

Cardozo Law Project in Law and Armed Conflict

The terrorist attacks of September 11, 2001 ushered in a “new normal” in the balance between security and liberty, characterized by U.S. violations of international law applicable to targeting, detention powers, detainee treatment and trials. Some of the worst abuses, such as secret detention and torture, have been rejected, but are at risk of recurrence in the new administration. Other abuses, such as overly-broad application of powers to kill and detain without charge or trial, persist. Underlying these abuses is a uniquely American view of both the content and applicability of international law rules for war and fighting terrorism. The Law and Armed Conflict Project seeks to increase the attention of scholars, lawmakers and policy makers to the role of international law in 21st Century conflicts. Subjects covered include drones/targeted killing, grounds and procedures for detention and trials at Guantanamo and other off-shore detention sites as well as on U.S. soil, the role of private military and security contractors, and law applicable to cyberattacks.

The Law and Armed Conflict Project is headed by [Visiting Professor of Law Gabor Rona](#) who teaches international human rights law, international criminal law and international humanitarian law. He previously served for six years as a Legal Advisor in the Legal Division of the International Committee of the Red Cross (ICRC) and for ten years as the International Legal Director of Human Rights First. He is the Chair of the UN Working Group on Mercenaries, a member of the Executive Committee of the American Branch of the International Law Association and a Director of the International Justice Resource Center.

Publications

2016 Article, [“State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace,”](#) 8 J. NAT’L SECURITY L. & POL’Y ___ (co-authored).

2015 Book chapter, [“The Non-discrimination Provisions of the Geneva Conventions,”](#) in Clapham, Gaeta, Sassoli, “The Geneva Conventions: A Commentary,” Oxford University Press.

2015 Article, [“Is There a Way Out of the Non-international Armed Conflict Detention Dilemma?”](#) 91 INT’L L. STUD. 32.

2014 Book chapter, [“Views from Mars, Views from Venus: Minding the Gap between What We Say and What We Do on Terrorism,”](#) in Jenkins, Jacobsen and Henriksen, “The Long Decade: How 9/11 Changed the Law,” Oxford University Press.

2013 Book chapter, [“In Defense of Federal Criminal Courts for Terrorism Cases in the United States,”](#) in Ni Aolain and Gross, “Guantanamo and Beyond: Exceptional Courts and Military Commissions in Comparative and Policy Perspective,” Cambridge University Press.

2013 Article, [“No Thank You to a Radical Rewrite of the Jus Ad Bellum,”](#) 107 AJIL 386 (co-authored).

2012 Article, [“A Tour de Horizon of Issues on the Agenda of the UN Mercenaries Working Group,”](#) 22 Minnesota Journal of International Law 324.

2009 Article, [“Universal Jurisdiction,”](#) Oxford Encyclopedia of Human Rights. Oxford U. Press (2009).

2008 Article, [“A Bull in the China Shop: The ‘War on Terror’ and International Law in the United States,”](#) 39 Cal. W. Int. L. J. 101, December 2008.

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2008 Article, [“An Appraisal of U.S. Practice Relating to ‘Enemy Combatants,’”](#) 10 Yearbook of International Humanitarian Law, 232-250.

2008 Article, [“Enemy Combatants in the ‘War on Terror:’ A Case Study of how Myopic Lawyering Makes Bad Law,”](#) Vol. 30, No. 1, ABA National Security Law Report, March 2008.

2008 Article, [“Legal Issues in the ‘War on Terrorism’ – Reflecting on the Conversation Between Silja N.U. Voneky and John Bellinger,”](#) 9 German Law Journal No. 5, p. 711 – 736, May 2008.

2007 Book review, Vol. 101 No. 1 Am. J. of Int. L. 569, reviewing David Forsythe, [“The Humanitarians: The International Committee of the Red Cross.”](#) (2007).

2005 Article, [“Judicial Guarantees in Detention and in the Prosecution of International Crimes: Impératifs de justice et exigences de paix et de sécurité,”](#) Proceedings of the Bruges Colloquium, 9th-10th September 2004, p. 123-137, College of Europe.

2005 Article, [“Legal Frameworks to Combat Terrorism: an Abundant Inventory of Existing Tools.”](#) Chicago J. of Int. L., Vol. 5:2 Winter 2005.

2004 Article, "Judicial Guarantees in Detention and in Prosecution of International Crimes." 5th Bruges Colloquium. College of Europe, Bruges, Belgium. September 9-10.

2004 Op-Ed, [“War does not justify Guantanamo,”](#) Financial Times. March 1.

2003 Article, [“Interesting Times for International Humanitarian Law: Challenges from the War on Terror.”](#) Fletcher Forum of World Affairs, Vol. 27:2, Summer/Fall 2003.

2002 Article, [“The ICRC Privilege Not to Testify: Confidentiality in Action.”](#) 84 International Review of the Red Cross 207 (March 2002).

Conferences, Lectures, Testimony

2017 Lecture, “Business and Human Rights: The Special Case of Mercenaries and Private Military Contractors,” Nottingham University, Nottingham, U.K., January 24.

2017 Panelist, “The Importance of State Compliance with IHL and IHRL in Preventing Violent Extremism,” Global Counterterrorism Forum - Expert Meeting on Strategic Communications and Social Media Aspects in Preventing and Countering Violent Extremism, London, U.K., January 9.

2016 Lecture, “From Bush to Obama to Trump in the ‘War on Terror,’” Geneva Graduate Institute, Geneva, Switzerland, December 16.

2016 Lecture, “Human Rights in Cyberspace,” Moscow State University, Moscow, Russia, December 15.

2016 Lecture, “Interplay of Humanitarian and Human Rights Law in Counter-terrorism,” Moscow State University, Moscow, Russia, December 14.

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2016 Panelist, "Swan Talks," Alumni conference, Vermont Law School, S. Royalton, Vermont, June 18.

2016 Workshop Co-organizer, "Revisiting the Role of International Law in National Security," Cardozo Law School, New York, NY, May 19.

2015 Panelist, "UN Guiding Principles, Post-Conflict Situations and Fragile States," Nottingham International Law and Security Centre /Human Rights Law Centre, Nottingham, UK, May 20-21.

2015 Moderator, "The End of the U.S. 'War on Terror': Exploring How This Conflict Might End and the Implications." American Society of International Law, Washington, D.C., April 10.

2015 Panelist, "Interfaith Conference on Drone Warfare," Princeton Theology Seminary, Princeton, New Jersey, January 24-25.

2014 Lecture, "International Law and U.S. Use of Force in Iraq and Syria," Cardozo Law School, New York, New York, October 27.

2014 Lecture, "Targeted Killing," Harvard Law School, Cambridge, Massachusetts, April 18.

2014 Lecture, "Detention after War," Fordham Law School Center on Law and Security, New York, New York, April 11.

2014 Panelist, "Is IHL Still Fit For Purpose?" International Peace Institute, New York, New York, April 10.

2014 Solf-Warren Lecture, Army JAG School, Charlottesville, Virginia, March 28.

2013 Organizing Committee for American Society of International Law – panels on targeted killing and on private military and security contractors

2012 Panelist, Guantanamo Military Commissions and the Future of International Criminal Law International Law Weekend, New York, New York, October 26.

2012 Panelist, Debate on US targeted killing policy, Brigham Young School of Law, Provo, Utah, November 28.

2012 Panelist, "Does IHL Protect 'Unlawful Combatants?'" Bruges Colloquium, College of Europe, Bruges, Belgium, October 18-19.

2012 Panelist, Evolution of the Law of War in Courts, Boston College School of Law, Boston, Massachusetts, October 12.

2012 Lecture, "Counterterrorism under the Obama Administration," Vermont Law School, South Royalton, Vermont, September 13.

2012 Panelist, Review of UN counterterrorism measures, Netherlands Institute of International Relations, New York, New York, June 26.

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2012 Lecturer, Basic IHL Training, Harvard Program on Humanitarian Policy and Conflict Research. Cambridge, Massachusetts, June 22.

2012 Panelist, program on private military/security contractors, U. Va. School of Law, Charlottesville, Virginia, March 19.

2012 Panelist, panel on terrorism issues, "Geneva and New York," week-long program sponsored by gov't of Switzerland, New York, NY, March 7.

2012 Panelist, "Directed Energy Weapons: Emerging Capabilities and the Importance of Law and Policy in Future Security Planning," Arizona State University, Tempe, Arizona, February 17.

2012 Panelist, "The United Nations High Commissioner for Human Rights: Conscience of the World," Roosevelt House Public Policy Institute, New York, New York, February 7-8.

2012 Participant, "Countering Piracy: the rights and obligations of states and private security providers," Wilton Park, UK, January 30-February 1.

2011-2014: Participant and presenter, ASIL Roundtable on International Law and Security, Washington, D.C. (quarterly meetings).

2011-2014: Lecturer, ICRC/Santa Clara School of Law/Berkeley School of Law IHL course.

2011 Panelist, "Regional Workshop on International Humanitarian Law and the Protection of Civilians," Gov'ts of Argentina and Norway, Buenos Aires, Argentina, November 8-9.

2011 Presenter, Web Cast on application of IHL in Afghanistan, Harvard Program on Humanitarian Policy and Conflict Research. Cambridge, Massachusetts, November 4.

2011 Panelist, "The Proper Place of International Law in the Grand Strategy," International Law Weekend, Fordham Law School, New York, New York, October 21.

2011 Panelist, "Ten Years In: Appraising the International Law of the 'Long War' in Afghanistan and Pakistan," Boston University School of Law, Boston, Massachusetts, October 14.

2011 Panelist, "International Justice in Practice: Challenges in the Search for Accountability," Columbia Law School, New York, New York, September 26.

2011 Colloquium presenter, "Counterterrorism and European Institutions," Brookings Institute, Washington, D.C., September 20.

2011 Colloquium participant, "The Long Decade: How 9/11 has Changed the Law," University of Copenhagen, Copenhagen, Denmark, August 11-12.

2011 Panelist, "Lessons Learned? - Continuity between Bush and Obama Administrations in the 'War on Terror,'" International Commission of Jurists, Copenhagen, Denmark, August 10.

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2011 Workshop, "Targeted Killings," Columbia Law School, New York, New York, June 16-17.

2011 Panelist, "Neutrality and Humanitarian Action," Grantmakers Without Borders, New York, New York, June 15.

2011 Participant, Workshop on National Security and the Right to Information, Open Society Justice Initiative, Budapest, Hungary, May 30-June 1.

2011 NGO Participant, UN Human Rights Council Intergovernmental Working Group on the Elaboration of an International Conventions on Private Military and Security Contractors, Geneva, Switzerland, May 24-26.

2011 Panelist, "Obama & Human Rights," American University, Washington, D.C., April 28-29.

2011 Panelist, "Human Rights in 2025, Robert L. Bernstein International Human Rights Symposium," Yale Law School, New Haven, Connecticut, April 8.

2011 Participant, High Level Policy Seminar, European University Institute, Florence, Italy, March 15.

2011 Panelist, "Expert Symposium on Securing the Fundamental Principles of Fair Trial for Persons Accused of Terrorist Offences," U.N. Counter-Terrorism Implementation Task Force/OHCHR. Bangkok, Thailand, February 17-18.

2010 Speaker, "Human Rights Under Fire," Rabbis for Human Rights, New York, New York, December 5-7.

2010 Workshop, "Humanitarian Action Under Scrutiny: Criminalizing Engagement with Non-State Armed Groups," Harvard Program on Humanitarian Policy and Conflict Research. Cambridge, Massachusetts, November 11-12.

2010 Panelist, "Regional Workshop on International Humanitarian Law and the Protection of Civilians," Gov'ts of Indonesia and Norway. Jakarta, Indonesia, November 8-9.

2010 Panelist, "The Holder Decision and Humanitarian Action," NYU School of Law, Center on Law and Security. New York, New York, November 5.

2010 Presenter, Web Cast on targeted Killings, Harvard Program on Humanitarian Policy and Conflict Research. Cambridge, Massachusetts, October 21.

2010 Workshop, "Mind the Gap: Creating a Toolbox to Assess Applicable Law Along the Continuum of Conflict," Emory Law School, Atlanta, Georgia, September 27-28.

2010 Workshop, "Drones and Targeted Killing – Bringing Human Rights Back In," International Commission of Jurists. Geneva, Switzerland, September 20.

2010 Workshop, "Teaching IHL," ICRC. UCLA, Berkeley, California, April 9-10

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2010 Moderator, "Same or Different? Bush and Obama Administration Approaches to Fighting Terrorists," American Society of International Law Annual Meeting. Washington, D.C., March 26.

2010 Panelist, "Counterterrorism and Human Rights: Opportunities to Improve U.S. and U.N. Policy," Center on Global Counterterrorism Cooperation. New York, New York, February 5.

2010 Panelist, "Terrorism and War: The Changing Relationship between Terrorism, Insurgency and Inter-State War," The Centre for Study of Terrorism and Political violence. University of St. Andrews, Scotland, January 11-13.

2009 Panelist, "Terrorism, Security and Human Rights: Opportunities for Policy Change." Wilton Park, October 1-4.

2009 Panelist, "Non-State Actors and International Humanitarian Law," International Institute of Humanitarian Law. San Remo, Italy, September 11-13.

2009 Panelist, "Lifting the Fog of Law: Managing Political Violence in the Near East and South Asia," Near East South Asia Center for Strategic Studies. Washington, D.C., July 8-9.

2009 Panelist, "Transatlantic Dialogues on International Law: The Use of Force in International Law," Atlantic Council/Chatham House. Washington, D.C., June 25-26

2009 Panelist, "Counterterrorism and the Obama Administration," Federalist Society/Heritage Foundation. Washington, D.C., May 28

2009 Debate, "Guantanamo, CIA Memos & Detainee Rights," The Cell. Denver, Colorado, May 20. 2009 Panelist, "Closing Guantanamo: Challenges and Opportunities," Columbia Law School. New York, New York, March 30

2009 Panelist, "Understanding the War on Gaza: Legal and Historical Context for Recent Events." Columbia Law School, New York, New York, January 29.

2009 Panelist, "Will Compliance with International Law Make Us More Secure? Advice for the New Administration." New York City Bar Association Symposium, New York, New York, January 27.

2008 Panelist, "Restrictions of Liberty of Terrorist Suspects." International Committee of the Red Cross/Israel Democracy Institute. Jerusalem, Israel, December 14.

2008 Panelist, "The Rule of Law and the Global War on Terrorism." Washburn U. School of Law. Topeka, Kansas, November 13.

2008 Panelist, "National Security Courts: Specialized Justice or Star Chambers?" International Law Association, International Law Weekend. New York, New York, October 18.

2008 Lecture, "The challenges of Jihad to: 1) the definition of armed conflicts and the incorporation of trans-national terrorist groups, 2) the element of direct participation in hostilities and 3) the definition

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of enemy combatant” at Third Hague Colloquium on “The Impact of Jihad on Domestic and International Law.” Asser Institute, The Hague, Netherlands, October 3.

2008 Panelist, Roundtable Discussion, “Human Rights and War,” Carnegie Council. New York, New York, September 17.

2008 Testimony, UNHCHR Working Group on the use of mercenaries. New York, NY. September 4.

2008 Lectures, “Why IHL? Military v. Law Enforcement Responses.” Thematic Workshop on International Humanitarian Law and Counterterrorism. Harvard Program on Humanitarian Policy and Conflict Research. Cambridge, Massachusetts, July 17-18.

2008 Lecture, “Detention, Treatment and Trial of Terrorism Suspects: What’s Law Got To Do With It?”

2008 American Studies Summer Institute, John F. Kennedy Presidential Library. Boston, Massachusetts, July 16.

2008 Testimony, “Guantanamo Detainees after Boumediene.” U.S. Helsinki Commission, Washington DC, July 15.

2008 Lecture, “The Rights and Obligations of Private Military and Security Contractors under International Humanitarian Law” at seminar: “Applying International Humanitarian Law to Today’s Conflicts.” UVA Law School, Judge Advocate General’s Legal Center and School, ICRC. Charlottesville, Virginia, May 29.

2008 Panelist, “Terrorism Prosecutions in US Courts, Myths and Realities” at conference: “Beyond Guantanamo: Debunking Common Myths and Creating Progressive Responses.” Lowenstein International Human Rights Clinic, Yale Law School. New Haven, Connecticut, April 23-24.

2008 Panelist, “The Rights and Obligations of Private Military and Security Contractors under International Humanitarian Law” at conference: “Private Security, Public Order: Governance & Limits.” Institute for International Law and Justice, New York University School of Law. New York, New York, April 3-4.

2008 Lecture, “Victims of Counterterrorism and Other Collateral Damage in the ‘War on Terror’” at symposium: “Terror on Trial: Civil Litigation and the War on Terror.” The Review of Litigation, University of Texas School of Law, Austin, Texas, March 27-28.

2007 Panelist, “Beyond Guantanamo: Administering Justice and Protecting National Security.” New York City Bar Association Symposium, New York, New York, December 14.

2007 Panelist, “Initiative to Promote Respect for International Humanitarian Law and Human Rights by Private Military and Security Companies Operating in Conflict Situations.” Swiss Dep’t. of Foreign Affairs/ICRC, Geneva, Switzerland, December 7.

2007 Panelist, “The Protection of Human Rights under States of Emergency, Particularly the Right to a Fair Trial.” UN OHCHR Expert Seminar, Geneva, Switzerland, December 3-4.

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2007 Lecture, "A Bull in the China Shop: The 'War on Terror' and International Law in the United States," Speakers Series, Cal. West. School of Law and Inst. For Int'l, Comp. and Area Studies, U. Cal. San Diego, California, November 15.

2007 On-line Debate: "Should Guantanamo Bay be Closed?" Council on Foreign Relations website. July 9-13.

2007 Member, International Bar Association Task Forces on Extraterritorial Criminal and Civil Jurisdiction.

2007 Lecture, "A Bull in the China Shop: the 'War on Terror' and International Law in the United States." Asser Institute, The Hague, Netherlands. July 3.

2007 Testimony, "Guantanamo: Implications for U.S. Human Rights Leadership." U.S. Helsinki Commission. Washington D.C., June 21.

2007 Panelist, "Princeton Problem Solving Workshop Series in Law and Security: A New Legal Framework for Military Contractors?" Woodrow Wilson School of Public & International Affairs. Princeton, New Jersey, June 8.

2007 Panelist, "Working Level Meeting on the Role of Civil Society in Preventing Terrorism." OSCE/ODIHR, Barcelona, Spain, March 14-16.

2007 Panelist, "Terrorism and Human Rights: Experts Meeting." Amnesty International USA/NYU Law School. New York, New York, February 17.

2007 Lecture, "Bending the Rules: Abuse of U.S. Executive Power in the 'War on Terror.'" U. of Minnesota Human Rights Center, Minneapolis, Minnesota, February 9.

2007 Lecture, "Human Rights and National Security." Minnesota Advocates for Human Rights, Minneapolis, MN, February 8.

2007 Panelist, "Implementing the UNGA Global Counter-Terrorism Strategy in the Asia-Pacific." Center on Global Counter-Terrorism Cooperation. New York, New York, January 25.

2006 Panelist, International Commission of Jurists, Meeting on the Closure of Guantanamo. Geneva, Switzerland, September 25.

2006 Testimony, International Commission of Jurists Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights. Washington, DC, September 7.

2006 Testimony, Human Rights Committee. Geneva Switzerland, July 18.

2006 Testimony, Committee against Torture. Geneva Switzerland, May 4.

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2006 Panelist, Rebellious Lawyering Conference, Yale U. School of Law. New Haven, Connecticut, March 16.

2006 Testimony, Human Rights Committee. New York, New York, March 14.

2006 Lecture, "Constitutional and Policy Implications of Military Tribunals for Terrorism Detainees." Federalist Society, Boston, Massachusetts, February 2.

2005 Testimony, "Responding to terrorism in accordance with the rule of law: The proper role of the law of armed conflict, criminal law and human rights law in the 'global war on terror.'" High-Level Tripartite Meeting between United Nations, Council of Europe, Organization for Security and Cooperation in Europe, European Commission, General Secretariat of the Council of European Union, the International Committee of the Red Cross and the International Organisation for Migration. Strasbourg, France, February 18.

2004 Panelist, "The Rights of Detainees in the Post-September 11 War on Terrorism." International Law Association, New York, New York, October 14-16.

2004 Panelist, "Human Security and International Law: Can the Geneva Conventions Survive the Age of Terrorism?" Academic Council on the United Nations System. Geneva, Switzerland. July 1.

2004 Panelist, "War, International Law and Sovereignty." American Enterprise Institute. Washington, DC, June 24.

2004 Lecture, "Enemy Combatants, the United States and the ICRC." American Democrats Abroad. Geneva, Switzerland, June 15.

2004 Lecture, "ICRC Confidentiality in the 21st Century." Medecins sans Frontieres. Geneva, Switzerland, June 7.

2004 Panelist, "The Law of Armed Conflict and the 'War on Terror.'" Workshop on the Protection of Human Rights While Countering Terrorism. OSCE. Copenhagen, Denmark. March 15-16.

2004 Panelist, "Human Rights and the Administration of Justice Through Military Tribunals." International Commission of Jurists. Geneva, Switzerland, January 26-28.

2003 Lecture, "The Right to Food in Armed Conflict." World Food Program. Stockholm, Sweden, September 27-28.

2003 Lecture, "Combatants, enemy combatants, unlawful combatants and non-combatants: is there anything new under the Guantanamo sun?" University of Salzburg, Institute for Criminal Law, Criminal Procedure and Criminology. Salzburg, Austria, August 18-19.

2003 Plenary Speaker and workshop chair, "Challenges from the War on Terror - A Humanitarian Legal Perspective." Center for the Study of Terrorism and Political Violence, U. of St. Andrews, Scotland, July 13-15.

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2003 Seminar, "International Humanitarian Law" and "The International Criminal Court." Human Rights for Future Decision Makers. Balkan Human Rights Network. Dubrovnik, Croatia, May 23-June 6.

2003 Lecture, "Challenges in International Humanitarian Law at the Dawn of the 21st Century." U. Ctr. for Int. Humanitarian Law, Geneva, Switzerland, March 21.

2003 Seminar, "Introduction to International Humanitarian Law." European Law Students Association/Helsinki University. Helsinki, Finland, March 6-7.

2001 Lecture, "Humanitarian Law and Human Rights: Diplomacy and Advocacy." International Service for Human Rights, Geneva, Switzerland.