

## **MICHAEL P. SCHARF**

Case Western Reserve University School of Law  
11075 East Blvd. Cleveland, Ohio 44106-7148  
(216) 534-7796, Michael.Scharf@Case.edu

### **PROFESSIONAL EXPERIENCE**

**Admitted to Practice, District of Columbia Bar, 1989; U.S. Supreme Court Bar, 1998**

**Case Western Reserve University School of Law, Cleveland, Ohio, 2002-present**

**Co-Dean** (since August 2015), **Co-Interim Dean** (March 2014-August 2015); **Co-Acting Dean** (November 2013-March 2014)

**Associate Dean for Global Legal Studies (2012-2013)**

Supervisory responsibility for all International Centers, Institutes, and Programs at the Law School; negotiation and stewardship of foreign partnership agreements.

**Joseph C. Hostetler -- Baker & Hostetler Professor of Law** (since 2010)

Courses taught: International Law, International Criminal Law, War Crimes Research Lab, International Organizations, Criminal Law, and Criminal Procedure. First law professor in the world to teach an **International Law MOOC** on Coursera (over 145,000 students from 137 countries)

**Director of the Frederick K. Cox International Law Center (2003-2018)**

#### **Public International Law & Policy Group**

Co-founder, Vice Chairman of the Board, and **Managing Director** (since 1995)

--A non-profit corporation and U.N.-designated NGO with an annual \$5 million budget, providing pro-bono international legal services to foreign governments and international organizations

--Have led USAID-funded transitional justice projects in Uganda, Cote d'Ivoire, Libya, and Turkey (for Syria), and piracy prosecution projects in Kenya, The Seychelles, and Mauritius

--Currently heading PILPG's Amicus Brief practice group; lead author on two Amicus Briefs for the International Criminal Court Appeals Chamber

**Extraordinary Chambers in the Courts of Cambodia, Phnom Penh, Cambodia, 2008**

Served as **Special Assistant to the International Co-Prosecutor** during my sabbatical

**New England School of Law, Boston, Mass., 1993-2002**

**Assistant Professor** (1993-1995), **Associate Professor** (1995-1997), **Professor of Law and Director of the Center for International Law and Policy** (1997-2002)

**Australian National University, Canberra, Australia, 2001**

**Visiting Professor of International Law**

**Tufts University, Fletcher School of Law and Diplomacy, Boston, Massachusetts, 2000**

**Visiting Professor of International Law**

**Universite de Paris X - Nanterre, Paris, France, 1998.**  
**Visiting Professor of International Law**

**Georgetown University Law Center, Washington, D.C., 1992-1993**  
**Adjunct Professor of Law (International Criminal Law)**

**U.S. Department of State, Office of the Legal Adviser, Washington, D.C.**  
**Attorney-Adviser for United Nations Affairs (1991-1993)**  
**Attorney-Adviser for Law Enforcement and Intelligence (1989-1991)**  
Member of the **United States Delegation to the U.N. General Assembly**  
and **U.N. Human Rights Commission**

**U.S. Court of Appeals for the Eleventh Circuit, Jacksonville, FL, 1988-1989**  
Law Clerk to the Hon. Gerald B. Tjoflat

## **AWARDS AND HONORS**

Ranked among the **most cited authors** in the field of International Law since 2010 by the 2016 and 2019 Leiter/Sisk Studies

Recipient of the 2022 Beyond Duke Award given to alumni of Duke University who have distinguished themselves through service to their community, their country, or to society at large

Received the 2021 **International Bar Association's Leadership Award**

The Legacy of Ad Hoc Tribunals in International Criminal Law (Cambridge University Press, 2019) (with M. Sterio) awarded the 2019 **International Association of Penal Law, American National Section's Book of the Year Award for Scholarly Contribution to the Field**

Received the 2019 **Myres S. McDougal Distinguished Lecturer** in International Law from University of Denver Sturm College of Law for extraordinary scholarly accomplishment

Selected for life membership in the **Council of Foreign Relations** in March 2019

Selected to membership in the **American Law Institute** (2014)

Received the 2009 **Telly Award** in recognition of outstanding non-broadcast video productions for scripting and producing the Case International Law Program video

**ENEMY OF THE STATE: THE TRIAL AND EXECUTION OF SADDAM HUSSEIN** (St. Martin's Press, 2008) awarded the **2009 International Association of Penal Law, American Nat'l Section's Book of the Year Award for Scholarly Contribution to the Field**

Received 2006 Ohio Magazine **Excellence in Education Award**

Received 2005 Case Western Reserve University School of Law Alumni Association  
**Distinguished Teacher of the Year Award**

Nominated for the **2005 Nobel Peace Prize** by Six Governments and the Chief  
Prosecutor of the Special Court for Sierra Leone for assisting in the prosecution of  
Slobodan Milosevic, Charles Taylor, and Saddam Hussein

For work as Rapporteur of the ABA Task Force for Reforming the U.N. Human  
Rights Commission, awarded the 2005 **ABA Outstanding Policy  
Initiative Award**

PEACE WITH JUSTICE? (Rowman Littlefield, 2002) awarded **the International Association of  
Penal Law, American Nat'l Section's 2003 Book of the Year Award for Scholarly  
Contribution to the Field**

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (Transnational, 1998) awarded **the 1999  
American Society of International Law Certificate of Merit** for the Outstanding  
Book in International Law

Received 1993 **U.S. State Department Meritorious Honor Award** "in recognition of superb  
performance and exemplary leadership in support of U.S. policy initiatives regarding  
the former Yugoslavia"

As Chairman of the DC Bar International Law Section, received **Best Section of the Year  
Award** in July 1993

Listed in Marquis "**Who's Who in America**" (since 2001) and "**Who's Who in the World**"  
(since 2006)

Shaker Heights High School Alumni Association **Hall of Fame** (inducted in 2002)

Included on **Maltz Museum Wall of Distinguished Clevelanders** (permanent display)

## **PROFESSIONAL AFFILIATIONS AND ACTIVITIES**

### **WCPN 90.3 FM Ideastream (Cleveland's NPR Station)**

Producer and host of "Talking Foreign Policy" radio program (since Jan. 2011)  
(archived broadcasts available at: [law.case.edu/TalkingForeignPolicy](http://law.case.edu/TalkingForeignPolicy))

### **American Branch of the International Law Association**

President-Elect (October 2020-present); Vice President of the Board (2016-2020),  
Member of the Executive Committee (1996-2016); Chairman of the Program  
Committee for International Law Weekend/95 and International Law Weekend/96

**International Bar Association's International Criminal Court Moot Court Competition**  
(Grotius Centre, Leiden University), Chairman of the Board of Advisers (since 2013)

**The International Journal of Ethical Leadership**  
Executive Editor (since 2012)

**International Criminal Law Network**  
President (2011-2013)

**International Law Students Association**  
Chairman of the Board of Directors (2001-2004 and 2010-2011), co-author of the 1999, 2000, 2001, 2003, and 2008 Jessup International Law Moot Court Problems.

**American Society of International Law**  
Counselor and Member of Executive Council (2009-2011, 2021-present)  
Co-Chair of the ASIL Midyear Meeting (2020)  
Co-Chair of the 2008 Annual Meeting Program Committee (2007-2008)  
Co-Chair of the Hague Joint Conference Program Committee (2007-2008)

**American Bar Association**  
Co-Chair, International Legal Education Committee (2009-2010)  
Rapporteur, Task Force for Reforming U.N. Human Rights Commission (2004-05)  
Council Member-at-Large, International Law Section (2004-05)  
Chairman of the International Institutions Committee of the International Law Section (1998-2001)  
Member of the Task Force on the International Tribunal to Adjudicate War Crimes Committed in the Former Yugoslavia (1993-1996)

**Association Internationale De Droit Penal**  
Deputy Secretary-General (2004-2011)  
President of the American National Section (2002-2009)

**Cleveland International Lawyers Group**  
Vice President (2003-present)

**International Legal Assistance Consortium**  
Co-founder, Member of the Board of Directors (2002-2006)

**District of Columbia Bar**  
Chairman of the International Law Section (1992-1993)

**American Academy of Arts and Sciences**  
Co-Director of the International Criminal Court and National Security Project, funded by a grant by the MacArthur Foundation (1998-2001)

**Martinus Nijhoff Publishers, International Criminal Law Series**, Editorial Board  
Member (since 2012)

**International Journal of Human Rights Law**, Advisory Board Member (since 2008)

**Leiden Journal of International Law**, Advisory Board Editor (since 2002)

**Carolina Academic Press**, Advisory Board Member (since 2000)

## EDUCATION AND ACADEMIC HONORS

**Duke University School of Law**, Durham, N.C.

Received Juris Doctor Degree, **High Honors**, May 1988

**Order of the Coif** (top 10 percent)

*Law & Contemporary Problems*, Project Editor, "Vice" Issue (Vol. 51:1)

Moot Court: Received **Best Brief Award** in Dean's Cup Moot Court

**Duke University**, Durham, N.C.

Received A.B. in Political Science, **Magna Cum Laude**, May 1985

Departmental **Graduation with Distinction**, Honors Thesis: "A Critical  
Appraisal of Television Cameras in the Courtroom"

Received N. Joseph Rahall Political Science **Award for best paper** submitted  
by an undergraduate major in Political Science: "Space Weapons and War: A  
Historical Analysis"

Received **President's Senior Leadership Award** for "outstanding achievement  
and service in collegiate activities" -- student Government Attorney General  
(1983-1984), Vice President (1982-1983); Secretary-General, National High  
School Model United Nations Conference, New York City (1984-1985)

## PUBLICATIONS

### Books

THE SYRIAN CONFLICT'S IMPACT ON INTERNATIONAL LAW (CAMBRIDGE UNIVERSITY PRESS, 2020)  
(with M. Sterio and P. Williams)

THE LEGACY OF AD HOC TRIBUNALS IN INTERNATIONAL CRIMINAL LAW (Cambridge University  
Press, 2019) (with M. Sterio)

THE FOUNDERS (Cambridge University Press 2018) (with D. Crane and L. Sadat)

PROSECUTING MARITIME PIRACY: DOMESTIC SOLUTIONS TO INTERNATIONAL CRIMES (Cambridge  
University Press, 2015)(with M. Sterio and M. Newton)

CUSTOMARY INTERNATIONAL LAW IN TIMES OF FUNDAMENTAL CHANGE: RECOGNIZING GROTIAN  
MOMENTS (Cambridge University Press, 2013)

INTERNATIONAL CRIMINAL JUSTICE: LEGITIMACY AND COHERENCE (Edward Elgar Press, 2012)  
(with G. Boas and W. Schabas)

HENRY T. KING, JR.: A LIFE DEDICATED TO INTERNATIONAL JUSTICE (Carolina Academic Press,  
2011)

SHAPING FOREIGN POLICY IN TIME OF CRISIS: THE ROLE OF INTERNATIONAL LAW AND THE STATE DEPARTMENT LEGAL ADVISER (Cambridge University Press, 2010) (with P. Williams)

CRIMINAL JURISDICTION 100 YEARS AFTER THE 1907 HAGUE PEACE CONFERENCE (T.M.C. Asser Press/Cambridge University Press, 2009)(with W.M. van Genugten)

ENEMY OF THE STATE: INSIDE THE TRIAL OF SADDAM HUSSEIN (St. Martin's Press, 2008) (with M. Newton); reprinted as a Special Edition for the Notable Trials Library with a new introduction by Alan M. Dersowitz (2014)

THE THEORY AND PRACTICE OF INTERNATIONAL CRIMINAL LAW: ESSAYS IN HONOR OF M. CHERIF BASSIOUNI (Martinis Nijhoff Publishers, 2008)(with L. Sadat)

SADDAM ON TRIAL: UNDERSTANDING AND DEBATING THE IRAQI HIGH TRIBUNAL (Carolina Academic Press, 2006) (with G. McNeal)

PEACE WITH JUSTICE? WAR CRIMES AND ACCOUNTABILITY IN THE FORMER YUGOSLAVIA (Rowman & Littlefield, 2002)(with P. Williams)

SLOBODAN MILOSEVIC ON TRIAL: A COMPANION (Continuum Press, 2002) (with W. Schabas)

THE LAW OF INTERNATIONAL ORGANIZATIONS: PROBLEMS AND MATERIALS (Carolina Academic Press, 2001; 2<sup>nd</sup> ed. 2007; 3<sup>rd</sup> ed. 2013)

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (TRANSNATIONAL PUBLISHERS, 1998) (2 vols) (with Virginia Morris)

MAKING JUSTICE WORK (The Century Foundation Press, 1998) (with Paul Williams and Diane Orentlicher)

BALKAN JUSTICE: THE STORY BEHIND THE FIRST INTERNATIONAL WAR CRIMES TRIAL SINCE NUREMBERG (Carolina Academic Press, 1997)

INTERNATIONAL CRIMINAL LAW: CASES AND MATERIALS (Carolina Academic Press, 1996; 2<sup>nd</sup> ed. 2000, 3<sup>rd</sup> ed. 2007, 4<sup>th</sup> ed. 2012) (with Jordan Paust, et.al)

AN INSIDER'S GUIDE TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (Transnational Publishers, 1995) (2 vols) (with Virginia Morris)

## Articles and Book Chapters

*Bridging the Divide Between the ICC and UN Security Council*, 53 GEORGETOWN JOURNAL OF INTERNATIONAL LAW (forthcoming, 2022) (with Laura Graham)

*Hugo Grotius and the Concept of Grotian Moments in International Law*, 53 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW (forthcoming 2022).

*Grotian Moments: The Concept*, 42(2) GROTIANA 193-211 (2021)

*Striking a Grotian Moment: How the 2018 Airstrikes on Syria have Changed International Law Related to Humanitarian Intervention*, 19.2 CHICAGO JOURNAL OF INTERNATIONAL LAW 586-614 (2019)

*A Contemporary Approach to the Oldest International Crime*, 33 UTRECHT JOURNAL OF INTERNATIONAL AND EUROPEAN LAW 77-90 (2017).

*How the War Against ISIS Changed International Law*, 48 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW 15-67 (2016).

*Slobodan Milosevic*, *The CAMBRIDGE COMPANION TO INTERNATIONAL CRIMINAL LAW 295-312* (Cambridge University Press, 2016).

*Reflections on Shared Law School Leadership*, 46 *UNIVERSITY OF TOLEDO LAW REVIEW* 299-309 (Dean's Issue, 2015) (with Jessica Berg).

*Accelerated Formation of Customary International Law*, 20 *ILSA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW* 305-341(2014)

*Forced Marriage as a Separate Crime against Humanity*, in *THE SIERRA LEONE SPECIAL COURT AND ITS LEGACY: THE IMPACT FOR AFRICA AND INTERNATIONAL CRIMINAL LAW* 193-215 (Cambridge University Press, 2014) (Charles Chernor Jalloh, ed)

*Universal Jurisdiction and the Crime of Aggression*, 43 *HARVARD INTERNATIONAL LAW JOURNAL* 358-389 (2012)

*The International Court of Justice's Treatment of Circumstantial Evidence and Adverse Inferences*, 13 *CHICAGO JOURNAL OF INTERNATIONAL LAW* 123-151 (2012) (with Margaux Day)

*Seizing the Grotian Moment: Accelerated Formation of Customary International Law During Times of Fundamental Change*, 43 *CORNELL INTERNATIONAL LAW JOURNAL* 439-469 (2010)

*The Torture Lawyers*, 20 *DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW* 389-411 (2010)

*International Law and the Torture Memos*, 42 *CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW* 321-359 (2010)

*International Law in Crisis: A qualitative Empirical Contribution to the Compliance Debate*, 31 *CARDOZO LAW REVIEW* 45-97 (2009)

*No Way Out? The Question of Unilateral Withdrawals of Referrals to the ICC and Other Human Rights Courts*, 9 *CHICAGO JOURNAL OF INTERNATIONAL LAW* 573-612 (2009)

*Tainted Provenance: When, if Ever, Should Torture Evidence be Admissible?* 65 *WASHINGTON AND LEE LAW REVIEW* 129-172 (2008)

*Chaos in the Courtroom, Controlling Disruptive Defendants and Contumacious Counsel in War Crimes Trials*, 39 *CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW* 155-170 (2007)

*Saddam Hussein on Trial: What Went Awry?* *JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE* (Oxford University Press), Volume 5, May 2007, at 258-270

*On Terrorism and Whistleblowing*, 38 *CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW* 567-580 (2007)

*Trading Justice for Peace: The Contemporary Law and Policy Debate*, in *ATROCITIES AND INTERNATIONAL ACCOUNTABILITY: BEYOND TRANSITIONAL JUSTICE*, (William Schabas, ed.) (United Nations University Press, 2007), at 246-274

*Jurisdiction with Respect to Crime: Universal Jurisdiction and the Harvard Research*, in *THE HARVARD RESEARCH IN INTERNATIONAL LAW: CONTEMPORARY ANALYSIS AND APPRAISAL* (John Grant and Craig Barker, eds.)(W.S. Hine, 2007), at 275-306

*The Lockerbie Model of Transfer of Proceedings*, *INTERNATIONAL CRIMINAL LAW* (M. Cherif Bassiouni, ed) (3d ed., Brill/Marinus Nijhof, 2007)

*From the eXile Files: An Essay on Trading Justice for Peace*, 63 *Washington and Lee Law Review* 339-376 (2006)

*The Elephant in the Room: Torture and the War on Terror*, 37 *CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW*, 145-173 (2006)

*Self-Representation versus Assignment of Defense Counsel before International Criminal Tribunals*, 4 *JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE* 31-46 (Oxford University Press, 2006)

*The Legacy of the Milosevic Trial*, in *BRINGING POWER TO JUSTICE?* (Joanna Harrington, Michael Milde, and Richard Vernon, eds., McGill Univ. Press, 2006), at 25-46

*Avoiding Errors and Missteps: What the Iraqi Special Tribunal Can Learn from the Experience of the ICTY, ICTR and SCSL*, 38 *CORNELL INTERNATIONAL LAW JOURNAL* 911-947 (2005) (with Ahran Kang)

*Forced Marriage: Exploring the Viability of the Special Court for Sierra Leone's New Crime Against Humanity*, 3 *AFRICA LEGAL AID SPECIAL BOOK SERIES: AFRICAN PERSPECTIVES ON INTERNATIONAL CRIMINAL JUSTICE* (2005)

*Will Saddam Hussein Get a Fair Trial*, 37 *CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW* 21-40 (2005)

*The Perils of Permitting Self-Representation in International War Crimes Trials*, 4 *THE JOURNAL OF HUMAN RIGHTS* 513-520 (2005)

*War Crimes and Tribunals*, in *NATIONAL SECURITY LAW* (John Norton Moore and Robert F. Turner, eds, 2d ed. 2005)

*Do Former Leaders Have an International Right to Self-Representation in War Crimes Trials*, 20 *OHIO STATE JOURNAL ON DISPUTE RESOLUTION* 1-42 (2005) (with Christopher Rassi)

*Trading Justice for Efficiency: Plea Bargaining Before International Tribunals*, 2 *JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE* 170-181 (Fall 2004)

*Defining Terrorism as the Peacetime Equivalent of War Crimes: Problems and Prospects*, 36 *CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW* 359-374 (2004)

*The Functions of Justice and Anti-Justice in the Peacebuilding Process*, 35 *CASE WESTERN RESERVE UNIVERSITY JOURNAL OF INTERNATIONAL LAW* 161-190 (2004)

*Amnesty*, in *ENCYCLOPEDIA OF GENOCIDE AND CRIMES AGAINST HUMANITY* (Dinah Shelton, ed., 2004), at 31-36.

*The Amnesty Exception to the Jurisdiction of the International Criminal Court*, in *THE INTERNATIONAL CRIMINAL COURT* (Obympia Bekou and Robert Cryer, eds. 2004), at 438-457

*Earned Sovereignty: Juridical Underpinnings*, 31 *DENVER JOURNAL OF INTERNATIONAL LAW* 349-426 (2004)

*Is it International Enough: The Iraqi Special Tribunal in Light of the Goals of International Justice*, 2 *JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE* 130-338 (2004)

*An Illusory Fork in the Road to Peace: Justice vs. Accommodation*, in *THE FUTURE OF PEACE IN THE TWENTY-FIRST CENTURY*, (Kittrie, Carazo, and Mancham, eds, Carolina Academic Press, 2003), at 636-763

*The Legacy of the Milosevic Trial*, 37 *NEW ENGLAND LAW REVIEW* 915 (2003) (ICTY at Ten Symposium Issue)



*Commentary on Prosecutor v. Furndzija*, in 5 ANDRE KLIP AND GORAN SLUITER, EDS, ANNOTATED LEADING CASES OF INTERNATIONAL CRIMINAL TRIBUNALS (2003)

*Jelisis Judgment of the Yugoslavia Tribunal*, in 4 ANDRE KLIP AND GORAN SLUITER, EDS, ANNOTATED LEADING CASES OF INTERNATIONAL CRIMINAL TRIBUNALS (2002)

*The Case for an International Trial of the al-Qaeda and Taliban Perpetrators Of the 9/11 Attacks*, 36 NEW ENGLAND LAW REVIEW 911-917 (2002)

*The International Criminal Court's Jurisdiction Over the Nationals of Non -Party States: A Critique of the U.S. Position*, 63 LAW & CONTEMPORARY PROBLEMS 67-117 (2001)

*Application of Treaty-Based Universal Jurisdiction to the Nationals of Non -Party States*, 35 NEW ENGLAND LAW REVIEW 363-382 (2001) (Symposium Issue) (cited in *United States v. Ramzi Ahmed Yousef* (the World Trade Center bombing case), 327 F.3d 56 (2d Cir. 2003))

*The Tools for Enforcing International Criminal Justice in the New Millennium: Lessons from the Yugoslavia Tribunal*, 49 DEPAUL LAW REVIEW (A Festschrift for Professor M. Cherif Bassiouni) 925-980 (2000)

*NATO Intervention on Trial: The Legal Case that was Never Made*, 1(2) HUMAN RIGHTS REVIEW 103-107 (2000) (with Paul Williams)

*Commentary on the ICTR's Jurisprudence Concerning Witness Issues*, in ANNOTATED LEADING CASES OF INTERNATIONAL CRIMINAL TRIBUNALS (Andre Klip and Goran Sluiter, eds., Intersentia, 2000) (book chapter)

*The United States and the International Criminal Court: An Overview; The ICC's Jurisdiction over the Nationals of Non-Party States; and Justice versus Peace*, in THE UNITED STATES AND THE INTERNATIONAL CRIMINAL COURT: NATIONAL SECURITY AND INTERNATIONAL LAW 1-27, 179-193, 213-236 (Sarah Sewall and Carl Kaysen, eds. 2000) (book chapters)

*The Amnesty Exception to the Jurisdiction of the International Criminal Court*, 32 CORNELL INTERNATIONAL LAW JOURNAL 507-527 (1999)

*Clear and Present Danger: Enforcing the International Ban on Biological and Chemical Weapons Through Sanctions, Use of Force, and Criminalization*, 20 MICHIGAN JOURNAL OF INTERNATIONAL LAW 477-523 (1999)

*Responding to Rwanda: Accountability Mechanisms in the Aftermath of Genocide*, 52 JOURNAL OF INTERNATIONAL AFFAIRS 621-638 (1999)

*The Politics Behind U.S. Opposition to the International Criminal Court*, 6(1) THE BROWN JOURNAL OF WORLD AFFAIRS 97-104 (Winter/Spring 1999)

*Enforcement Through Sanctions, Force, and Criminalization*, in THE NEW TERROR: FACING THE THREAT OF BIOLOGICAL AND CHEMICAL WEAPONS 439-479 (Sidney D. Drell, Abraham D. Sofaer eds. 1999) (book chapter)

*The Draft Statute for an International Criminal Court*, in INTERNATIONAL CRIMINAL LAW (VOL. III) 637-653 (Cherif Bassiouni, ed., 2nd ed. 1999) (book chapter)

*Trial and Error: An Assessment of the First Judgment of the Yugoslavia War Crimes Tribunal*, 30 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS 101-132 (1998) (Lead Paper Delivered at the Third Rose L. and Herbert Rubin Symposium on International Law at NYU School of Law)

- The Prosecutor v. Slavko Dokmanovic: Irregular Rendition and the ICTY*, 11 LEIDEN JOURNAL OF INTERNATIONAL LAW 369-382 (1998)
- The Letter of the Law: The Scope of the International Legal Obligation to Prosecute Human Rights Crimes*, 59 LAW AND CONTEMPORARY PROBLEMS 41-61 (1998)
- The Case for A Permanent International Truth Commission*, 7 DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW 375-410 (1997)
- The Prosecutor v. Dusko Tadic: An Appraisal of the First International War Crimes Trial Since Nuremberg*, 60 ALBANY LAW REVIEW 861-882 (1997)
- The International Trial of the Century? A "Cross-Fire Exchange on the First Case Before the Yugoslavia War Crimes Tribunal*, 29 CORNELL INTERNATIONAL LAW JOURNAL 635-663 (1997) (with Valerie Epps)
- Swapping Amnesty for Peace: Was There a Duty to Prosecute International Crimes in Haiti?* 31 TEXAS INTERNATIONAL LAW JOURNAL 1-41 (1996)
- Musical Chairs: The Dissolution of States and Membership in the United Nations*, 28 CORNELL INTERNATIONAL LAW JOURNAL 29-69 (1995)
- UN Mandates: The Letter of the Law, in WITH NO PEACE TO KEEP: UNITED NATIONS PEACEKEEPING AND THE WAR IN THE FORMER YUGOSLAVIA* 34-42 (Cohen and Stamkoski eds., Great Britain: Grainpress Ltd, 1995) (book chapter with Paul Williams)
- The Interstellar Relations of the Federation: International Law and Star Trek: The Next Generation*, 25 UNIVERSITY OF TOLEDO LAW REVIEW 577-615 (1994)(with Lawrence Roberts)
- Getting Serious About An International Criminal Court*, 6 PACE INTERNATIONAL LAW REVIEW 103-119 (1994)
- Interpreting U.N. Sanctions: The Rulings and Role of the Yugoslavia Sanctions Committee*, 19 BROOKLYN JOURNAL OF INTERNATIONAL LAW 771-827 (1993) (with Joshua Dorison)
- The Jury is Still Out on the Need for An International Criminal Court*, DUKE JOURNAL OF COMPARATIVE AND INTERNATIONAL LAW 135-168 (1991)
- Foreign Courts on Trial: Why U.S. Courts Should Avoid Applying the Inquiry Provision of the Supplementary U.S. - U.K. Extradition Treaty*, 25 STANFORD JOURNAL OF INTERNATIONAL LAW 257-289 (Fall 1988)
- Beyond the Rhetoric of Comparative Interest Balancing: An Alternative Approach to Extraterritorial Discovery Conflicts*, 50 LAW AND CONTEMPORARY PROBLEMS 95-116 (Summer 1987) (Symposium Issue) (student note)

### **Case Comments, Book Reviews, Reports, Speeches**

- Custom's Future: International Law in a Changing World* (Curtis A. Bradley) 111 AMERICAN JOURNAL OF INTERNATIONAL LAW (book review) (2017)
- Introductory Note to the International Criminal Court's Arrest Warrant for Omar Al Bashir*, 48 INTERNATIONAL LEGAL MATERIALS (2009)
- Statesman or War Criminal?*, 54 AGNI 299-305 (2002) (Reviewing THE TRIAL OF HENRY KISSINGER by Christopher Hitchens)
- Rebels with a Cause: The Minds and Morality of Political Offenders*, 96 AMERICAN JOURNAL OF INTERNATIONAL LAW 275-278 (2002) (book review)

*Defining Terrorism as the Peacetime Equivalent of War Crimes: A Case of Too Much Convergence Between International Humanitarian Law and International Criminal Law*, 7 INTERNATIONAL LAW STUDENTS ASSOCIATION JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 391 (2001)

*Terrorism on Trial: The Lockerbie Criminal Proceedings*, 6 INTERNATIONAL LAW STUDENTS ASSOCIATION JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 355 (2000)

*Testimony before the Senate Foreign Relations Committee, Hearings on the International Criminal Court*, S. Hrg. 105-724, July 23, 1998

*Protecting Minorities: The Lessons of International Peacekeeping*, AMERICAN SOCIETY OF INTERNATIONAL LAW. PROCEEDINGS OF THE 91ST ANNUAL MEETING, 437-441 (1998)

*International Decisions: Prosecutor v. Tadic*, 91 AMERICAN JOURNAL OF INTERNATIONAL LAW 718-721 (1997)

*Bringing War Criminals to Justice: Obligations, Options, Recommendations* (University of Dayton's Center for International Programs, 1997)

*A Critique of the Yugoslavia War Crimes Tribunal in Report of the International Law Association on an International Criminal Court*, 25 DENVER J. OF INTERNATIONAL LAW AND POLICY 305-312 (1997)

*Impunity and Human Rights in International Law and Practice*, 90 AMERICAN JOURNAL OF INTERNATIONAL LAW 173-175 (1996) (Book Review)

*An Assessment of the Yugoslavia War Crimes Tribunal*, 2 ILSA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 655-660 (1996)

*Have We Really Learned the Lessons of Nuremberg?* 149 MILITARY LAW REVIEW, 65-71 (1996)

*The Politics of Establishing An International Criminal Court*, 6 DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW 167-173 (1996)

*Extraterritorial Application of United States Law Against United States and Alien Defendants, Conference on Jurisdiction, Justice, and Choice of Law*, 29 NEW ENGLAND LAW REVIEW 618 (1995)

*The Role of the Security Council Sanctions Committee*, 60 INTERNATIONAL PRACTITIONER'S NOTEBOOK 8-11 (1995).

*Prosecuting and Defending Violations of Genocide and Humanitarian Law: The International Tribunal for the Former Yugoslavia*, AM. SOC. INT'L. LAW, PROCEEDINGS OF THE 88TH ANNUAL MEETING, 251-258 (1994)

*Report of the ABA Task Force on Teaching International Criminal Law*, 5 CRIMINAL LAW FORUM 91-104 (1994)

*Goals of the United Nations Decade of International Law: Law Reform and National Programs*, AMERICAN SOCIETY OF INTERNATIONAL LAW, PROCEEDINGS OF THE 87TH ANNUAL MEETING, 368-374 (1993)

### **Op/Ed Columns and Opinion Pieces**

*Why the US Should Recognize the Rohingya Genocide: The Biden Administration has a Chance to Reassert the United States' moral authority in human rights*, THE DIPLOMAT, June 1, 2021

*Syria May Be Using Chemical Weapons Against its Citizens Again – Here’s How International Law has Changed to Help Countries Intervene*, THE ASSOCIATED PRESS, December 6, 2018

*ISIS Has Changed International Law*, THE CONVERSATION, March 31, 2016

*Is International Law Really Law?*, HARPERS MAGAZINE, March 15, 2010

*Jostling Over Justice*, FOREIGN POLICY MAGAZINE, May/June 2006

*Order in the Court, Iraqi Style*, BOSTON GLOBE, Dec. 25, 2005, at K11

*Can this Man Get a Fair Trial*, WASHINGTON POST, Dec. 19, 2004, at B1

*Making a Spectacle of Himself, Milosevic Wants a Stage, Not the Right to Provide His Own Defense*, WASHINGTON POST, Aug. 29, 2004, at B2

*In the Cross Hairs of a Scary Idea*, WASHINGTON POST, April 25, 2004, at B1

*Don’t Just Fight Him, Indict Him*, LOS ANGELES TIMES, Oct. 6, 2002, at M-1

*Prosecute Terrorists on a World Stage*, LOS ANGELES TIMES, Nov. 18, 2001, M-5

*How the Lockerbie Trial Paid Off For U.S. Security Interests*, BOSTON GLOBE, Feb. 10, 2001, at A15

*Indicted for War Crimes, Then What*, WASHINGTON POST, Oct. 3, 1999, at B-1

*War Criminals Must be Prosecuted*, THE BOSTON HERALD, July 3, 1999, at 5

*U.S. Could Have Justified War Acts*, THE NATIONAL LAW JOURNAL, June 7, 1999, at A-30

*Indict Serbia’s Milosevic for Crimes Against Humanity*, INTERNATIONAL HERALD TRIBUNE, March 21, 1988

*Bridging the Taiwan Strait*, THE CHRISTIAN SCIENCE MONITOR, DEC, 3, 1997, at 20

*International Justice: Luring Out Humanity’s Dark Side*, THE BOSTON GLOBE, Dec. 1, 1996, at D12

### **Amicus Briefs (Lead Author)**

Amicus Brief about The Hague Child Abduction Convention, *Golan v. Saada*, U.S. Supreme Court (2022)

Amicus Brief about the insanity defense, *Prosecutor v. Ongwen*, International Criminal Court, Appeals Chamber (2021)

Amicus Brief about attacks against hospitals following end of combat, *Prosecutor v. Bosco Ntaganda*, International Criminal Court, Appeals Chamber (2020)

Amicus Brief about The Hague Child Abduction Convention, *Monasky v. Taglieri*, U.S. Supreme Court (2022)

Amicus Brief in support of Uighurs detained at Guantanamo Bay, *Kiyemba v. Obama*, U.S. Supreme Court (2010)