable)

Col. Liron Liebman, Military Advocate General Corps, International Law Dept., Israel Defense Forces. (Confirmed).

Admiral Hank White (ret.) (Invited)

Moderator: Eugene Kontorovich, Associate Professor of Law, Northwestern U. (Confirmed)

Round Table: all participants will then weigh in on concluding discussion.