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ASIL RESOLUTION ADOPTED BY NYC BAR

WASHINGTON, DC – The American Society of International Law (ASIL) today announced that a resolution which the ASIL membership passed at its Annual General Meeting earlier this year has also been adopted by the Association of the Bar of the City of New York.

For only the eighth time in its 100-year history, on March 30, 2006, ASIL members adopted a resolution on a matter of current public policy. Expressing the deep concern of many ASIL members on issues relating to the laws of war and the treatment of persons in custody, the resolution states: “The American Society of International Law, at its centennial annual meeting in Washington, D.C....resolves:

1. Resort to armed force is governed by the Charter of the United Nations and other international law (*jus ad bellum*).
2. Conduct of armed conflict and occupation is governed by the Geneva Conventions of August 12, 1949, and other international law (*jus in bello*).
3. Torture and cruel, inhuman, or degrading treatment of any person in the custody or control of a state are prohibited by international law, from which no derogations are permitted.

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4. Prolonged, secret, incommunicado detention of any person in the custody or control of a state is prohibited by international law.
5. Standards of international law regarding treatment of persons extend to all branches of national governments, to their agents, and to all combatant forces.
6. In some circumstances, commanders (both military and civilian) are personally responsible under international law for the acts of their subordinates.
7. All states should maintain security and liberty in a manner consistent with their international law obligations.”

On August 4, 2006, the President of the New York City Bar, Harry Kamins, informed ASIL President José Alvarez, that his association had also adopted the ASIL resolution “in its entirety.” President Kamins wrote, “We applaud and support the Resolution recently passed by the American Society of International Law (“ASIL”) on the Use of Armed Force and the Treatment of Detainees (the “ASIL Resolution”). The ASIL Resolution comes at a critical juncture as the White House and Congress debate how to react to the Supreme Court’s June 2006 ruling in *Hamdan v Rumsfeld* 548 U.S. ___, 126 S.Ct. 2749.”

Kamins went on to explain the New York City Bar’s motivations, “In adopting the ASIL Resolution, this Association evinces its position on the importance that the legal professional [sic] must occasionally speak as one voice – on particularly urgent topics upon which there can be no substantial dissent. Thereby, this Association also advances its objective of improving the administration of justice and promoting the spirit of collegiality among members of this learned profession.”

“It is with great pleasure,” said ASIL President Alvarez, “that we receive word of the New York City Bar’s expression of solidarity with the Society on this issue. I want to thank the Bar’s members and leadership for joining us. By doing so, they have reinforced our own efforts to call attention to the importance and timely relevance of international law regarding the use of force and human rights.”

ASIL’s 2006 Annual Meeting resolution, along with related documents, is available on the Society’s web site at <http://www.asil.org/events/am06/resolutions.html>.

ASIL is a nonprofit, nonpartisan, educational membership organization. It was founded in 1906, chartered by the U.S. Congress in 1950, and has held Category II Consultative Status to the Economic and Social Council of the United Nations since 1993. ASIL’s mission is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. The Society’s 4,000 members (from nearly 100 countries) comprise attorneys, academics, corporate counsel, judges, representatives of governments and nongovernmental organizations, international civil servants, students, and others interested in international law. Throughout 2006 ASIL celebrates its centennial with the theme “A Just World Under Law.” For more information, visit www.asil.org.