



## WSBA World Peace through Law Section

February 2009

### Convention on the Rights of the Child: Overcoming Obstacles to Ratification February 24, 2009

On February 24, 2009, the section presents Attorney Jana Heyd speaking on “**Convention on the Rights of the Child: Overcoming Obstacles to Ratification.**” This analysis of an important international human rights treaty pending before U.S. Senate, and barriers to its ratification, runs from noon – 1 p.m., at the WSBA Offices, 1325 4th Ave., Ste. 600, Seattle.

Jana Heyd is the assistant director at Society of Counsel Representing Accused Persons, one of the public defense agencies in Seattle, where she has worked for almost seventeen years. Jana has been involved primarily in the dependency practice area, working with children and families in the foster care system. Currently the co-chair of the state’s Children’s Justice Interagency Task Force, Jana also participates in the Immigrant Child Advocacy Project, the Family Treatment Court Advisory Board, and the Child Youth and Family Advisory Council for the state of Washington. Jana is the co-chair elect of the Washington State Bar Association’s Juvenile Law Section, and was recently elected to the Executive Board of the World Peace Through Law Section.

The full text of the Convention, and a lot of other useful materials, are conveniently available on the website of the Office of the United Nations High Commissioner for Human Rights, Committee on the Rights of the Child: <http://www2.ohchr.org/english/bodies/crc>.

**Cost:** WPTL Section members: free, Non-WPTL Section members: \$25, Law students: \$10 (includes section membership) 1 general CLE credit applied for. *We hope to see you there!*

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### Recent Executive Orders of Interest

Some recent Presidential Executive Orders may be of interest to Section Members:

January 22, 2009: “**Review of Detention Policy Options**” This order creates the *Special Interagency Task Force on Detainee Disposition*, to “conduct a comprehensive review of the lawful options available to the Federal Government with respect to the apprehension, detention, trial, transfer, release, or other disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations, and to identify such options as are consistent with the national security and foreign policy interests of the United States and the interests of justice.”

The STF includes the Attorney General; the Secretaries of Defense, State and Homeland Security; the Directors of National Intelligence and of the Central Intelligence Agency; and the Chairman of the Joint Chiefs of Staff. For administrative purposes it is within the Department of Justice. Its report is due by July.

See [http://www.whitehouse.gov/the\\_press\\_office/Review\\_of\\_Detention\\_Policy\\_Options/](http://www.whitehouse.gov/the_press_office/Review_of_Detention_Policy_Options/)

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“... the welfare of today's children is inseparably linked with the peace of tomorrow's world ...”

- Henry Labouisse,  
Executive Director  
of UNICEF,  
on the occasion of  
the award of the  
Nobel Peace Prize,  
1965

## Recent Executive Orders *(continued)*

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### January 22nd: "Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities"

Here are a few selections from that order, heavily trimmed to fit the page; not one word has been added but you should read the full order:

#### *Section 2: Findings.*

Prompt and appropriate disposition of the individuals currently detained at Guantánamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States and the interests of justice. Merely closing the facilities without promptly determining the appropriate disposition of the individuals detained would not adequately serve those interests. To the extent practicable, the prompt and appropriate disposition of the individuals detained at Guantánamo should precede the closure of the detention facilities at Guantánamo.

*The individuals currently detained at Guantánamo have the constitutional privilege of the writ of habeas corpus. (...emphasis added ... REW)*

It is in the interests of the United States that the executive branch undertake a prompt and thorough review of the factual and legal bases for the continued detention of all individuals currently held at Guantánamo, and of whether their continued detention is in the national security and foreign policy interests of the United States and in the interests of justice. Some individuals currently detained at Guantánamo may have committed offenses for which they should be prosecuted. It is in the interests of the United States to review whether and how any such individuals can and should be prosecuted.

#### *Section 3: Closure of Detention Facilities at Guantánamo.*

The detention facilities at Guantánamo for individuals covered by this order shall be closed as soon as practicable, and no later than 1 year from the date of this order. If any individuals covered by this order remain in detention at Guantánamo at the time of closure of those detention facilities, they shall be returned to their home country, released, transferred to a third country, or transferred to another United States detention facility in a manner consistent with law and the national security and foreign policy interests of the United States.

#### *Section 4: Immediate Review of All Guantánamo Detentions.*

A review of the status of each individual currently detained at Guantánamo (Review) shall commence immediately.

The Attorney General shall, to the extent reasonably practicable, and in coordination with the other Review participants, assemble all information in the possession of the Federal Government that pertains to any individual currently detained at Guantánamo and that is relevant to determining the proper disposition of any such individual.

In accordance with United States law, the cases of individuals detained at Guantánamo not approved for release or transfer shall be evaluated to determine whether the Federal Government should seek to prosecute the detained individuals for any offenses they may have committed, including whether it is feasible to prosecute such individuals before a court established pursuant to Article III of the United States Constitution.

#### *Section 6: Humane Standards of Confinement.*

No individual currently detained at Guantánamo shall be held in the custody or under the effective control of any officer, employee, or other agent of the United States Government, or at a facility owned, operated, or controlled by a department or agency of the United States, except in conformity with all applicable laws governing the conditions of such confinement, including Common Article 3 of the Geneva Conventions. The Secretary of Defense shall immediately undertake a review of the conditions of detention at Guantánamo to ensure full compliance with this directive. Such review shall be completed within 30 days and any necessary corrections shall be implemented immediately thereafter.

#### *Section 7: Military Commissions.*

During the pendency of the Review, all proceedings pending in the United States Court of Military Commission Review are halted.

MORE: [http://www.whitehouse.gov/the\\_press\\_office/Closure\\_of\\_Guantanamo\\_Detention\\_Facilities/](http://www.whitehouse.gov/the_press_office/Closure_of_Guantanamo_Detention_Facilities/)

--- REW