



COUNTERING TERRORISM THROUGH DOMESTIC AND INTERNATIONAL TARGETED SANCTIONS: A RULE OF LAW PERSPECTIVE

Sponsored by
American University Washington College of Law
and
The Government of Liechtenstein

Monday, September 15, 2008

9:30 am – 5:30 pm

**American University Washington College of Law
4801 Massachusetts Avenue NW, Room 603**

One of the most important tools of the international community in the fight against terrorism is the application of targeted sanctions measures against individuals and entities that are thought to be terrorists or supporting terrorist groups or activities. The UN Security Council's 1267 Sanctions Committee, for example, manages a list of almost 500 entries related to the Taliban or Al-Qaida. The targets are subject to sanctions measures such as asset freezes and travel bans by all United Nations Member States. The United States has its own domestic system of designating terrorist individuals and organizations and blocking their property and transactions. Other countries, as well as the European Union, have similar regimes in place to designate terrorists and terrorist organizations and to place restrictions upon them. While the legal basis for such counter-terrorism sanctions regimes varies from one case to another, they share one commonality, which also represents an important challenge: These sanctions are usually administered outside the realm of criminal law and its standards of due process, despite the severity of the sanctions imposed against those concerned. In addition, there is limited recourse, if any, to have such listing decisions reviewed by independent tribunals. In many countries, governments, courts and legal practitioners have strived to reconcile the requirements of effective sanctions regimes with the requirements of human rights and the rule of law. The implementation of targeted sanctions against designated terrorists goes to the core of the difficult balancing act of preserving both collective security and individual rights. Legal actions in several jurisdictions around the world show that many questions are still unanswered.

9:30 am

Registration

9:45 am

Opening Remarks

Claudio Grossman, Dean, American University Washington College of Law
Christian Wenaweser, Permanent Mission of Liechtenstein to the United Nations

10:00 am -11:30 am

Session 1: Domestic and international targeted sanctions regimes – a comparison

Moderator:

Prof. Robert Goldman, American University Washington College of Law

Presenters:

The terrorist designation process in the United States:

Adam J. Szubin, Office of Foreign Assets Control (OFAC)

The EU legal framework for counter-terrorism targeted sanction:

Stephan Marquardt, Council of the European Union – Liaison Office to the United Nations

Targeted sanctions imposed by the UN Security Council:

Joanna Weschler, Security Council Report

Discussion

12:00 noon – 1:30 pm

Lunch with key note address

2:00 pm – 3:30 pm

Session 2: Legal challenges to counter-terrorism sanctions regimes - administrative law, criminal law, and human rights

Moderator: Jonathan Winer, APCO Worldwide

Presenters:

The role of intelligence information:

Patrick Radden Keefe, writer

Court cases regarding domestic listing regimes:

Ori Lev, Office of Foreign Assets Control (OFAC)

Court cases regarding international listing regimes:

Christopher Michaelsen, Fellow, Faculty of Law, University of New South Wales, Sydney

Discussion

3:30 pm – 4:00 pm

Break

4:00 pm – 5:30 pm

Session 3: Effective review of listing decisions – the way forward

Moderator:

Eric Rosand, Center for Global Counter-Terrorism Cooperation

“Fair and clear procedures” in UN sanctions listing – an outside perspective:

Christian Wenaweser, Permanent Mission of Liechtenstein to the United Nations

“Fair and clear procedures” in UN sanctions listing – an inside perspective:

Richard Barrett, United Nations Al-Qaida/Taliban Monitoring Team

The way towards a compromise:

Sue Eckert, Watson Institute, Brown University

Discussion

5:30 pm

Reception in the Dean’s Suite, 3rd Floor

General Registration – no charge.

CLE Accreditation (4.5 credits) will be applied for – CLE Registration - \$35

For more information and to register, please contact: Office of Special Events & Continuing Legal Education, American University Washington College of Law

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