

LOYOLA UNIVERSITY CHICAGO
SCHOOL *of* LAW



INTERNATIONAL LAW REVIEW 2010

The International Criminal Court

Its Current and Future Impact on
International War Crimes and
Gross Violations of Human Rights

PHILIP H. CORBOY LAW CENTER • POWER ROGERS & SMITH COURTROOM

8:30 AM—4:15 PM • FRIDAY, FEBRUARY 26, 2010

Symposium Editor: Tracie Pretet

ABOUT THE CONFERENCE • This conference and workshop will discuss the current and future state of the International Criminal Court. It will focus on human rights issues in the international arena, as well as the international community's way of dealing with war crimes and gross violations of human rights. The conference will feature cutting-edge practitioners and scholars from a variety of backgrounds presenting their experiences and expertise in international law. Join international leaders and scholars at Loyola University Chicago School of Law for a day of thoughtful and engaging discussion about these multifaceted issues that affect all aspects of society and demand ongoing attention. This program has been approved by the Illinois MCLE Board for 6.5 hours of credit.

REGISTRATION INFORMATION • Loyola University Chicago School of Law is pleased to present this important conference at no charge for Loyola students, faculty, professionals, and scholars not seeking CLE credits. However, attendees seeking CLE credit will be charged a nominal fee at the credit hour rates listed below. Registration is appreciated, as seating is limited. To register, please contact Tracie Pretet at tpretet@luc.edu.

This program has been approved by the Illinois MCLE Board for 6.5 hours of credit.

ABOUT THE INTERNATIONAL LAW REVIEW • The *Loyola University Chicago International Law Review* is a semiannual journal that focuses on topical issues in both international and comparative law. Loyola law students edit, manage, and publish the journal, including the yearly symposium issue in which established scholars and practitioners contribute articles focusing on a contemporary issue in international law, such as world trade law, international environmental law and the rule of law in Africa.

CONFERENCE COST:

Preregistered: \$218

Same-day registration: \$260

Loyola alumni preregistered: \$182

Loyola alumni same-day registration: \$208

Loyola students and faculty: Free

Attendees not seeking CLE credit: Free

CONFERENCE AGENDA

FRIDAY, FEBRUARY 26, 2010

8:30-8:50 AM • Continental Breakfast

8:50-9 AM • Opening Remarks

Margaret L. Moses

Professor of Law, Associate Dean for Faculty Research and Development, and Director of The International Law and Practice Program, Loyola University Chicago

9-10 AM • Scholarly Address #1

David M. Crane

Former Chief Prosecutor of the Special Court for Sierra Leone; Professor of Practice, Syracuse University College of Law

10-11:30 AM • Panel #1

Guantanamo Bay and the Alleged Violations of Human Rights: Should the International Criminal Court have Jurisdiction to Decide?

- Alan Raphael, Panel Chair and Commentator, Associate Professor of Law, Loyola University Chicago
- Jeff Colman, Attorney at Law, Jenner & Block LLP
- Douglass Cassel, Presidential Fellow and Professor of Law, Director of the Center for Civil and Human Rights, University of Notre Dame
- Robert Knowles, Assistant Professor of Law, Chicago-Kent College of Law

11:30-11:45 AM • Break

11:45 AM-1:30 PM • Panel #2

Specialized War Tribunals or the International Criminal Court: The Most Effective Body to Prosecute War Crimes and Protect Human Rights

- Robert John Araujo, S.J. - Panel Chair and Commentator, John Courtney Murray, S.J., University Professor, Loyola University Chicago
- Valerie Oosterveld, Assistant Professor and Director, International Law Internship Program, The University of Western Ontario
- Minna Schrag, Former Prosecutor, International Criminal Tribunal for the Former Yugoslavia; Retired Partner, Proskauer Rose, LLP
- Mark Osiel, Aliber Family Chair in Law, The University of Iowa College of Law
- Sara Criscitelli, Prosecution Coordinator, Office of the Prosecutor, International Criminal Court

1:30-3:15 PM • Scholarly Address #2 and lunch (Kasbeer Hall, 15th floor)

- David Scheffer, Mayer Brown/Robert A. Helman Professor of Law, Director, Center for International Human Rights, Northwestern University

3:15-4:15 PM • Film Screening

***The Response*: A courtroom drama based on the actual transcripts of the Guantanamo Bay military tribunals**

- Sig Libowitz, Writer/Producer

FOR FURTHER INFORMATION, CONTACT SYMPOSIUM EDITOR TRACIE PRETET AT TPRETET@LUC.EDU.

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For more information, visit LUC.edu/law/ILR2010.

SPEAKERS

DAVID M. CRANE was appointed a professor of practice at Syracuse University College of Law in the summer of 2006. From 2002-2005 he was the founding Chief Prosecutor of the Special Court for Sierra Leone. With the rank of Undersecretary General, Professor Crane's mandate was to prosecute those who bear the greatest responsibility for war crimes, crimes against humanity, and other serious violations of international human rights committed during the civil war in Sierra Leone during the 1990's. Professor Crane served over 30 years in the federal government of the United States. Appointed to the Senior Executive Service of the United States in 1997, Mr. Crane has held numerous key managerial positions during his three decades of public service, including Senior Inspector General, Department of Defense, Assistant General Counsel of the Defense Intelligence Agency, and Waldemar A. Solf Professor of International Law at the United States Army Judge Advocate General's School. Professor Crane holds a Juris Doctor degree from Syracuse University, a Masters of Arts Degree in African Studies and a Bachelor of General Studies in History, summa cum laude, from Ohio University.

DAVID SCHEFFER holds an endowed professorship on the Northwestern University law faculty and serves as director of the Center for International Human Rights. He previously acted as the United States ambassador at large for war crimes issues and has led the U.S. delegation in U.N. talks establishing the International Criminal Court. Along with his experience in international human rights, Professor Scheffer also specializes in international criminal law, public international law, and international institutions law. At Northwestern, he teaches various courses related to international law and also supervises the international externship program. He has written extensively on international criminal law and other international legal issues. Professor Scheffer received his bachelor's degree from Oxford University and a master of laws degree from Georgetown University.

PANELISTS

DOUGLASS CASSEL joined the Notre Dame faculty in 2005 and is currently a professor of law and the director of the Center for Civil and Human Rights. Professor Cassel's career has focused on international human rights and international criminal and international humanitarian law. He has worked as a consulate to the United Nations, the Organization of American States, and the U.S. Department of State. Professor Cassel has also filed amicus curiae briefs with the U.S. Supreme Court relating to rights of prisoners in Guantanamo Bay and accountability for violations of the Alien Tort Claims Act. He has published extensively and lectures worldwide on issues of international human rights, and his commentaries on human rights are published in the Chicago Tribune and broadcast weekly on National Public Radio. Professor Cassel graduated cum laude from Yale University and earned a JD degree cum laude from Harvard Law School in 1972.

SARA CRISCITELLI is prosecution coordinator for the Office of the Prosecutor (OTP) in the International Criminal Court where she provides legal analysis and advice to fellow prosecutors. Ms. Criscitelli's other duties include drafting documents and pleadings, coordinating legal policy on key issues within the OTP, supervising the trial teams and appeals section, and reviewing all documents and pleadings before they are filed. Prior to her work with the International Criminal Court, Ms. Criscitelli worked in the Criminal Division of the U.S. Department of Justice, where she also acted as the assistant director of the Office of International Affairs. She has taught courses in international criminal law at George Washington University Law School. Ms. Criscitelli earned her BA degree from Queens College and her JD degree from Hofstra University Law School.

CONFERENCE COST

NO CHARGE • For Loyola students and faculty, and individuals who do not wish to obtain CLE credits

JEFF COLMAN is a partner in Jenner & Block's litigation department and has extensive experience at both the trial and the appellate level. Mr. Colman has served as lead counsel for large and small corporations; represented individual attorneys in professional liability cases; and handled cases dealing with malpractice, products liability, securities fraud, commercial litigation, constitutional rights, and white collar crime, among other issues. He has received numerous awards and recognition for his dedication to pro bono and public service activities, including a commendation by Mayor Richard M. Daley for his work on behalf of Iraqi women who wanted to participate in the 2008 Olympic Games in Beijing. He is a member of a team of Jenner & Block lawyers representing prisoners at Guantanamo Bay. Mr. Colman graduated from the University of Wisconsin and received his law degree from Stanford University Law School.

ROBERT KNOWLES joined Chicago-Kent's legal research and writing faculty in 2009. His research focuses on the application of international relations to administrative, national security, and constitutional law. His articles have been published in various law journals around the country. Professor Knowles began his law career clerking for Judge M. Margaret McKeown of the U.S. Court of Appeals for the Ninth Circuit. After his clerkship, he was an associate at Covington & Burling LLP in New York from 2003-06. Prior to joining the Chicago-Kent faculty, he was an assistant professor in the Lawyer Program at New York University School of Law. During his time at Covington & Burling, he began his current representation of 16 Yemeni detainees at Guantanamo Bay. Professor Knowles earned his JD degree magna cum laude in 2001 from Northwestern University School of Law.

VALERIE OOSTERVELD has been a member of the Western Ontario Law Faculty since 2005. Prior to joining the Faculty, she served in the Legal Affairs Bureau of Canada's Department of Foreign Affairs and International Trade, where she provided legal advice on international criminal accountability for genocide, crimes against humanity, and war crimes, specifically with respect to the International Criminal Court, the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the Sierra Leone Special Court. Her research focuses on gender

issues within international criminal justice and some of her courses include International Organizations, Public International Law, and International Criminal Law. Professor Oosterveld received her LLB degree from the University of Toronto and her LLM and SJD degrees from Columbia Law School.

MARK J. OSIEL holds the Aliber Family Chair in Law at the University of Iowa College of Law. He has been a visiting fellow at universities across the globe, and currently teaches courses in international law and international criminal/humanitarian law at Iowa. He is also currently researching the place of lawyers in the emerging global economy and how countries retain their distinctive legal traditions in the face of globalizing pressures. Professor Osiel has spoken at the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, and the U.S. war colleges, and he regularly advises international organizations and governments on issues of transitional justice. His articles on international law and human rights have been published in law journals across the country. Professor Osiel received his BA degree from the University of California, Berkeley, in 1977 and his JD degree from Harvard University in 1987.

MINNA SCHRAG is a retired partner of Proskauer Rose in New York. In 1994-95, Ms. Schrag took leave from the firm to serve at the International Criminal Tribunal for the former Yugoslavia, where she acted as a senior trial attorney and the senior American on the staff of the chief prosecutor, Richard Goldstone. Since her retirement, she has served with the U.S. delegation that negotiated for the establishment of the International Criminal Court. She currently serves on the board of the Alliance for International Conflict Prevention and Resolution, the board of the Interstitial Cystitis Association, and the Policy Committee of Human Rights Watch. Ms. Schrag received her undergraduate degree from Radcliffe College and her JD degree from Columbia Law School.

MODERATORS

ALAN RAPHAEL is an Associate Professor of Law at the Loyola University Chicago School of Law. Prior to joining the Loyola Law Faculty, Professor Raphael clerked for Chief Judge Thomas E. Fairchild of the U.S. Court of Appeals for the Seventh Circuit and worked at a major Chicago law firm. He has argued high-profile criminal convictions in both federal and state courts. Professor Raphael's courses are concentrated in the areas of constitutional law and criminal law, including international criminal law. He has also authored a law review article about the implications of the Sept 11 attacks on international law. Professor Raphael earned a BA degree from Haverford College, and a law degree from the University of Indiana Law School.

ROBERT JOHN ARAUJO, S.J. In 2009, Robert John Araujo, S.J., was appointed the inaugural holder of the John Courtney Murray, S.J., University Professorship at Loyola University. After completing law school, he served as an officer in the U.S. Army, a trial attorney and attorney advisor in the Solicitor's Office of the U.S. Department of the Interior, and in different capacities as a corporate attorney. He entered the Society of Jesus in 1986 and since 1997 has served as an advisor to the Holy See, providing counsel on issues of public international law. He was also previously a member of the law faculty of Gonzaga University, where he became the Robert Bellarmine, S.J., University Professor in American and Public International law. Father Araujo has since been a visiting professor at several universities around the country and has published numerous law review articles on topics such as Constitutional law, Catholic legal theory, and public international law. He earned his law degree from Georgetown University.

INTERNATIONAL LAW REVIEW EXECUTIVE BOARD 2009-2010

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The Response

Written and Produced by Sig Libowitz

Chosen as one of only ten films worldwide
to advance for the Oscar®
as Best Short Film (Live Action)

The Response was recently named
the 2009 ABA Silver Gavel Award
winner in Drama & Literature.
This is the American Bar Association's
highest award.

*The Response is a courtroom drama based
on the actual transcripts of the Guantanamo Bay
military tribunals [officially known as the
Combatant Status Review Tribunals].
In the vein of Twelve Angry Men,
the film revolves around the trial
of a suspected enemy combatant and
the three military judges who must decide his fate.*

Film Screening will begin at 3:15pm
followed by a Q&A
with the film's writer and producer Sig Libowitz

For more information on *The Response*
please go to: www.theresponsemovie.com

