From the War Room to the Court Room:
Asymmetrical Warfare and International Law in the 21st Century

October 18, 2010 • Chicago IL
Recent conflicts have pitted sovereign states and their militaries against non-state terrorist groups and militias. This policy conference will examine existing international human rights law governing the conduct of war under these 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; and the Public Affairs Committee of the Union League Club of Chicago

**In cooperation with:**
The Consulate General of Israel to the Midwest; The Cohen Group, Washington, DC; and DLA Piper, LLP
PROGRAM

9:30-9:45 Welcome
Ambassador J.D. Bindenagel
Vice-President Community, Government, and International Affairs, DePaul University

Panelists:
Ambassador Feisal Amin Rasoul Al-Istrabadi
Former Ambassador of Iraq to the United Nations; visiting Professor of Law, Indiana University
Ambassador Arthur Lenk
Director of the Department of International Law in the Office of the Legal Advisor of Israel’s Ministry of Foreign Affairs
Tom Mockaitis
Professor of History, DePaul University
Jamie Williamson
Legal Advisor, International Committee of the Red Cross

Moderator:
W. Darrell Phillips
Associate Chief of International and Operations Law, United States Air Force Judge Advocate General’s School

12:00-1:45 Lunch Sponsored by the National Strategy Forum
Keynote Speaker:
General Paul J. Kern
Senior Counselor, The Cohen Group, Washington, DC; Commanding General, Army Material 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 of The Cohen Group and DLA Piper, LLP)

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
Panelists:
Charles Allen
Department of Defense Deputy General Counsel, International Affairs
Lieutenant General Dan K. Chipman
Judge Advocate General of the United States Army
Col. Liron Libman
Military Advocate General Corps, International Law Dept., Israel Defense Forces
Judge Qader Hama Jan Azeez
Director-General of Asayish Gishti (General Security Directorate) Sulaymaniyah, Kurdistan
Timothy Lomperis
Professor of Political Science at Saint Louis University

Moderator:
Major General Charles Tucker
Executive Director, International Human Rights Law Institute, DePaul University

4:15-5:45 Session III: Perspectives on Contemporary Problems: Gaza Blockade and International Maritime and Humanitarian Law
Panelists:
M. Cherif Bassiouni
Distinguished Research Professor of Law, DePaul University; President Emeritus, International Human Rights Law Institute
Ambassador Arthur Lenk
Director of the Department of International Law in the Office of the Legal Advisor of Israel’s Ministry of Foreign Affairs
Col. Liron Libman
Military Advocate General Corps, International Law Dept., Israel Defense Forces
Charles Allen
Department of Defense Deputy General Counsel, International Affairs

Moderator:
Eugene Kontorovich
Associate Professor of Law, Northwestern University
### General Paul J. Kern

Paul J. Kern, General, US Army (Ret) is a Senior Counselor with The Cohen Group. He served as President and Chief Operating Officer of AM General from August 2008 through January 2010. He is currently a Director with ITT and iRobot Corporations, and a member of the CoVant Board of Managers. Since retiring from the Army in 2005, he has held the Class of 1950 Chair for Advanced Technology at West Point, was a Vice President for Battelle, and a Director on the Anteon and EDO boards. In June 2004, the Secretary of Defense tapped General Kern to lead the military’s internal investigation into the abuses at the Abu Ghraib prison in Iraq. Previously he served as the Department of the Army Military Deputy for Research, Development and Acquisition. In 1996-97 he was the Commanding General of the 4th Infantry Division, Mechanized. General Kern graduated from West Point in 1967 with a Bachelor of Science degree. He holds Master’s Degrees in Civil and Mechanical Engineering from the University of Michigan and was elected to the National Academy of Engineering in 2006. He is a National Security Fellow from the John F. Kennedy School, Harvard University and a member of the Council on Foreign Relations. He belongs to the Association of the United States Army and the Society of Automotive Engineers, and is an adjunct professor at the University of Southern California and on the Mechanical Engineering Advisory Board at the University of Michigan.

### Charles Allen

Charles Allen has served as Deputy General Counsel, Department of Defense (International Affairs) since May 2000. He is responsible for providing legal services and advice on the Defense Department’s wide range of international issues, and for supervising a staff of 14 attorneys. Areas of responsibility include legal advice on Department of Defense planning and conduct of military operations in the war on terrorism and the war in Iraq, including the law of armed conflict and war crimes, war powers, coalition relations and assistance, and activities of U.S. forces under international law and relevant U.N. Security Council Resolutions; arms control negotiations and implementation, non-proliferation, and cooperative threat reduction; status of forces agreements; cooperative research and development programs; international litigation; law of outer space; and multilateral agreements.

### M. Cherif Bassiouni

M. Cherif Bassiouni is a distinguished research professor of law emeritus at DePaul University College of Law and president emeritus of the law school’s International Human Rights Law Institute. He also is president of the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy, and honorary president of the International Association of Penal Law in Paris, France. Bassiouni has served the United Nations in a number of capacities, including as co-chair of the Committee of Experts to draft the Convention on the Prevention and Suppression of Torture (1977); member, then chairman, of the Security Council’s Commission to Investigate War Crimes in the Former Yugoslavia (1992-1994); chairman of the Drafting Committee of the 1998 Diplomatic Conference on the Establishment of an International Criminal Court; independent expert for the Commission on Human Rights on The Rights to Restitution, Compensation and Rehabilitation for Victims of Grave Violations of Human Rights and Fundamental Freedoms (1998-2000); and independent expert for the Commission on Human Rights on the Situation of Human Rights in Afghanistan (2004-2006). In 1999, Bassiouni was nominated for the Nobel Peace Prize for his work in the field of international criminal justice and for his contribution to the creation of the International Criminal Court.

### Lieutenant General Dana K. Chipman

Lieutenant General Dana K. Chipman is currently The Judge Advocate General of the United States Army. He attended the United States Military Academy at West Point, earning a Bachelor of Science degree and a commission in the Infantry in 1980. He later earned a Juris Doctor degree from Stanford Law School in 1986. He also holds a Master of Laws degree from The Judge Advocate General’s School and a Master of Strategic Studies degree from the United States Army War College. In 2001 and 2002, he deployed as the legal advisor to a Joint Special Operations Task Force for Operation Enduring Freedom. He served as the Staff Judge Advocate, U.S. Special Operations Command, MacDill Air Force Base, Florida, and then as Staff Judge Advocate, U.S. Central Command. He also served as the Commander and Commandant of The Judge Advocate General’s Legal Center and School in Charlottesville, Virginia. On October 1, 2009, he was promoted to the rank of Lieutenant General and began serving as the 38th Judge Advocate General of the U.S. Army.

### Ambassador Feisal Amin Rasoul Al-Istrabadi

Ambassador Istrabadi served as Iraq’s Deputy Permanent Representative to the United Nations from 2004-2007 and was principal drafter of its interim constitution of 2004. He focuses his research on the processes of building legal and political institutions in countries in transition from dictatorship to democracy. He brings a multi-disciplinary approach to studying the emergence of constitutionalism in such societies, including questions of timing and legitimacy, issues of transitional justice, and the political and cultural factors which influence the process of democratization. Ambassador Istrabadi lectures often at universities and think tanks on Iraq-related issues. He appears frequently in national and international media. Prior to his diplomatic appointment, Ambassador Istrabadi served as a legal advisor to the Iraqi Minister for Foreign Affairs during the negotiations for U.N. Security Council resolution 1546 of June 8, 2004, which recognized the reassertion by Iraq of its sovereignty.
**Eugene Kontorovich**

Professor Kontorovich specializes in constitutional and international law. His research focuses on extending the economic analysis of law to public law. He is also one of the leading experts on maritime piracy and universal jurisdiction, and has been called on to advise lawyers in historic piracy trials around the world. He is working on a book, *Justice at Sea: Piracy and the Limits of International Criminal Law*, under contract with Harvard University Press.

**Ambassador Arthur Lenk**

Arthur Lenk is the Director of the Department of International Law at Israel’s Ministry of Foreign Affairs. He is responsible for providing legal advice to the Ministry’s International Organizations and Strategic Affairs Divisions, on multilateral issues ranging from arms control and proliferation to human rights and U.N. affairs. He also coordinates the Ministry’s activities on international criminal law matters and plays an active role in representing Israel before international organizations such as the U.N. Human Rights Council. He is currently also working with the U.N. Secretary General’s Panel of Inquiry on the May 31, 2010 Flotilla Incident. Mr. Lenk served as Israel’s Ambassador to Azerbaijan and has also served in postings in New Delhi, India and Los Angeles. Between 2002 and 2005 Lenk also served as an Israeli Government spokesman and a lecturer on foreign affairs and diplomacy, briefing and appearing on a range of international media sources including CNN, BBC, Le Monde and NPR.

**Col. Liron Libman**

Col. Libman currently serves as the Head of the International Law Department in the Military Advocate General’s (MAG) H.Q. of the Israel Defense Forces. He was accepted to the academic reserve of the IDF in 1985 and received his LLB degree from Bar-Ilan University in 1989. Over the last 21 years, Col. Libman held various positions in the MAG’s Unit. He has served as a legal adviser to different military units and branches in the fields of civil, administrative and international law, and as a prosecutor and a military advocate in the area of criminal law. In 2005 he was promoted to the rank of colonel, and was appointed as Chief Military Prosecutor. In February 2009 he was appointed to his current position as Head of the International Law Department.

**Dr. Timothy Lomperis**

Dr. Timothy Lomperis, Professor of Political Science at Saint Louis University, specializes in international relations, Asian studies, international security, revolutionary theory, and counterinsurgency. Dr. Lomperis received his Ph.D. from Duke University in 1981. His fields were international relations, Asian studies, political theory, and world religions. His dissertation won the Helen Dwight Reid Award of the American Political Science Association in 1981 for the best dissertation in international relations. Before earning his Ph.D., Dr. Lomperis served two tours of duty in Vietnam in the Army and Defense Intelligence Agency. He was awarded the U.S. Bronze Star and the Vietnamese Army Staff Medal First Class. Prior to joining the SLU faculty in 1996, he taught at the U.S. Military Academy at West Point and at Duke University. At the upper/graduate level, his courses are in asymmetric warfare, the politics of the future, the public policy of American national security, and graduate seminars in international relations theory and Asian political thought. His journal articles have appeared in such outlets as *Parameters, World Affairs*, and *The Journal of Conflict Studies*. He has frequent media contacts on the war on terror and is currently at work on a book on the politics of military interventions in the Cold War contrasted with those of the war on terror.

**Tom Mockaitis**

Tom Mockaitis is a professor of history at DePaul University, where he teaches courses in British, Modern European, and Military history. His research and writing cover terrorism, insurgency, counterinsurgency, and peace operations. As an adjunct faculty member of the Center for Civil Military Relations, he has co-taught several terrorism/counterterrorism courses and worked with a team of specialists to help the Romanian Army rewrite its civil-military cooperation doctrine. He has lectured at the U.S. Marine Corps Command and Staff College and the Canadian Forces Staff College, and presented papers at the Pearson Peacekeeping Center (Canada), the Royal Military Academy Sandhurst (UK), and at conferences co-sponsored with the Military Science Department of the Austrian Ministry of Defense. Dr. Mockaitis earned a BA in European History from Allegheny College in Meadville, PA, and his MA and Ph.D. in Modern British and Irish History from the University of Wisconsin-Madison. He is also an editor of *Small Wars and Insurgencies*.

**W. Darrell Phillips**

Mr. Darrell Phillips is the Associate Chief, Operations and International Law Division, The Judge Advocate General’s School, Maxwell Air Force Base, Alabama. He instructs on such topics as the law of armed conflict, rules of engagement, legal considerations in homeland defense, civilian contractors accompanying U.S. forces, and fiscal law during overseas deployments. Mr. Phillips received his commission as a graduate of the AFROTC detachment at Southern Methodist University and continued his studies through the Educational Delay Program at Southern Methodist University School of Law. He retired from the United States Air Force in 1991 and was hired as the first civilian instructor at The Judge Advocate General’s School.

**Judge Qader Hama Jan Azeez**

Qader Hama Jan Azeez (Hakim Qader) is a member of the political bureau of the Patriotic Union of Kurdistan (PUK). He is a graduate of the University of Baghdad Law School. He is the founder of the Union Advocates Syndicate and was a judge for a few years. Additionally, he was the office manager of Mr. Jalal Talabani, the president of Iraq and Secretary-General of the PUK. He is the founder of Aaish, a security service, and was the Director General of the organization from 1992
to 1997. Mr. Qader was the Governor of Sulaimaniyah from 1997 to 2000. He is currently the Director General of Asaish for a second time.

**Major General Charles Tucker**

Major General (Ret) Charles E. Tucker (USAF) is the Executive Director of the International Human Rights Law Institute at DePaul University. For more than 25 years, he has been an international rule of law and humanitarian law practitioner. He was routinely seconded to the US State Department and various International Organizations. He served multiple tours of duty with the United Nations in various countries and served as Economic and Legal Adviser for the Office of the High Representative in Bosnia and Herzegovina. Additionally, he served as Legal Adviser for the US Ambassador in Iraq, as well as for the State Department and DOD missions in Europe, the Middle East, Central Asia, Central and South America. Prior to his military retirement, Chuck was Director of Joint Doctrine, Training and Force Development for the National Guard Bureau. He was responsible for developing training and exercise policies/programs to ensure joint units of the National Guard were ready to respond to their homeland defense and homeland security missions. He also formulated Joint Professional Military Education policy and coordinated review of all Joint Professional Military Education curricula.

**Jamie Williamson**

Jamie Williamson, a British Citizen, serves as the Legal Advisor for the Washington Delegation of the International Committee of the Red Cross. In this capacity, he is responsible for legal support to the ICRC activities in the US and Canada, with particular focus on Guantanamo and military operations in Afghanistan and Iraq.

From 2005 until assuming his present functions, Jamie Williamson was the ICRC Regional Legal Advisor based in Pretoria, South Africa, and assisted Governments and international organizations in Southern & Eastern Africa and the Indian Ocean on the implementation of international humanitarian law, weapons treaties (landmines, biological, chemical, conventional) and criminal repression for war crimes, crimes against humanity and genocide.

Jamie Williamson also has extensive experience in the field of international criminal justice, having previously served with the U.N. ad hoc international criminal tribunals in Tanzania and the Netherlands, and the Special Court for Sierra Leone, where he worked on the first international judgments on the crimes of genocide and war crimes in non-international armed conflicts. From 2002, Jamie Williamson headed the Chambers legal support section of the ICTR Appeals Chamber based in The Hague. He has published numerous papers on notably repression of war crimes, international justice, and the challenges to International Humanitarian Law in modern day conflicts.