

Human Rights Symposium

Friday, February 6, 2009
University of Kansas School of Law
Green Hall Room 203

8:00 Registration begins, 2nd Floor

8:20 Opening remarks by Dean Gail Agrawal, University of Kansas School of Law

Panel 1: Guantanamo Bay

Moderator: Jelani Jefferson Exum

8:30-9:10 Douglass Cassel, University of Notre Dame: "*Adios, Guantanamo?*"

9:10-9:50 Brent Mickum, Spriggs & Hollingsworth: "*Guantanamo: The Myths and the Reality*"

9:50-10:10 Q & A

10:10 Break

Panel 2: Criminal Terrorism Prosecutions

Moderator: Majid Hannoum

10:20-11:00 Jordan Paust, University of Houston, "*Unlawful Interrogation Tactics of the Bush Administration and Possible Criminal Sanctions*"

11:00-11:40 Wadie Said, University of South Carolina, "*The Challenge of Innovation in the Federal Terrorism Prosecution*"

11:40-12:00 Q & A

12:00 Lunch by invitation, Room 108

Panel 3: Perspectives on Terrorism

1:00-1:40 Christina Wells, University of Missouri: "*National Security & the 'Information' Problem*"

1:40-2:20 Richard Levy, University of Kansas

2:20-2:40 Q & A

2:40-3:30 Reception

SPEAKERS

Douglass Cassel is Professor of Law and Director of the Center for Civil and Human Rights at Notre Dame Law School. He is a scholar and practitioner of international human rights, international criminal and international humanitarian law. On behalf of retired United States diplomats, and leading experts on international law, he has filed several *amicus curiae* briefs in the United States Supreme Court, involving the rights of prisoners at Guantanamo, and accountability for human rights violations under the Alien Tort Claims Act. He represents victims of human rights violations in Colombia, Guatemala, Peru and Venezuela, in cases before the Inter-American Commission and Inter-American Court of Human Rights. Professor Cassel has served as Legal Advisor to the United Nations Commission on the Truth for El Salvador;

Executive Council member of the American Society of International Law; co-chair of the International Committee of the Board of Directors of the Lawyers' Committee for Civil Rights Under Law; Chair of the Independent International Panel on Alleged Collusion in Sectarian Killings in Northern Ireland; and consultant to the Department of State, Department of Justice, Ford Foundation, the President of the American Bar Association, and non-governmental human rights organizations. In 2000 and again in 2003, he was nominated by the US Government, and elected by the Organization of American States, to serve on the Board of the Justice Studies Center of the Americas, of which he was elected President. Since 2000 he has been President of the Due Process of Law Foundation, based in Washington, D.C., which promotes judicial reform throughout the hemisphere. Professor Cassel earned a B.A. cum laude from Yale in 1969 and a J.D. cum laude from Harvard Law School in 1972.

George Brent Mickum IV is a partner in the Washington law firm Spriggs and Hollingsworth, and was the US counsel for UK residents Bisher al-Rawi and Jamil al-Banna, and for British citizen Martin Mubanga prior to their release from Guantanamo. He presently is counsel for abu Zubaydah, the high value CIA prisoner who was waterboarded by the CIA. Mr. Mickum's practice focuses on complex litigation, particularly products liability, advertising and trade related issues, trade secrets, employment law, sweepstakes and promotions law, and alien tort claims matters. He represents corporations, trade associations, and individuals before regulatory agencies throughout the United States, and in federal and state jurisdictions at both the trial and appellate levels. Prior to joining Hollander & Spriggs, Mr. Mickum served at the Federal Trade Commission, where he conducted fraud litigation and enforcement and rulemaking proceedings. During the same period, he conducted criminal prosecutions as a Special Assistant United States Attorney for the Department of Justice. He is the author of several chapters in the *Joint Rule Enforcement Handbook*, a cooperative effort between the FTC and the National Association of Attorneys General. He has presented to business groups, consumer groups, state attorneys general, local governments, and at various seminars. He is a Master in the Federal American Inn of Court and regularly participates as an instructor in the NITA Trial Advocacy and Deposition Training programs. Mr. Mickum served as Senior Investigative Counsel on the U.S. Senate's Special Committee on Investigations. He also served as a judicial clerk in Virginia and as a member of the Board of Editors for the *George Mason Law Review*.

Jordan J. Paust is the Mike and Teresa Baker Law Center Professor of International Law at the Law Center of the University of Houston. He received an A.B. and J.D. from UCLA, an LL.M. from the University of Virginia, and is a J.S.D. Candidate, Yale University (in residence, Ford Foundation Fellowship, 1973-75). Professor Paust has also been a Visiting Edward Ball Eminent Scholar University Chair in International Law at Florida State University (spring, 1997), a Fulbright Professor at the University of Salzburg, Austria (1978-1979), and a member of the faculty of the U.S. Army Judge Advocate General's School, International Law Division (1969-1973, mob. des. 1973-1975). He has served on several committees on international law, human rights, laws of war, terrorism, and the use of force in the American Society of International Law, the American Branch of the International Law Association, and the American

Bar Association, and was the Co-Chair of the American Society's International Criminal Law Interest Group (1992-2008). He was also the Chair of the Section on International Law of the Association of American Law Schools and was on the Executive Council and the President's Committee of the American Society of International Law. He is one of the most widely cited law professors in the United States and is ranked among the top 2 percent in Leiter's study for 2000-2007. Two of his articles were cited by the U.S. Supreme Court. Among relevant books are: Paust, Van Dyke, Malone, *International Law and Litigation in the U.S.* (Thomson - West Group, American Casebook Series, 3 ed. 2009); Paust, *International Law as Law of the United States* (2 ed. 2003); Paust, Bassiouni, et al., *International Criminal Law: Cases and Materials* (3 ed. 2007); Paust, Bassiouni, et al., *Human Rights Module* (2 ed. 2006). Professor Paust has published over 160 articles, book chapters, papers and essays in law journals in Belgium, Canada, China, England, Germany, Greece, Israel, Japan, the Netherlands, and the U.S.: at Yale, Harvard, Columbia, Stanford, Michigan, Virginia, Cornell, Texas, Duke, the *American Journal of International Law*, and elsewhere – many of which address treaties, customary international law, jurisdiction, human rights, international crimes, and the incorporation of international law into U.S. domestic law. He recently wrote an op ed piece for *Jurist* magazine regarding President Obama's new executive order about humane treatment:
<http://jurist.law.pitt.edu/forumy/2009/01/banning-torture-is-not-enough.php>.

Wadie Said is an assistant professor at the University of South Carolina School of Law. He is a graduate of Princeton University and the Columbia University School of Law, where he served as an articles editor of the *Columbia Human Rights Law Review*. Prior to joining the faculty at the University of South Carolina, he was a visiting professor in the Law and Society Program at the University of California, Santa Barbara, and an assistant federal public defender in the Office of the Federal Public Defender for the Middle District of Florida, where he represented one of the defendants in *U.S. v. Al-Arian*, a complex terrorism conspiracy case. Upon graduation from law school, he served as law clerk to Chief Judge Charles P. Sifton of the United States District Court for the Eastern District of New York, and as a litigation associate in the New York office of Debevoise and Plimpton, where he helped coordinate the firm's pro bono political asylum program. Professor Said has written several studies of Palestinian refugee rights, as well as on the topic of political asylum and torture. He is a member of the board of directors of the Fulbright Association, and speaks Arabic fluently. He teaches courses in criminal law, criminal procedure, and a seminar on international human rights law.

Christina E. Wells is the Enoch H. Crowder Professor of Law at the University of Missouri School of Law in Columbia, Missouri. After receiving her BA cum laude from the University of Kansas and her JD cum laude from the University of Chicago School of Law, where she was a Comment Editor of the *Law Review*, Professor Wells worked in private practice before joining the Missouri faculty in 1993. In 2001, Professor Wells was a Fulbright Scholar in the Czech Republic, studying and lecturing on constitutional rights in Masaryk and Palacky Universities. Professor Wells researches in the area of constitutional and administrative law. She is co-author of *The First Amendment: Cases and Theory* (Aspen 2008) and has published articles on freedom

of speech and access to government information in a variety of journals. Her articles in the Wisconsin Law Review and Missouri Law Review on the effects of fear and risk assessment on crisis decisionmaking received the Shook, Hardy & Bacon Research award in 2005. Her current interests focus on the psychological underpinnings of free speech jurisprudence, including the role of fear and prejudice in past and present national security crises involving free speech issues.

Richard Levy is a J.B. Smith Distinguished Professor of Constitutional Law at the University of Kansas School of Law. Levy joined the KU law faculty in 1985, having received his law degree from the University of Chicago Law School and having served as a clerk for Judge Richard Posner, U.S. Court of Appeals, 7th Circuit. In teaching and research, he has focused on constitutional law and public law. He has a particular interest in government institutions, legislation, and public policy analysis. He was responsible for redrafting the University Senate Rules and Regulations relating to grievances and his expert advice has been sought on a number of occasions when he has testified before state legislative committees on issues ranging from flag burning through reorganization of the board of agriculture to campaign financing reform. He is a prolific scholar who was named a Postlethwaite Research Fellow, 1996-1999. Professor Levy is fluent in German and has studied in Germany and served as exchange professor at the University of Vienna. He is a member Order of the Coif; Consultant, Federal Courts Study Commission, 1989; Juvenile Justice Reform Advisory Committee (Kansas Judicial Council); European Studies Advisory Committee.