Geography of War in Armed Conflict

Hosted by the International Law Department, Center for Naval Warfare Studies.
With generous support from the Naval War College Foundation, and the Roger Williams University School of Law.

Program of Events & Biographies

TABLE OF CONTENTS

WORKSHOP OVERVIEW 1

PROGRAM OF EVENTS 2

U.S. NAVAL WAR COLLEGE LEADERSHIP

Rear Admiral John N. Christenson, U.S. Navy 3
President, U.S. Naval War College

Ambassador (ret.) Mary Ann Peters 3
Provost, U.S. Naval War College

WORKSHOP FACULTY

Professor Michael N. Schmitt 4
Chairman, International Law Department, U.S. Naval War College

Major Matthew R. Hover, U.S. Army 4
International Law Department, U.S. Naval War College

SPEAKERS

Professor Geoffrey S. Corn, South Texas College of Law 5

Ms. Jelena Pejic, International Committee of the Red Cross 5

Mrs. Ashley Deeks, Columbia Law School 5

Ms. Jennifer Daskal, Georgetown Center on National Security and Law 6

Professor Gabriella Blum, Harvard Law School 6

Dr. Louise Arimatsu, Chatham House – London 6

PARTICIPANTS

Professor Diane M. Amann, University of Georgia School of Law 7

Mr. Daniel Cahen, International Committee of the Red Cross 7

Ms. Maegan Conklin, U.S. Department of State 7

Mr. Mike D'Annuzio, Office of General Counsel 7

Mr. Robert J. Eatinger, Jr., Central Intelligence Agency 8

Lieutenant Commander William C. Kuebler, Judge Advocate General's Corps, U.S. Navy 8

Colonel Noam Neuman, Israel Defense Forces 8

Professor Peter Margulies, Roger Williams University School of Law 8

Mr. James Ross, Human Rights Watch 9

Colonel Eric J. Roth, U.S. Air Force, Office of the Chairman of the Joint Chiefs of Staff 9

Captain Dale Stephens, Adelaide University, Royal Australian Navy 9

Commander Andru Wall, Judge Advocate General's Corps, U.S. Navy 9

Professor Kenneth W. Watkin, U.S. Naval War College 10

WORKSHOP OVERVIEW

This workshop will bring together approximately twenty international law experts and practitioners to thoroughly discuss and debate the law governing where belligerents may conduct hostilities during armed conflict, with particular focus on Non-International Armed Conflict (NIAC) and territories of non-belligerent states. This topic is at the crossroads of many unsettled or ambiguous areas of international law, including characterization of conflict; thresholds of armed conflict; status of non-state actors/organized armed groups; state responsibility and the "unable or unwilling" standard; the immediacy criterion of self-defense; applicability of human rights law; and others. The end state of the workshop is that the participants have significantly furthered the research on this important international law topic and the International Law Department (ILD) has published a professional resource volume containing a detailed report of the workshop and scholarly articles on various specialized areas of the topic. The products produced will inform U.S. government agencies and help shape key international decisions.

ILD will host the workshop in the Decision Support Center (DSC), which is a state-of-the-art facility designed to support collaborative research. The DSC is equipped with computers and WebIQ, software which allows simultaneous and anonymous input and statistical analysis of the data. The venue will allow each participant to bring his or her unique expertise to bear on this complex topic and engage in exchange of information and opinions without filters.

This workshop will support the U.S. Naval War College's mission to help the CNO define the future Navy and its roles and missions. The current ambiguity of international law presents an operational and strategic challenge to U.S. forces facing organized armed groups operating out of safe havens or uncontrolled sanctuaries in belligerent states.

PROGRAM OF EVENTS

MONDAY, MAY 7

7:45 a.m. **Transportation departs Newport Marriott for U.S. Naval War College**

8:00 **Registration and Light Refreshments/Coffee – McCarty Little Hall**

8:30 **Welcoming Remarks**
Ambassador (ret.) Mary Ann Peters, Provost, U.S. Naval War College

8:45 **Introduction/Workshop Administration**
Professor Michael N. Schmitt, Chairman, International Law Department, U.S. Naval War College
Major Matthew R. Hover, U.S. Army, International Law Department, U.S. Naval War College

9:00 **Professor Geoffrey S. Corn, South Texas College of Law**
Relevance of Geography to Characterization of Conflict

10:30 **Break**

10:45 **Ms. Jelena Pejic, Legal Division, International Committee of the Red Cross**
Zones of Conflict and Applicability of IHL During IAC and NIAC

12:15 p.m. **Lunch**

1:30 **Ms. Ashley Deeks, Academic Fellow, Columbia Law School**
Legal Basis for Crossing a Border During an Ongoing NIAC

3:00 **Break**

3:15 **Ms. Jennifer Daskal, Georgetown Center on National Security and Law**
The Legal Effect of Geography During Counterterrorist Operations Unrelated to an Ongoing Armed Conflict

4:45 **Workshop Administration/Closing Remarks for the Day**

5:00 **Transportation returns to Newport Marriott**

7:00 **Workshop Dinner at Clarke Cooke House – Bannister's Wharf, Newport**

TUESDAY, MAY 8

7:45 a.m. **Transportation departs Newport Marriott for U.S. Naval War College**

8:00 **Light Refreshments/Coffee – McCarty Little Hall**

8:30 **Professor Gabriella Blum, Rita E. Hauser Professor of Human Rights and Humanitarian Law, Harvard Law School**
Rights of the Sanctuary State in the Event of Outside State Action

10:00 **Break**

10:15 **Dr. Louise Arimatsu, Associate Fellow, International Law, Chatham House – London**
The Law of State Responsibility in Respect to Border Crossing: An Ignored Legal Paradigm

11:45 **Lunch**

1:00 p.m. **Opportunity to Re-Engage on a Specialized Topic**

2:30 **Closing Remarks**

3:00 **Transportation returns to Newport Marriott**

Rear Admiral John N. Christenson, U.S. Navy

President, U.S. Naval War College

Rear Adm. Christenson became the 53rd president of the U.S. Naval War College, March 30, 2011. The fourth of six sons of a Navy Skyraider pilot and a Navy nurse, he graduated from the U.S. Naval Academy in 1981.

At sea, he commanded USS McClusky (FFG 41); Destroyer Squadron 21 in USS John C. Stennis (CVN 74); and Carrier Strike Group 12, the USS Enterprise (CVN 65) Strike Group and most recently served as president, Board of Inspection and Survey. He also served as the anti-submarine warfare officer and main propulsion assistant aboard USS Cook (FF 1083); aide to commander, Cruiser Destroyer Group 1 in USS Long Beach (CGN 9); weapons officer aboard USS Downes (FF 1070); Destroyer Squadron 21 combat systems officer in USS Nimitz (CVN 68); and, as executive officer aboard USS Harry W. Hill (DD 986). He deployed eight times on seven ships and twice in command of McClusky.

Ashore, he commanded the Surface Warfare Officers School in Newport, and as a new flag officer he served as commander, Naval Mine and Anti-submarine Warfare Command, Corpus Christi, Texas. He also served at the U.S. Naval Academy as a company officer, celestial navigation instructor, assistant varsity soccer coach and member of the admissions board; at Headquarters, United States Marine Corps in the Strategic Initiatives Group; on the Joint Staff, J5 and as executive assistant to the assistant chairman.

He graduated with distinction, and first in his class from the Naval War College, earning his Master's degree in National Security and Strategic Studies. He was also a Navy Federal Executive Fellow at the Fletcher School of Law and Diplomacy.

Christenson has been awarded the Defense Superior Service Medal, the Legion of Merit (five awards), the Meritorious Service Medal (two awards), the Navy and Marine Corps Commendation Medal (five awards) and the Navy and Marine Corps Achievement Medal.

Ambassador (ret.) Mary Ann Peters

Provost, U.S. Naval War College

Ambassador Mary Ann Peters became the fourth provost of the U.S. Naval War College on September 18, 2008. Previously, she was dean of academics of the College of International and Security Studies at the George C. Marshall European Center for Security Studies in Garmisch – Partenkirchen, Germany. Prior to becoming the dean of the college, Ambassador Peters served as associate director for international liaison at the Marshall Center.

Ambassador Peters spent more than 30 years as a career diplomat with the U.S. Department of State. From 2000 to 2003, Ambassador Peters served as the U.S. Ambassador to Bangladesh, leading the mission's efforts in support of the war on terrorism and other key U.S. foreign policy goals. She received a Presidential Meritorious Service Award in 2003 for her work in Bangladesh. Prior to her posting in Dhaka, Ambassador Peters was the deputy chief of mission at the United States Embassy in Ottawa, Canada, responsible for the management of the embassy and supervision of the six U.S. consulates general in Canada. From 1995 to 1997, Ambassador Peters served in the White House as Director for European and Canadian Affairs at the National Security Council. Among other portfolios in this position, Ambassador Peters worked on the diplomatic and security aspects of the search for peace in Northern Ireland. From 1993 to 1994, Ambassador Peters served as deputy assistant secretary of state with oversight responsibility for U.S. relations with 19 Western European countries and Canada. In this capacity she acted as the U.S. chair of the U.S. – Canada military coordination body, the Permanent Joint Board on Defense.

A senior diplomat, fluent in six foreign languages, Ambassador Peters has also served in Sofia, Bulgaria, as deputy chief of mission; in Moscow as economic counselor; and in Mandalay, Burma as principal officer. From 1988 to 1990, Ambassador Peters was the deputy director of the Office of Pakistan, Afghanistan and Bangladesh Affairs in the State Department. She began her career as a vice-consul in Frankfurt in 1975.

Ambassador Peters holds a Bachelor of Arts degree from Santa Clara University and a Master's in International Studies from the Johns Hopkins School of Advanced International Studies. Her formal education also included courses at the Institut d'Etudes Politiques in Paris.

Ambassador Peters is a member of the Council on Foreign Relations and Women in International Security.

WORKSHOP FACULTY

MICHAEL N. SCHMITT

Professor Mike Schmitt is Chairman of the International Law Department at the U.S. Naval War College. He was previously Dean of the George C. Marshall Center in Germany, Chair of Public International Law at Durham, and the Stockton Professor of International Law at the U.S. Naval War College. Professor Schmitt is a retired U.S. Air Force officer and graduate of the U.S. Naval War College.

MATTHEW R. HOVER

Major Matt Hover is currently on the faculty of the International Law Department at the U.S. Naval War College. He is a Judge Advocate with sixteen years of service in the U.S. Army. He has advised commanders during three combat tours, including assignments as Operational Law Attorney, 4th Brigade Combat Team, 4th Infantry Division; Chief of Operational Law, Multi National Division - Baghdad (MND-B); and Legal Advisor to Joint Special Operations Task Forces in both Iraq and Afghanistan. Major Hover will transfer to the Headquarters of the U.S. Central Command (CENTCOM) this summer to serve in the International and Operational Law section.

DAY I SPEAKERS

GEOFFREY S. CORN

Geoffrey Corn is The Presidential Research Professor of Law at South Texas College of Law in Houston Texas, where he has taught since 2005. He is also a retired U.S. Army Lieutenant Colonel, having served 22 years on active duty. His last position with the Army was as the Special Assistant to the U.S. Army Judge Advocate General for Law of War Matters – the Army's senior law of war expert advisor. Other Army assignments included tactical intelligence officer, supervisory defense counsel for the Western United States; Chief of International Law for U.S. Army Europe; Professor of International and National Security Law at the U.S. Army Judge Advocate General's School, and Chief Prosecutor for the 101st Airborne Division.

Professor Corn's publications focus on the Law of Armed Conflict, National Security Law, Criminal Procedure, and Criminal Ethics. He is the lead author of *The Laws of War and the War on Terror*, (Oxford University Press), a co-author of *Principles of Counter-Terrorism Law* (Thompson-West), and the lead author of the textbook *The Law of Armed Conflict: An Operational Perspective*, (forthcoming with Aspen Publishers). He has published more than 30 articles and essays. He is a graduate of Hartwick College in Oneonta, New York, the George Washington University School of Law, and the Army Judge Advocate General's School, where he earned his LLM and was the *distinguished graduate*. His military education includes the U.S. Army Command and General Staff College, the JAG and Military Intelligence Officers Basic and Advanced Courses, and the U.S. Army Officer Candidate School.

JELENA PEJIC

Jelena Pejic is a Legal Advisor at the ICRC's Legal Division in Geneva responsible, among other things, for issues related to detention policy, international humanitarian law and terrorism, and the extraterritorial use of force. From 2002 to 2008, she was also the Head of the ICRC's Project on the Reaffirmation and Development of International Humanitarian Law. Prior to joining the ICRC, she was a Senior Program Coordinator at the Lawyers Committee for Human Rights in New York (now Human Rights First), responsible for the Committee's work on issues of international criminal justice, including the establishment of a permanent International Criminal Court. Ms. Pejic holds an LLM degree from Columbia University Law School and a law degree from Belgrade University Law School, where she was a lecturer in Public International Law and International Relations. She has written and presented extensively on various issues of international humanitarian law, human rights law and criminal law.

ASHLEY DEEKS

Ashley Deeks is an Academic Fellow at Columbia Law School, and will start as an Associate Professor at the University of Virginia Law School in August 2012. Before joining Columbia in 2010, she served as the Assistant Legal Adviser for Political-Military Affairs in the U.S. Department of State's Office of the Legal Adviser, where she worked on issues related to the law of armed conflict, the use of force, conventional weapons, and the legal framework for the conflict with al Qaeda. She also provided advice on intelligence issues. In previous positions at the State Department, Ms. Deeks advised on international law enforcement, extradition, and diplomatic property questions. From May to December 2005, she served as the Embassy Legal Adviser at the U.S. Embassy in Baghdad, during Iraq's constitutional negotiations. She received several State Department Superior and Meritorious Service Awards.

Ashley Deeks was a 2007-08 Council on Foreign Relations International Affairs Fellow and a Visiting Fellow in residence at the Center for Strategic and International Studies. During her fellowship, she explored the different approaches by the U.S. and European states to armed conflict and the laws of war, as well as issues related to detention, cluster munitions, and the use of diplomatic assurances. She also authored a Council Special Report entitled, "Avoiding Transfers to Torture."

She has written several articles on the use of force, administrative detention, the laws of war, and the Iraqi constitution. Deeks received her B.A. *magna cum laude* from Williams College and her J.D. with honors from the University of Chicago Law School. After graduating from law school, she clerked for Judge Edward Becker on the Court of Appeals for the Third Circuit

Jennifer Daskal

Jennifer Daskal is a fellow at Georgetown University's Center on National Security and the Law and adjunct professor. From 2009-2011, she was counsel to the Assistant Attorney General for National Security at the U.S. Department of Justice (DOJ) and served on the joint DOJ and Department of Defense-led Detention Policy Task Force. Prior to joining DOJ, she worked as senior counterterrorism counsel at Human Rights Watch and previously practiced criminal law as a staff attorney for the Public Defender Service for the District of Columbia. Publications include *The Geography of the Battlefield: A Framework for Detention and Targeting Outside the "Hot" Conflict Zone* (forthcoming in University of Pennsylvania Law Review) and several articles on detention at Guantanamo Bay. Ms. Daskal has a J.D. from Harvard Law School, an M.A. in economics from Cambridge University (UK), where she was a Marshall Scholar, and a bachelor degree from Brown University.

Day 2 Speakers

Gabriella Blum

Gabriella Blum is the Rita E. Hauser Professor of Human Rights and International Humanitarian Law at Harvard Law School, and a co-director of the HLS-Brookings Project on Law and Security. Following her studies of law and economics at Tel-Aviv University, Blum joined the Israel Defense Forces, and served as a senior legal advisor in the International Law Department, Military Advocate General's Corps. During her military service, she was involved in the Israeli-Arab peace negotiations, Israeli strategic cooperation with foreign forces, and the administration of the Palestinian occupied territories. After completing the LLM and SJD degrees at Harvard, she returned to the IDF, and then joined the Israeli National Security Council, Prime Minister's Office, as a strategy advisor. In 2005, she returned to Harvard to join the Law School faculty. Blum is the author of *Islands of Agreement: Managing Enduring Armed Rivalries,* (Harvard University Press, 2007), and of the co-authored book (with Philip Heymann), *Laws, Outlaws, and Terrorists: Lessons from the War on Terrorism* (MIT Press), as well as of several journal articles on international law and the laws of war.

Louise Arimatsu

Louise has been an Associate Fellow with the International Law Programme at Chatham House since 2009. She was a visiting lecturer at UCL from 2009-2011 where she taught Foreign Relations Law. Between 2006 and 2009, she was a part-time lecturer at the LSE teaching International Criminal Law, International Law of Armed Conflict and the Use of Force, Refugee Law and Human Rights Law; she was also the coordinator of the International Humanitarian Law Project at the LSE.

Prior to being awarded her doctoral degree from the LSE ('Defences in International Criminal Law', 2006), Louise attended Nottingham University where she gained an LLM in International Criminal Law and the Law of Armed Conflict. She was called to the Bar in 2000. Between 1999 and 2001, Louise was employed as a legal researcher for a defence team at the ICTY (*Celebici* and *Nikolic* cases). From 2002 until 2007, she worked as a part-time researcher in the House of Lords; in this capacity, she advised on all issues relating to international law. Louise has been a legal volunteer with the *Medical Foundation for the Victims of Torture* since 2004 and in 2010 she was appointed to the post of temporary Legal Adviser. She was managing editor of the *Yearbook on International Humanitarian Law* from 2009 until 2012.

Selection of publications/conference papers: "International Law, Torture and the Transfer of Suspects – Outsourcing Torture," *World Today* (2005); "Lordly Law," *Legal Affairs* (2006); "Guantanamo Military Commissions" *World Today* (2007); "Justice in Post-Genocide Rwanda" *Focus on Africa* (2009); "International Criminal Justice in the Great Lakes Region" (2009) LSE Great Lakes Conference paper; "Responsibility and Judgment: Enforcing International Criminal Justice" (workshop on *'Kelsen, Schmitt and Arendt and the Possibilities of International Law'* LSE, 2010); "The ECHR and IHL" *YIHL*, (2009); "The Territorial Scope of the Laws of Armed Conflict" *YIHL* (2009); "Universal Jurisdiction: Africa's Hope" *Chatham House Briefing Paper* (2010); "Year in Review" *YIHL* (2010); "The Refugee Convention at 60: Europe's Challenges" *Chatham House Briefing Paper* (2011); "Temporal and Spatial Conceptions of International Law" (Phenomenology of International Law workshop, 2011); "The Democratic Republic of Congo: A Case Study" in *Contemporary Issues in the Classification of Armed Conflict*, OUP (forthcoming 2012); "Conflict Minerals" *Chatham House Paper* (forthcoming); "IHL and Contemporary Wars" in the *Liberal Way of War Programme* (forthcoming, CUP); "A Treaty for Governing Cyber-Weapons" (NATO CCD COE, 2012).

WORKSHOP PARTICIPANTS

(in alphabetical order)

DIANE M. AMANN

Professor Amann is the Emily and Ernest Woodruff Chair in International Law at the University of Georgia School of Law, where she teaches the Laws of War, International Criminal Law, and Public International Law. She joined that faculty in 2011, having previously been Professor of Law, Martin Luther King Jr. Hall Research Scholar, and Director of the California International Law Center at the University of California-Davis School of Law, as well as a visitor at the University of California-Berkeley, UCLA, the Irish Centre for Human Rights/National University of Ireland-Galway, and Université de Paris I (Panthéon-Sorbonne). She received the *International Association of Penal Law 2005 Article of the Year* in International Criminal Law Award for her article "Abu Ghraib." She is a past vice president of the American Society of International Law and a member of the board of advisors of the National Institute of Military Justice, for which she observed military commissions proceedings at Guantánamo.

DANIEL CAHEN

Daniel Cahen serves as the Legal Advisor for the International Committee of the Red Cross Washington Regional Delegation for the U.S. and Canada. In this capacity, he is responsible for legal support to the ICRC in the U.S. and Canada, with a particular focus on Guantanamo and detention policy issues, as well as military operations, notably in Afghanistan.

Before assuming his present functions, Daniel Cahen was Deputy Head of the Legal Advisors to the Operations Units at the Headquarters of the ICRC in Geneva, where he advised ICRC teams based in Latin America, the Horn of Africa and South Asia on matters related to International Humanitarian Law. Before joining the Legal Division of the ICRC in Geneva in 2005, Daniel Cahen carried out assignments in ICRC field offices in Afghanistan, the Democratic Republic of Congo and Colombia.

Daniel Cahen also worked as an attorney and was a member of the Paris Bar in France. He holds an LLB (King's College London), a Master's Degree in International Humanitarian Law and International Human Rights Law (University Paris II Panthéon Assas) and a Master's Degree in Comparative Criminal Law (University Paris I Panthéon Sorbonne).

MAEGAN CONKLIN

Ms. Conklin joined the U.S. Department of State's Office of the Legal Adviser in 2003. She is currently the Assistant Legal Adviser for Political-Military Affairs, advising on issues ranging from the use of force and the law of armed conflict to the export of defense articles. In previous positions at the Department of State, she has served as special assistant to the Legal Adviser and as an attorney-adviser covering legal issues related to the closure of the detention facility at Naval Station Guantánamo Bay, proliferation of weapons of mass destruction, Iran, North Korea, the International Atomic Energy Agency, technology safeguards, and United Nations Security Council sanctions worldwide. She received her B.A. from Washington University in St. Louis and J.D. from the University of Virginia.

MIKE D'ANNUZIO

Mike D'Annunzio is an Associate General Counsel in the International Affairs division of the Office of General Counsel, U.S. Department of Defense. His responsibilities include legal review of military operations, including special operations and counterterrorism. Prior to joining the Office of General Counsel in 2007, Mike served as a Judge Advocate in the U.S. Army with assignments in conventional and special operations forces and multiple overseas deployments. Mike holds a J.D. from Harvard Law School and a B.S. in Economics from the University of Washington.

ROBERT J. EATINGER, JR.

Mr. Eatinger is the Deputy General Counsel for Operations for the Central Intelligence Agency (CIA). He is responsible to the General Counsel for the timely and accurate provision of legal advice on operational law matters to the senior leadership of the CIA, and supervises the provision of legal services to the National Clandestine Service, the Directorate of Intelligence, and the Directorate of Science & Technology. Mr. Eatinger has been with CIA since 1991, holding a variety of positions to include as the senior lawyer in the CIA's Counter Terrorism Center (CTC) and Chief, Litigation Division, OGC. Prior to the CIA, Mr. Eatinger served on active duty as a judge advocate in the U.S. Navy from 1983-1991, including assignments in the National Security Agency Office of General Counsel, and the Office of the Judge Advocate General of the Navy working on intelligence law, national security litigation, and espionage prosecutions. After leaving active duty, he affiliated with the Navy Reserves and currently is captain serving with the Navy Reserve Administrative Law Unit in the Washington Navy Yard.

WILLIAM C. KUEBLER

LCDR Kuebler is currently on assignment with the International and Operational Law Division (Code 10) at the Navy Office of the Judge Advocate General. He was commissioned as an officer in the Navy JAG Corps through the direct appointment program in 1999. He served as defense, legal assistance, and claims attorney until 2003 (Sigonella, Italy, and, as Branch Head, in London, England) and then as Staff Judge Advocate, Special Assistant U.S. Attorney, and part-time military prosecutor (Naval Submarine Base New London, Connecticut). From 2005 to 2009, LCDR Kuebler served as defense counsel with Office of Military Commissions in Washington, D.C., and Guantanamo Bay, Cuba, where he was detailed to the military commission cases of Ghassan Al Sharbi and Omar Khadr. LCDR Kuebler was counsel of record (for Mr. Khadr) in the landmark Supreme Court case of *Boumediene v. Bush*, and was on brief and argued the first case heard by the Court of Military Commission Review. LCDR Kuebler participated in hundreds of print, radio and television interviews, as well as numerous panels and public presentations dealing with military commissions and the Global War on Terror, and received the Reg Robson Award for the protection of civil liberties and human rights from the British Columbia Civil Liberties Association in 2009.

LCDR Kuebler received his B.A., with Departmental Honors in Political Science from the University of California, San Diego, in 1993; his J.D., cum laude, from the University of San Diego School of Law in 1996; and his LLM in International and Comparative Law, with highest honors, from the George Washington University Law School. LCDR Kuebler is married to the former Dawn M. Arney of San Marcos, California. They have one child, William, and reside in Alexandria, Virginia.

NOAM NEUMAN

Colonel Noam Neuman is the head of International Law Department in the Military Advocate General's Corps of the Israel Defense Forces (IDF). During his career, he has served in the International Law Department as the head of the Security and Operational Branch (2004-2009). Prior to this assignment, he served in the Office of the Legal Advisor for the Gaza Strip (1994 -2003), including as the Deputy Chief Legal Advisor for the final four years. He has specialized in issues relating to international and operational law and has advised military commanders on the law of armed conflict and the law of occupation. Colonel Neuman is a graduate of the Israel National Defense College and the IDF Command and Staff College. He also holds the degrees of M.A. (with honors) in Political Science from Haifa University; LLM from the Judge Advocate General Legal Center and School, Charlottesville, Virginia; M.A. (with honors) in Philosophy from Bar Ilan University; and LLB, also from Bar Ilan University.

PETER MARGULIES

Professor Peter Margulies teaches National Security Law, Human Rights, Immigration Law, and Professional Responsibility at Roger Williams University and wrote *Law's Detour: Justice Displaced in the Bush Administration* (NYU Press 2010). A contributor to the Lawfare blog, Professor Margulies advocates a third way that reconciles effective counterterrorism and individual rights. Professor Margulies has participated in a number of Supreme Court cases, including *Holder v. Humanitarian Law Project*, 130 S. Ct. 2705 (2010) (upholding statute prohibiting material support of terrorism). Recent scholarship includes *The Fog of War Reform: Change and Structure in the Law of Armed Conflict After September 11* (forthcoming in the Marquette Law Review), and *Valor's Vices: Against a State Duty to Risk Forces in Armed Conflict*, (forthcoming in Shaping a Global Legal Framework for Counterinsurgency: New directions in Asymmetric Warfare, Oxford U. Press, William C. Banks ed., 2012).

James Ross

James Ross is Legal and Policy Director at Human Rights Watch, where he has worked since 2001. He previously worked in the Humanitarian Affairs office of Médecins sans Frontières in the Netherlands, in Bosnia for the Organization for Security and Cooperation in Europe, in Cambodia for the International Human Rights Law Group, and in the Philippines for the Lawyers Committee for Human Rights. He was among the student founders of the Harvard Law School Human Rights Program and later was a Visiting Fellow at the Program. He is a graduate of the University of Pennsylvania and Harvard Law School. He has written on the laws of war, human rights in Asia, and U.S. national security issues.

Eric J. Roth

Colonel Roth is a Deputy Legal Counsel, Office of the Chairman of the Joint Chiefs of Staff (OCJCS/LC) at the Pentagon. OCJCS/LC provides legal advice to the Chairman of the Joint Chiefs of Staff in his capacity as principal military advisor to the President, National Security Council, and the Secretary of Defense. Col Roth's primary duty is to provide counsel on operational law matters. Colonel Roth was commissioned as a 2nd Lieutenant in the Army after graduation from the United States Military Academy in 1987 and then transferred to the Air Force in 1995 after completion of his legal education at the University of Virginia. He served as Staff Judge Advocate in a variety of roles including: Staff Judge Advocate, Special Operations Command Central, MacDill AFB, FL (OPERATION DESERT THUNDER, Camp Doha, Kuwait, February 1998 – April 1998); Deployed Staff Judge Advocate 355th Air Expeditionary Wing, Masirah, Oman (September 2001 – March 2002); Staff Judge Advocate, 4th Fighter Wing, Seymour Johnson AFB, NC (July 2005 – July 2008); and Staff Judge Advocate 60th Air Mobility Wing, Travis Air Force Base, CA (July 2009 – June 2011). His younger daughter, Caroline, lives with him and his oldest daughter, Samantha, attends college at North Carolina State University.

Dale Stephens

Captain Stephens has been seconded to Adelaide Law School where he is an Associate Professor and Head of the Military Law and Ethics Centre. In 2011 he was appointed Director of Operations and International Law in Defence Legal in Canberra. From October 2010 – February 2011, Captain Stephens was seconded to the Department of Prime Minister and Cabinet as a Senior Advisor on Afghanistan within the International Division. Captain Stephens has deployed twice to Iraq (Aust HQ 2005 – 2006; MNF-I SJA Office 2008) and twice to East Timor (INTERFET – 1999; UNTAET 2000). Captain Stephens taught at the U.S. Naval War College in Newport, Rhode Island 2004 – 2005. Captain Stephens joined the Royal Australian Navy in 1989. His numerous staff officer appointments include Fleet Legal Officer, Command Legal Officer (Naval Training Command), Chief Legal Officer Strategic Operations Command, Director of Operational and International Law, Deputy Director of the Asia-Pacific Centre for Military Law (APCML) and Director of the Military Law Centre.

In February 2009, Captain Stephens commenced his SJD (Doctor of Juridical Science) at Harvard Law School. His dissertation topic is *'Lawfare or Law Fair? The Role of Law in Military Decision Making'.* In 2004, Captain Stephens completed a Master of Laws degree at Harvard University Law School. He obtained his Law degree (LL.B (Hons.)) from Adelaide University in 1988 and was admitted as a legal practitioner to the Supreme Court of South Australia in 1989.

Andru Wall

Andru Wall is a senior associate in the Research Triangle office of Alston & Bird LLP, where his business litigation practice focuses on complex commercial and financial services litigation. He is a Commander in the U.S. Navy Reserves assigned to the U.S. Naval War College where he teaches, researches and writes on international and U.S. national security law. During his twelve years on active duty with the U.S. Navy Judge Advocate General's Corps, Commander Wall advised commanders throughout the world on myriad complex legal issues relating to military operations, including the law of the sea, law of armed conflict, rules of engagement, intelligence law, unconventional warfare, and fiscal law. Before leaving active duty, Commander Wall served as the senior lawyer for U.S. Special Operations Command Central, where he advised the general in charge of special operations forces in Central and Southwest Asia. Commander Wall is a veteran of the conflicts in Iraq and Afghanistan and is an elected member of the International Institute of Humanitarian Law in San Remo, Italy.

KENNETH W. WATKIN

Ken Watkin is the 2011-2012 Charles H. Stockton Professor of International Law at the U.S. Naval War College. In April, 2010 he retired as the Judge Advocate General (JAG) for the Canadian Forces after 33 years of military service including 28 years as a military legal officer. First, as the Deputy Judge Advocate General/Operations, and then as JAG, he was responsible for the provision of operational law advice regarding Canadian Forces operations in Afghanistan as well as other international deployments. After his retirement he served as a Foreign Observer to the Israeli Independent Commission investigating the 31 May 2010 Gaza Blockade incident. In 2002, Brigadier-General (ret.) Watkin was appointed to the Canadian Order of Military Merit and in 2006 was appointed Queen's Counsel. In 2010, he received the Canadian Bar Association (CBA) President's Award which recognizes the significant contribution of a Canadian jurist to the legal profession, to the CBA or to the public life of Canada.

Notes

Index of Biographies

Amann, Diane M. 7
Arimatsu, Louise 6
Blum, Gabriella 6
Cahen, Daniel 7
Christenson, John N. 3
Conklin, Maegan 7
Corn, Geoffrey S. 5
D'Annuzio, Mike 7
Daskal, Jennifer 6
Deeks, Ashley 5
Eatinger, Robert J., Jr. 8
Hover, Matthew R. 4
Kuebler, William C. 8
Neuman, Noam 8
Margulies, Peter 8
Pejic, Jelena 5
Peters, Mary Ann 3
Ross, James 9
Roth, Eric J. 9
Schmitt, Michael N. 4
Stephens, Dale 9
Wall, Andru 9
Watkin, Kenneth W. 10

U.S. NAVAL WAR COLLEGE
Est. 1884
NEWPORT, RHODE ISLAND

686 Cushing Road
Newport, Rhode Island 02841
www.usnwc.edu
Also search for us on Facebook and Twitter