

THE 2023 INTERNATIONAL CRIMINAL LAW SYMPOSIUM

RUSSIA, UKRAINE, AND THE CHALLENGE OF
WARTIME ACCOUNTABILITY

presented by:

THE TEXAS TECH LAW REVIEW



April 14, 2023

Texas Tech School of Law - Mark and Becky Lanier Auditorium

ABOUT THE SYMPOSIUM

The *Texas Tech Law Review* proudly presents the 2023 Criminal Law Symposium.

This symposium will address a wide array of issues related to the application, implementation, and most importantly accountability for violations of international humanitarian law in the context of the ongoing international armed conflict between Russia and Ukraine. Topics of discussion will include the evolution of substantive war crimes, modes of liability and jurisdiction of domestic and international criminal tribunals, the impact of technology on gathering and presenting evidence of war crimes, state responsibility for facilitating war crimes, practical challenges associated with battlefield criminal investigations, the role of mistake of fact and law in relation to war crimes allegations, and various other topics. The participants will include a range of experts from both the United States and abroad.



TEXAS TECH UNIVERSITY
School of Law™

ABOUT THE TEXAS TECH LAW REVIEW

First published in 1970 and as the flagship journal of the Texas Tech School of Law, the *Texas Tech Law Review* is a general-interest academic law journal dedicated to producing high-quality publications that enrich legal scholarship by encouraging discourse on current legal issues. We are a student-run journal comprised of second- and third-year students at Texas Tech University School of Law.

Each year, the *Law Review* publishes one volume comprised of four issues released between November and July. The first issue is dedicated to articles and essays from our spring symposia, usually focused on mental health law or criminal law. Our third issue is solely dedicated to articles, empirical studies, and essays written by prominent legal scholars, judges, and practitioners. The second and fourth issues include similar professional articles but also feature student-written comments covering various state, national, and international legal topics.

Annually, we host the General Huffman Distinguished Lecture Series, featuring prominent speakers and recognized scholars from across the nation. Additionally, we host annual fall and spring symposia at the Texas Tech School of Law.

Editor in Chief

Zachary Zahn

zach.zahn@ttu.edu

Symposium Editor

Sarah Dickie

sadickie@ttu.edu

Journal Website

texastechlawreview.org



SCHEDULE

Welcome - <i>Sarah Dickie</i>	8:30 am - 8:35 am
Introduction - <i>Professor Geoffrey Corn</i>	8:35 am - 8:45 am
Setting the Stage - <i>Mr. Glenn Corn</i>	8:45 am - 9:30 am
Break	9:30 am - 9:45 am

Round Table Session I:

Strategic Level Accountability Issues	9:45 am - 11:45 am
---------------------------------------	--------------------

<i>Emiliano J. Buis</i>	State complicity for facilitating aggression.
<i>Dr. Magdalena Pacholska</i>	State liability for Conduct of Hostilities Crimes.
<i>Gregory Gordon</i>	Aggression as a crime against humanity.
<i>Daniel Maurer</i>	Meta IHL principles.
<i>Michael Lacey</i>	Weaponizing the law.
<i>Judge Cuno Tarfusser</i>	The efficacy of ICC jurisdiction and Ukraine.

Lunch & Keynote - <i>Professor Jeff Kahn</i>	11:45 am - 12:45 pm
--	---------------------

Round Table Session II:

Tactical Level Accountability Issues	1:00 pm - 3:00 pm
--------------------------------------	-------------------

<i>Ben Farley</i>	Cyber war crimes.
<i>Ken Watkin</i>	Perfidy and treachery as war crimes.
<i>Rachel E. VanLandingham</i>	Accountability for mercenaries.
<i>Emanuela-Chiara Gillard</i>	Use of hunger as a war crime.
<i>Glenn Corn</i>	Obedience as a defense.

Break	3:00 pm - 3:15 pm
-------	-------------------

Round Table Session III:

Operational Implementation Challenges	3:15 pm - 5:00 pm
---------------------------------------	-------------------

<i>Jay Morse</i>	Victims, witnesses, and overcoming cultural challenges.
<i>Rogier Bartels</i>	ICC evidentiary challenges.
<i>Giovanni Chiarini</i>	The challenge of reconciling disparate procedural traditions.
<i>Eric Jensen</i>	Leveraging technology to build evidentiary records.

GEOFFREY S. CORN

GEORGE R. KILLAM, JR. CHAIR OF CRIMINAL LAW

The Judge George Killam, Jr. Chair of Criminal Law was made possible by a legacy gift in trust to the Texas Tech Law School Foundation. The inaugural holder of the Chair was the late, distinguished Professor Arnold Loewy. Much beloved by his students, for the last 15 years of his illustrious career Professor Loewy hosted the annual Criminal Law Symposium at the Texas Tech School of Law that featured nationally and internationally recognized criminal law and procedure scholars.

Professor Geoffrey S. Corn carries on this honored tradition as the George R. Killam Jr. Chair of Criminal Law. He has a tremendous record of scholarly production and a deep devotion to student and graduates. Professor Corn also serves as the director of the Center for Military Law and Policy.

Prior to his academic career, Corn served in the U.S. Army for 21 years as an officer and a final year as a civilian legal advisor, retiring with the rank of Lieutenant Colonel. His career included service as the Army's senior law of war expert adviser, a tactical intelligence officer in Panama, 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.

He has appeared as an expert witness at the military commission in Guantanamo Bay, the International Criminal Tribunal for the former Yugoslavia and in federal court. He is co-author of "National Security and The Constitution", "National Security Law: Principles and Policy", "Law in War: A Concise Overview", "The Law of Armed Conflict: An Operational Approach" and "The War on Terror and The Laws of War: A Military Perspective." His scholarship has been cited more than 700 times.

Corn earned his bachelor's degree from Hartwick College in Oneonta, New York, his Juris Doctor with highest honors from George Washington University and his master of law (LLM) as the distinguished graduate from the U.S. Army Judge Advocate General's School. He is also a distinguished military graduate of U.S. Army Officer Candidate School and a U.S. Army Command and General Staff Course graduate. He is a Distinguished Fellow with the Gemunder Center for Defense and Strategy and the principal legal adviser for the Hybrid War Task Force established by the Jewish Institute for National Security in America and an adviser for the Lieber Institute for Law and Land Warfare at the U.S. Military Academy at West Point.

Texas Tech Law Review would like to thank Professor Corn for all of his efforts in organizing and putting this Symposium together, carrying on the tradition of the Killam Chair, and his commitment to the *Law Review* and Texas Tech School of Law.

ROGIER BARTELS

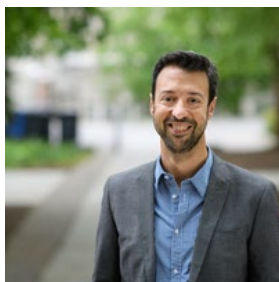
Rogier Bartels obtained his law degree from the University of Utrecht (2003), and received an LL.M. from the University of Nottingham (2004) and a doctorate in law from the University of Amsterdam (2022). Rogier is a Legal Officer in the Chambers of the International Criminal Court, where he supervises several teams dealing with pre-trial matters. Since 2019 and 2020, respectively, he is also a part-time judge in the District Court of Amsterdam and part-time appeals judge at the Court of Appeals in The Hague, where he sits on domestic criminal trials or extradition cases approximately once a month.



Prior to his present positions, Rogier worked, amongst others, as an assistant professor in military law at the Netherlands Defence Academy, an Associate Legal Officer in Chambers at the International Criminal Tribunal for the former Yugoslavia, and as a legal adviser at the International Humanitarian Law Division of the Netherlands Red Cross.

Rogier taught full international humanitarian law or international criminal law courses at the Hague University of Applied Sciences, the University for Peace in Costa Rica, and the Netherlands Defence Academy, and regularly gives guest lectures at academic institutions or as part of professional trainings. He is a senior research fellow of the Amsterdam Center for International Law (of the University of Amsterdam), and also academically affiliated with the Military Law Section of the Netherlands Defence Academy and the Federmann Cyber Security Research Center of the Hebrew University of Jerusalem. Rogier's publications deal mostly with international humanitarian law and (international) criminal law, and the interplay between these fields.

EMILIANO J. BUIS



Prof. Emiliano J. Buis (Law and Classics, LL.M., PhD) is Chair of Public International Law, International Humanitarian Law, Disarmament and Non Proliferation at the University of Buenos Aires (UBA) Law School and Professor of International Law and Human Rights at the Central University (UNICEN) in Azul. A Permanent Researcher at the National Research Council for Science and Technology (CONICET), he is the Academic Director of the UBA Observatory of International Humanitarian Law, the Co-Director of the UNICEN Center for Human Rights, and the Director of the Permanent Seminar on the Theory and History of International Law at the Gioja Institute for Legal and Social Research at the UBA Law School. He is a CILRAP Research Fellow

and was Global Fellow at the Carnegie Council for Ethics in International Affairs.

He has been Visiting Professor at Panteion University in Athens and the Democritus University of Thrace in Komotini (Greece), the Université de Caen-Normandie, the Université Paris II Panthéon-Assas and the Université Paris I Panthéon-Sorbonne (France), the Instituto Tecnológico Autónomo de México (ITAM) and the Universidad de Guadalajara (Mexico), the Universidad del Pacífico (Peru), the Universidad de La Sabana (Colombia), the Universidad de Concepción (Chile) and the Universidade de Coimbra (Portugal). He has taught at several summer course programs, including the external sessions of Southwestern University and Pepperdine University in Buenos Aires, the IHL Summer Course of the American University of Armenia (Yerevan), the International Institute for Human Rights (Fondation René Cassin) in Strasbourg, the Human Rights Course Cycle in Donostia-San Sebastián, and the Université d'Été of the Haitian Institute for Human Rights in Port-au-Prince.

He was Legal Adviser at the Direction of International Security and Nuclear Affairs of the Argentine Ministry of Foreign Affairs and Legal Consultant at the Inter-American Committee Against Terrorism of the Organization of American States. He's a Member of the Committee for the Jean-Pictet Competition in IHL and Argentina's Leading Expert for the ICRC Study on Customary IHL. He has been regularly invited to numerous national and foreign Universities.

GIOVANNI CHIARINI

Giovanni Chiarini is currently a Texas Tech University Scholar in Residence, and an attorney licensed to the list of the International Criminal Court assistants-to-counsel. He was a visiting researcher at the universities of Edinburgh (Scotland), Cork (Ireland), Warwick (England), Paris, Nice (France), Cologne (Germany), and assistant lecturer at the Insubria University of Como (Italy).



GLENN CORN



Mr. Glenn Corn is a 34 year veteran of service in the U.S. Federal Government, including over 20 years of deployments overseas working in U.S. Diplomatic Missions throughout Eurasia and the Middle East. He holds a Master's degree from American University in Russian Language and Literature and a Bachelor's Degree in Russian Language and Studies from Hofstra University, and is a graduate of the U.S. Army Russian Institute in Garmisch, Germany. Mr. Corn speaks Russian, Arabic and Turkish. He is married, with two grown sons and shares a home in Northern Virginia with his Turkish Kangal "üzüm".

BEN FARLEY

Benjamin R. Farley is a visiting professor at Emory University School of Law and the acting director of the Emory International Humanitarian Law Clinic. He is on leave from the U.S. Department of State, where he serves as deputy director of the Office of Terrorist Detentions in the Bureau of Counterterrorism. Before rejoining the State Department in August 2021, Farley represented Ammar al Baluchi, one of the five defendants facing capital charges before the 9/11 military commission at Guantanamo Bay, Cuba, as a supervisory trial attorney and law-of-war counsel at the U.S. Department of Defense, Military Commissions Defense Organization. Farley originally joined the Department of State in 2012 as a Presidential Management Fellow, and, from 2013 to 2017, he served as a senior adviser to the Special Envoy for Guantanamo Closure.



A term member of the Council on Foreign Relations, Farley earned a JD with honors from Emory University School of Law, where he was editor-in-chief of the *Emory International Law Review*. He also holds an MA in international affairs from the Elliott School of International Affairs. Farley has published on topics including sovereignty, statehood, international humanitarian law, and constitutional law in various law, policy, and popular outlets such as *The Atlantic*, the *Michigan Journal of International Law*, the *Fordham International Law Journal*, and *World Politics Review*.

EMANUELA-CHIARA GILLARD



Emanuela-Chiara Gillard is a Senior Research Fellow at the Oxford Institute for Ethics, Law and Armed Conflict and an Associate Fellow in Chatham House's International Law Programme. From 2007 to 2012 she was Chief of the Protection of Civilians Section in the Policy Development and Studies Branch of the United Nations Office for Coordination of Humanitarian Affairs. The Section worked with the United Nations Security Council and other key stakeholders to promote and enhance the protection of civilians in armed conflict.

For seven years prior to joining OCHA, Emanuela was a legal adviser at the International Committee of the Red Cross. There she was responsible for providing advice to headquarters and field on legal issues relating to the protection of civilians in armed conflict, children, assistance, multinational forces, civil/military relations, occupation and private military/security companies. Before joining the ICRC in 2000, Emanuela was a legal adviser at the United Nations Compensation Commission, in charge of government claims for losses arising from Iraq's invasion and occupation of Kuwait. From 1995 to 1997 she was a research fellow at the Lauterpacht Research Centre for International Law at the University of Cambridge.

Emanuela holds a B.A. in Law and an LL.M. from the University of Cambridge. She is a Solicitor of the Supreme Court of England and Wales. Her research interests include international humanitarian law, with a particular focus on the protection of civilians and mechanisms for promoting compliance; the role of the Security Council in enhancing the protection of civilians; sanctions, counter-terrorism, and principled humanitarian action.

GREGORY GORDON

Gregory Gordon is an American scholar of international law and a former genocide prosecutor during the Media Case at the International Criminal Tribunal for Rwanda. Gordon is known for his advocacy of the criminalization under international law of a broader category of speech likely to cause mass atrocities (more broad than incitement to genocide), and his book *Atrocity Speech Law* in which he advances this argument.



Gordon worked for the International Criminal Tribunal for Rwanda as prosecutor of the Media Case, and the Office of Special Investigations. During his academic career, he was the director of University of North Dakota's Center for Human Rights and Genocide Studies and worked for the Sentinel Project for Genocide Prevention. He currently works for the Chinese University of Hong Kong Faculty of Law.

CHRIS JENKS



Chris Jenks is a Professor of Law at the SMU Dedman School of Law in Dallas, Texas but is currently on leave while serving as a Law of Armed Conflict Advisor to the Ambassador at Large for Global Criminal Justice at the Department of State.

Professor Jenks research interests are at the intersection of the law of armed conflict (LOAC), accountability norms and emerging technology. He is the co-author of a criminal law textbook, two editions of a law of armed conflict textbook and has published articles and book chapters on various national security and LOAC topics.

Prior to joining the SMU faculty, Professor Jenks served for more than 20 years in the U.S. Army, first as an infantry officer serving in Germany, Kuwait and as a NATO peacekeeper in Bosnia, and then as a judge advocate serving near the demilitarized zone in the Republic of Korea and later in Iraq. In his last assignment, Professor Jenks served as the chief of the international law branch for the U.S. Army in the Pentagon.

Professor Jenks is a graduate of the United States Military Academy (B.S.); the University of Arizona College of Law (J.D.), The Judge Advocate General's Legal Center and School (LL.M.) and Georgetown Law (LL.M.)

ERIC JENSEN

Eric Talbot Jensen teaches and writes in the areas of Public International Law, Criminal Law, The Law of Armed Conflict, International Criminal Law, Cyber Law and National Security Law. His recent scholarship has appeared, among others, in the Texas, Temple, Houston, and Israel Law Reviews; the Virginia, Stanford, Chicago, Michigan, and Minnesota Journals of International Law; the Stanford Law and Policy Review; and International Law Studies. Professor Jensen is a co-author on a law school casebook on the Law of Armed Conflict and a student treatise on National Security Law for Aspen Publishing and a co-author on an Oxford University text analyzing application of the laws of war to the war on terror. He was a member of the group of experts that produced both the Tallinn Manual on the International Law Applicable to Cyber Warfare and the recently released Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations.



Professor Jensen recently returned to BYU Law School after serving for one year as the Special Counsel to the Department of Defense General Counsel. Prior to joining the BYU law faculty in 2011, Professor Jensen spent 2 years teaching at Fordham Law School in New York City and 20 years in the United States Army as both a Cavalry Officer and as a Judge Advocate. During his time as a Judge Advocate, Professor Jensen served in various positions including as the Chief of the Army's International Law Branch; Deputy Legal Advisor for Task Force Baghdad; Professor of International and Operational Law at The Judge Advocate General's Legal Center and School; legal advisor to the US contingent of UN Forces deployed to Skopje, Macedonia as part of UNPREDEP; and legal advisor in Bosnia in support of Operation Joint Endeavor/Guard.

JEFF KAHN



Jeffrey Kahn is the University Distinguished Professor of Law at Southern Methodist University Dedman School of Law in the United States, where his scholarship focuses on comparative law and human rights. He is a graduate of Yale University, Oxford University, and the University of Michigan Law School. At Oxford, he received his doctorate in Russian politics, under the supervision of Professor Archie Brown. His doctoral dissertation became his first book: *Federalism, Democratization, and the Rule of Law in Russia* (Oxford University Press, 2002). Following law school, he served as a law clerk in the Southern District of New York for the Honorable Thomas P. Griesa, and

then as a trial attorney in the Civil Division of the U.S. Department of Justice in Washington D.C. He has been the O'Brien Research Fellow in Residence at the Faculty of Law at McGill University, a visiting professor at the School of Law at Washington & Lee University, and a Fulbright Research Scholar at the Faculty of Law at the University of Oslo. His scholarship has been published by the *UCLA Law Review*, *Michigan Law Review*, *Virginia Journal of International Law*, *European Journal of International Law*, and the University of Michigan Press, among others.

MICHAEL LACEY

Michael O. Lacey was selected into the Senior Executive Service on October 29, 2018, and began service as the Deputy General Counsel (Operations & Personnel) in the Office of the General Counsel. Mr. Lacey is responsible for a diverse legal portfolio, leading senior attorneys working in specialized areas of law, including: military operations & personnel, civilian personnel & labor law, international law, criminal law, litigation, intelligence law, information law, and administrative law.



Mr. Lacey provides expert legal advice to the Secretary of the Army, the General Counsel of the Army, and other Senior Officials in the formulation, interpretation, and implementation of Army policies, procedures, and programs in the operations and personnel arena. He also provides oversight of sensitive criminal, intelligence, administrative, senior official investigations, and matters involving the Freedom of Information and Privacy Acts.

DANIEL MAURER



Lieutenant Colonel Dan Maurer is a Professor of National Security Law at The Judge Advocate General's Legal Center & School, in Charlottesville, Virginia, where he teaches war crimes, international human rights law, and command responsibility. He most recently served as an Assistant Professor in the Department of Law at the U.S. Military Academy where he taught constitutional law, law of war, criminal law, and a first-of-its-kind seminar on the theoretical and historical foundations of military justice. In addition to a combat tour as a platoon leader in Iraq (2003-04), Dan later served as a trial counsel (prosecutor), brigade judge advocate (general counsel, also in Iraq), government appellate counsel, strategist fellow for the Army's senior ranking officer (the Chief of Staff's Strategic Studies Group), chief of military justice for Fort Sill, Oklahoma (roughly analogous to an executive district attorney), and chief of operational law for the U.S. Army Africa - Southern European Task Force.

Dan's scholarship and research interests center on civil-military relations theory, military justice reform, criminal law, the use of force, and executive authority (especially war powers) both as independent subjects and at their intersection in policymaking. He has published widely in academic journals including *Maryland Law Review*, *American Criminal Law Review*, *Harvard National Security Journal*, *Journal of National Security Law & Policy*, *Federal Sentencing Reporter*, *Texas Tech Law Review*, and Ohio State's *Journal on Dispute Resolution* and *Journal of Criminal Law*; he is a contributing author at various national security legal blogs including *Lawfare*, *Just Security*, and *Articles of War*; he is the author of *Crisis, Agency, and Law in US Civil-Military Relations* (Palgrave Macmillan, 2017) and the co-editor for *Reconsidering American Civil-Military Relations: The Military, Society, Politics, and Modern War* (Oxford University Press, 2021).

Dan holds an LL.M. in military law from the Judge Advocate General's Legal Center and School, a J.D. from The Ohio State University, and a B.A. from James Madison University. He commissioned originally as a Corps of Engineers officer, was later selected for the Army's Funded Legal Education Program, and has served as a judge advocate since 2008.

JAY MORSE

Jay Morse is owner and founder of Faro, International, a consulting firm focusing on rule of law, leadership, organizational management, and operational investigations and assessments. His current work focuses on the practical application of national security, IHL / IHRL, and institutional capacity building.



Jay is a retired US Army Lieutenant Colonel, and served as both an Army Aviator and a Judge Advocate during his military career. His assignments covered the spectrum of legal operations, while leading soldiers and organizations small and large. Jay was selected as the lead prosecutor in the case of *United States v. SSG Bales*, a sixteen-count wartime homicide trial, ultimately securing a conviction and a sentence of life imprisonment. After his military service, Jay was the Senior Military Advocate for Center for Civilians in Conflict, where he provided in-house counsel on strategic engagements with militaries and governments around the world; designed and delivered multi-phase, experiential training to reduce civilian harm in conflict zones; and advocated to governments and international organizations on the importance of protecting civilians during conflict.

Jay has earned an MBA from the Foster School of Business at the University of Washington, an LL.M. from the US Army's Judge Advocate General's School, a J.D. from the James E. Rogers College of Law at the University of Arizona, and a Bachelor's degree in political science from The Colorado College. He is currently working towards a Master of Fine Arts at Antioch University-Los Angeles. He is a graduate of the Army's Rotary Wing, Airborne, Air Assault, and Ranger schools.

DR. MAGDALENA PACHOLSKA



Magda is a Marie Skłodowska-Curie Individual Postdoctoral Fellow working on the project entitled “Implementing International Responsibility for AI in Military Practice” within the DILEMA project at the Asser Institute (University of Amsterdam).

Before joining the Asser Institute, Magda worked as a legal adviser at the Polish General Command of the Armed Forces, where she focused on the legal aspects of interoperability in combined joint operations. Magda obtained her Ph.D. from the Hebrew University of Jerusalem, as part of the Human Rights under Pressure interdisciplinary research training group. She has been a visiting scholar at the Free University of Berlin, and the Max Planck Institute Luxembourg for International, European and Regulatory International Law.

Magda also holds an LL.M. in International Criminal Law from the University of Amsterdam (joint program with Columbia Law School), a first degree in Law from the University of Warsaw and a MA in National Security from the Warsaw Military Academy.

JUDGE CUNO JAKOB TARFUSSER

Cuno Jakob Tarfusser graduated to Doctor of Law (Ph.D.) at the University of Padova in 1979 and began his professional career as a lawyer at the Studio Associato Zanotto e Mombellardo law firm in Padova, Italy. He then became the Deputy Public Prosecutor and was in charge of conducting an extensive range and high profile criminal proceedings for crimes including terrorism, organized crime, corruption, and more. He later became the Chief Public Prosecutor at the Public Prosecution Office of the Bolzano District Court. There he began groundbreaking reform of the office which decreased judicial costs by 65%, significantly enhanced standards and quality of judicial services, and limited waiting times for administration services. This reform became the blueprint for the best practice model.



In 2009, he was elected Judge at the International Criminal Court (ICC) where he was appointed to the pre-trial division. As a Pre-Trial judge he concurred in issuing several arrest warrants, including those for the then Sudanese President Mr Al Bashir (for the crime of genocide) and for Mr Muammar Gaddafi (for crimes against humanity), and in confirming the charges, among others, against the Vice-President of the Democratic Republic of the Congo (DRC) Mr Jean-Pierre Bemba (for crimes against humanity) and one of the leaders of the Ugandan Lord's Resistance Army Dominic Ongwen (crimes against humanity and war crimes). Besides his many duties in the Pre-Trial Division, he was also temporarily attached to the Appeals Chamber to hear the appeal in the case of *The Prosecutor v. Mathieu Ngudjolo Chui* (crimes against humanity and war crimes) as well as an interlocutory appeal in the case of *The Prosecutor v. Germain Katanga* (crimes against humanity and war crimes). Between 2015 and 2021, he served as Vice-president of the Court, having been elected by the plenary of the Judges.

He now serves as Deputy Prosecutor General at the Prosecution General Office to the Appeals Court of Milan where he overlooks and controls the prosecution offices and the decisions of tribunals of first instance. Furthermore, he is the head of the group of prosecutors dealing with international affairs such as active and passive extradition, recognition of foreign sentences, etc. He serves as a lecturer both in Italy and abroad and has numerous publications.

RACHEL E. VANLANDINGHAM



Professor Rachel E. VanLandingham is the Irwin R. Buchalter Professor of Law at Southwestern Law School, Los Angeles, California where she teaches criminal law, criminal procedure, national security law, and international humanitarian law. She is also a Visiting Professor of Law at UCLA School of Law, where she teaches criminal law. Prior to joining academia, Prof. VanLandingham was on active duty in the U.S. Air Force for over 20 years, including more than a decade as a Judge Advocate, with tours focusing on both criminal law (as a trial and appellate defense counsel) as well as the law of armed conflict. As the legal advisor for international law at Headquarters, U.S. Central Command, she advised on operational and international legal issues related to armed conflicts in Afghanistan and Iraq, and was the command's Chief Liaison to the International Committee of The Red Cross. Professor VanLandingham is also the President, National Institute of Military Justice, the only U.S. non-profit dedicated to fairness and transparency in the American military justice system. She is the co-editor of the 2015 Oxford University Press book, *Military Operations: Law, Policy and Practice*, which details the operationalization of law across the spectrum of U.S. military operations, and is a co-editor of the 2020 military criminal law casebook *Military Justice: Cases And Materials*, 3rd ed. She is also the author of numerous law review articles regarding military criminal law, international humanitarian law (the law of war), freedom of expression in the military and in war, and the intersection of the federal crime of material support to terrorism and social media. She was the 2015 winner of the Benjamin Ferencz Essay Competition for her article, *Criminally Disproportionate Warfare: Aggression as a Contextual War Crime*. She is a frequent media commentator regarding military legal issues.

KEN WATKIN

Ken Watkin served for 33 years in the Canadian Forces (28 years as a military lawyer), including four years (2006-2010) as the Judge Advocate General, as a Foreign Observer to the Israeli Independent Commission investigating the 31 May 2010 Gaza blockade incident, and as the Charles H. Stockton Professor of International Law at the United States Naval War College (2011-2012). He has also worked as a counterterrorism/counterinsurgency consultant for the United Nations, and for Canada.



Ken has written extensively about the application of international law to contemporary conflict. His book *Fighting at the Legal Boundaries: Controlling the Use of Force in Contemporary Conflict* (Oxford University Press, 2016) was awarded the 2017 Francis Lieber Prize by the American Society of International Law. Ken also co-authored a second book, *Law in War: A Concise Overview* (Routledge, 2018) with the second edition due to be released in March 2023. He has published over fifty articles, on-line commentaries and book reviews on humanitarian law, human rights and national security law. His work has been cited by both the Canadian and Israeli Supreme Courts. He also served as a member of the Editorial Committee for the International Committee of the Red Cross project to update the 1949 Geneva Convention (III) on Prisoners of War commentaries.

Ken is a graduate of The Royal Military College (Hons BA), Queens University (LLB and LL.M) and was a visiting fellow at the Human Rights Program at Harvard University (2002-2003). In 2002 he was appointed to the Order of Military Merit, in 2006 a Queen's Counsel, and in 2010 received the Canadian Bar Association President's Award that recognizes the significant contribution of a Canadian jurist to the legal profession, to the CBA or to the public life of Canada.

CONTINUING EDUCATION CLE (CEU) INFORMATION

Practicing attorneys are eligible to receive 6.5 continuing legal education (CLE) credits for attending this symposium. The MCLE course is titled “*Texas Tech Law Review* -- International Criminal Law Symposium,” and the corresponding course number is 174193247.

CLE Credits



The *Texas Tech Law Review* and its Members would like to express our sincerest thanks to our faculty sponsor, Professor Corn, our speakers, and all those who made this event possible!

Wi-Fi: TTUguest
Password: diplomaticthreshold



TEXAS TECH UNIVERSITY
School of Law™