

ST. MARY'S UNIVERSITY

Center for Terrorism Law



SCHOOL OF LAW

Presents a Symposium on

**Contractors on the Battlefield:
Legal Issues Associated with Anti-Terrorism
Training & Personnel Recovery**

June 28 & 29, 2005

Free 5 Continuing Legal Education credits (pending)

Sheraton Gunter Hotel
205 East Houston Street • San Antonio, TX 78205

Goal of the Symposium

The purpose of this symposium is to explore the legal and policy issues associated with personnel recovery and antiterrorism (AT) training for contractors accompanying the forces to include the responsibility of the parent contracting companies (PCC) to provide adequate AT training to its employees. Additionally, discussion will address the proposed national security presidential directive (NSPD) on civilian contractors.

Protecting, training and accounting for civilian contractors who accompany military forces during war or MOOTW present significant legal and policy challenges that have not been fully addressed. In tandem with personnel recovery issues, another issue of concern is the matter of providing adequate AT training. With the kidnapping and murders of American and coalition contractors in Iraq, Afghanistan and Colombia, it is imperative that both the Department of Defense (DOD) and the PCC understand the need to provide adequate AT training to protect the health and welfare of contractors should they be captured by hostile forces. Considering the fact that civilian contractors are employed by the military in ever increasing numbers, DOD recognizes the need to implement firm rules to account for contractors, provide for their security and, if necessary, to rescue them from capture.

Nevertheless, there are significant gaps in current DOD regulations and policies. For example, there is no civilian Code of Conduct currently available to provide instruction to civilian contractors taken captive by hostile forces.

The views expressed in this symposium do not necessarily reflect the views of St. Mary's University School of Law or the Center for Terrorism Law.

Thomas Hamill

Co-Author

June 29



Co-Author of "Escape from Iraq", Thomas Hamill, 43, was attacked April 9, 2004, near Baghdad International Airport and taken hostage. Mr. Hamill escaped after 24 days in captivity and was recovered near Balad, south of Tikrit.

Panel of Experts



**Ambassador
Crescencio
"Cris" Arcos**

Director, International
Affairs, Department of
Homeland Security



Wayne Scott

Professor of Law,
St. Mary's University
School of Law



Jeffrey F. Addicott

Associate Professor of Law
and Director, Center for
Terrorism Law, St. Mary's
University School of Law



**Sharon Brecken-
ridge-Thomas**

Legal Counsel, Constangy,
Brooks & Smith, L.L.C,
Adjunct Professor of Law
& Director of the Office of
Academic Excellence, St.
Mary's University School
of Law



Darrell Phillips

Chief, International and
Operations Law Division,
Air Force Judge Advocate
General School



Thomas Hamill

Co-Author, "The Thomas
Hamill Story"



**Major General
(Ret.) Ken Bowra**

JFCOM Program Director,
Oak Ridge National
Laboratory



Wade Chapple

Director, Rescue
Coordination Center,
Bogotá, Colombia



Geoffrey S. Corn

International Law Advisor,
Office of The Judge
Advocate General,
U.S. Army



**COL G. Michael
Stripling**

Commander &
Commandant (IMA), Judge
Advocate General Center
& School



Marc P. Miles, Esq.

Senior Attorney, Callahan
& Blaine



Mark Klein, M.D.

Board Certified Psychiatrist
and Psychotherapy
Instructor

Tuesday June 28 Day 1

9:00–9:20 AM *Speaker: Ambassador Crescencio "Cris" Arcos*

Keynote Speaker

9:20–10:20 AM *Speaker: Jeffrey F. Addicott*

Frame the Issues: Contractors on the Battlefield

In tandem with personnel recovery issues, another issue of concern is the matter of providing civilian contractors who accompany military forces during war or MOOTW adequate antiterrorism (AT) training. With kidnapping and murders of American and coalition contractors in Iraq, Afghanistan and Colombia, it is imperative that both the Department of Defense (DOD) and the PCC understand the need to provide adequate AT training to protect the health and welfare of contractors.

10:45–11:40 AM *Speaker: Darrell Phillips*

DOD Responsibilities: A General Overview of Current Law and Policy

The initial step in addressing AT is to examine the relationship among the government, the contractor, and the contractor employee. This overview will discuss the laws, regulations, and policies relating to topics such as contractor employee force protection, employee compliance with field commander policies, wearing of uniforms, arming employees, isolated personnel training, personnel recovery, and return of personnel or remains.

1:00–1:40 PM *Speaker: Major General (Retired) Ken Bowra*

Special Operation Forces Rescue Operations

Special Operations Forces (SOF) are often used in recovery operations because SOF provides the National Command Authority and Combatant Commander with unique and special capabilities. While actual recovery operations may use a combination of forces available to the Combatant Commander, SOF are specially trained in combating terrorism, and therefore often the first units tasked to support recovery operations.

1:40–2:30 PM *Speaker: Geoffrey S. Corn*

Status of Civilian Contractors

Civilian augmentation to military forces is essential to the effective planning and execution of military operations related to the Global War on Terror. However, the effectiveness of DOD efforts to identify the proper legal and policy limits to the tasks assigned to "civilians accompanying the force" has been marginal at best. One possible new approach to defining what activities may properly be performed by civilian augmentees during armed conflict is what is referred to herein as the "war crimes standard."

2:50–3:50 PM *Speaker: Marc P. Miles, Esq.*

Civil Liability Issues for the Parent Contractor Company

There are more than twenty PCC in Iraq with estimates of more than 20,000 civilian contractors. However, the law governing these PCC and their workers is an enigma. Operating outside the confines of the United States military structure and in a country with emerging laws and in the process of restructuring its legal system, the accountability for the conduct of the PCC and their workers must be governed by the laws of the United States. The scope of the issues to be addressed includes the civil liability of PCC operating in Iraq. These companies face liability for breach of contract, wrongful death, fraud and intentional and negligent infliction of emotional distress. Moreover, the imposition of punitive damages is also a threat in light of the nature of the business.

5:30–7:00 PM

Reception

Various breaks will be held throughout the day.

Wednesday June 29 Day 2

PANEL: 8:30–9:30 AM *Speaker: Wayne Scott*

Alternative Dispute Resolution

With the increasing popularity of Alternative Dispute Resolution (ADR) methods in the United States, and the fact that it is a more generally accepted method of conflict management internationally, an overview of ADR is efficacious to Contractors on the Battlefield. Arbitrators and mediators can play an important role in dispute resolutions if they are well trained and equipped in this era of the War on Terror.

Speaker: Sharon Breckenridge-Thomas

War on Terror: Is There a Place for Alternative Dispute Resolution?

The privatization of "war" presents new challenges in the labor & employment law venue. Should employers providing support to military operations be given immunity from claims raised in litigation with their employees and can ADR be used to resolve conflicts? It is imperative that these questions be addressed before employers and their employees become "civilian warriors."

9:30–10:10 AM *Speaker: Thomas Hamill*

Escape in Iraq

Thomas Hamill, 43, was working as a truck driver for Kellogg, Brown & Root, Inc., a subsidiary of oil field services contractor Halliburton, when his fuel convoy was attacked April 9, 2004, near Baghdad International Airport and he was taken hostage by hostile forces. Four other American contractors were found dead. Mr. Hamill escaped after 24 days in captivity and was recovered near Balad, south of Tikrit. Mr. Hamill will discuss his ordeal in the context of AT training and personnel recovery issues.

10:30–11:10 AM *Speaker: Wade Chapple*

Anti-Terrorism Training Initiatives

Adequate preparation for deployments into hostile or uncertain environments require that executive leadership, directors, and supervisors recognize that they have a moral and professional obligation to ensure that subordinate employees are properly trained, equipped, and prepared to handle survival situations or captivity. The discussion will use scenarios based on Colombia as a model to emphasize the importance of AT training and personnel recovery.

PANEL: 11:10–11:45 AM *Speaker: Colonel G. Michael Stripling*

Reserve and National Guard Judge Advocate General Perspective on Contractors on the Battlefield

Legal and policy issues associated with the use of civilian contractors that work in support of military and MOOTW operations. Are the approaches and considerations congruent with that of the active duty?

Speaker: Mark Klein, M.D.

The Psychological Impact of the Rules of Engagement on Civilian Contractors

In today's battle space civilian contractors have assumed many of the traditional support functions of uniformed soldiers. Sun Tzu wrote the first principal of war is the "Moral Law" which causes soldiers to be in complete accord with their ruler, so that they will follow him regardless of any danger. Discussion will focus on how the Rules of Engagement psychologically impact the behavioral assumptions underlying Sun Tzu's principles on the ability of civilian contractors to successfully perform their missions in hostile environments.

Various breaks will be held throughout the day.

Reception

All attendees and guests are invited to join us for a reception on Tuesday, June 28, 2005 from 5:30pm to 7:00pm at the following location:

*Sheraton Gunter Hotel
205 East Main Street
San Antonio, TX 78205*

The symposium is sponsored by the Center for Terrorism Law of St. Mary's University School of Law, San Antonio, Texas with the generous support of Trusted Agent for Technology & Engineering (TATE), Inc.

register
today!

**Please register online through the website:
www.stmarytx.edu/ctl**

*Alternatively, you may complete this form and mail it by
June 18, 2005 (address on the back)*

Symposium fee is \$50.00 payable onsite at registration table.

Name: _____

Address: _____

City/State/Zip: _____

Country: _____

Telephone: (_____) _____

E-mail: _____

*For more information contact the
Center for Terrorism Law Office at: (210) 431-2219.*

E-mail: terrorismlaw@stmarytx.edu

Our Affiliations

In order to develop an integrated approach to terrorism law, the Center for Terrorism Law is affiliated with a variety of institutions – educational, government, military, business and media – to address issues that have impact across multiple disciplines related to homeland security concerns. These strategic partnerships include communication and collaboration in education, training, research and support. Key partnerships include: the Center for Infrastructure Assurance and Security; U.S. Air Force Air Intelligence Agency; U.S. Northern Command (Homeland Security/Defense Education Consortium); University of Virginia School of Law Center for National Security Law; Network Information and Space Security Center (NISSC) at the University of Colorado at Colorado Springs; National Academic Consortium for Homeland Security (NACHS); Departamento Administrativo de Seguridad in Bogota, Colombia; The International Policy Institute for Counter-Terrorism (ICT), Herzliya, Israel; Trusted Agent for Technology & Engineering (TATE), Inc.; and Institute for the Protection of American Communities (IPAC).



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