

PROFESSOR JENNIFER TRAHAN

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Professor Trahan is a prolific academic and scholar in the fields of international law, international criminal law, and international criminal tribunals.

Academic Teaching: Clinical Professor, The Center for Global Affairs, NYU-SPS; Director of the Concentration in International Law and Human Rights; teaching a variety of courses in areas of international law. Lecturer for eight years at the Salzburg Law School summer program on International Criminal Law, Humanitarian Law, and Human Rights Law.

Scholarship: Prolific record of scholarship, with most recent book, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (Cambridge University Press, 2020), having won “2020 ABILA Book of the Year Award” from the American Branch of the International Law Association. Published nearly a dozen book chapters and nearly thirty law review articles on topics such as: the International Criminal Court’s crime of aggression; the relationship of the International Criminal Court and the United Nations Security Council; the work of, and fair trial issues related to, the Iraqi High Tribunal; and “benchmarks” or “metrics” by which to assess the legacy of the International Criminal Tribunal for the former Yugoslavia.

Lawmaking and Policy Development: Member of the Council of Advisers on the Application of the Rome Statute to Cyberwarfare; previously involved in negotiations leading to the finalization of the crime of aggression in the International Criminal Court’s Rome Statute; previously *amicus curiae* to the International Criminal Court related to the situation in Afghanistan. Currently leading an initiative to have UN Member States seek an Advisory Opinion from the International Court of Justice on the question of the legality of Security Council veto use while there is ongoing genocide, war crimes, and/or crimes against humanity.

Participation in Professional Associations: Various positions with the American Branch of the International Law Association, the New York City Bar Association, and one of the U.S. representatives to the Use of Force Committee of the International Law Association.

Public Speaking: Frequent speaker at venues including the United Nations; The Hague, Netherlands; Nuremberg, Germany; and EU Headquarters in Belgium, and periodically featured on radio and TV.

Prior Advocacy and Litigation Experience: Counsel in the International Justice Program of Human Rights Watch; litigator at a large Manhattan law firm specializing in commercial and criminal matters.

DEGREES

Columbia Law School, LL.M., (2002). Concentration: International Law. Award: James Kent Scholar

New York University School of Law, J.D. (1990); editor, Annual Survey of American Law

Amherst College, A.B. Awarded *magna cum laude* (1985)

EMPLOYMENT

Professor of International Law

NYU Center for Global Affairs, Clinical Professor. (May 2018 to present); Clinical Associate Professor (fall 2011-May 2018); Clinical Assistant Professor (fall 2009 to fall 2011). Courses taught: *International Law*; *Transitional Justice*; *International Justice*; *Human Rights in Theory & Practice*; *U.S. Use of Force & The “Global War on Terror”*; *War Crimes Prosecutions in the Former Yugoslavia (field intensive to The Hague, Bosnia & Serbia)*; *Justice & Reconciliation in Rwanda (field intensive to Rwanda)*.

- Recipient: Award for Outstanding Service (2011); Curricular Challenge Grant (2014); Longer Service Recognition Award (2016); Dean’s Faculty Development Fund Award (2016); Teaching Excellence Award (2018)
- Director of the concentration in Human Rights and International Law, charged with curriculum development
- Thesis & Capstone adviser
- Liaison representative of N.Y.U. S.C.P.S. to the N.Y.U. Board of Trustees (2013-2014)
- Member, C.G.A. Best Thesis and Capstone Selection Committee (2013-2018)
- Member, N.Y.U.-S.C.P.S. Academic Affairs Committee (2011-13)
- Member, N.Y.U.-S.C.P.S. Distinguished Teaching Award Nominating Committee (January 2012)
- Adjunct Assistant Clinical Professor of Global Affairs (Spring 2006-Spring 2009)
- **Columbia University**, Graduate School of Arts & Sciences, Masters in Human Rights Studies, Visiting Lecturer - *International Law* (Fall 2006, 2007 & 2008); *International Criminal Tribunals* (Spring 2009); *Human Rights* (Summer 2009)
 - Recipient: Liberal Studies M.A. Faculty Appreciation Award (2009)
- **Salzburg Law School (Austria)**, Institute on International Criminal Law, Humanitarian Law and Human Rights Law, Lecturer (Aug. 2007, 2008, 2010, 2012, 2013, 2015, 2017, Oct. 2018)
- **Leiden University (The Hague, Netherlands)**, Summer School on International Criminal Law, Lecturer (July 2014, June 2015)
- **Fordham University School of Law**, Adjunct Professor of Law - *International Criminal Tribunals* (Fall 2005 & 2006; Spring 2009); Visiting Fellow, Stein Center for Ethics (2007-2008)

- **Brooklyn Law School**, Adjunct Associate Professor - *International Criminal Tribunals* (Fall 2008); Adjunct Assistant Professor (Spring 2006 & 2007)
- **The New School, New School University**, Adjunct - *Case Law on Genocide, War Crimes and Crimes Against Humanity* (Spring 2006); *International Law* (Summers 2006 & 2007)

Independent Expert & Consultant, International Justice

- ***Amicus curiae***, International Criminal Court, submitted a brief “Observations by Professor Jennifer Trahan as *amicus curiae* on the appeal of Pre-Trial Chamber II’s ‘Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Islamic Republic of Afghanistan’ of 12 April 2019”
- **Expert**, Council of Advisers on the Application of the Rome Statute to Cyberwarfare, hosted by the Permanent Mission of the Principality of Liechtenstein to the United Nations, and co-organized by the Permanent Missions of Argentina, Austria, Belgium, Costa Rica, the Czech Republic, Estonia, Luxembourg, Portugal, Spain and Switzerland, as well as the Global Institute for the Prevention of Aggression
- **Independent Expert**, attended negotiations of the Special Working Group on the Crime of Aggression & International Criminal Court Review Conference (Kampala, Uganda) on behalf of the Association of the Bar of the City of New York, as a member of the American Bar Association 2010 ICC Task Force, and Chair of the American Branch of the International Law Association ICC Committee
- **Human Rights Watch**, Of Counsel, International Justice Program, New York, New York (Aug. 2005-Aug 2006; May 2008-Jan. 2010). Wrote digest on the case law of the International Criminal Tribunal for Rwanda; wrote digest on the case law of the International Criminal Tribunal for the former Yugoslavia.
- **Special Court for Sierra Leone**, Freetown, Sierra Leone, Defense Consultant hired by the United Nations (Summer-Fall 2007; Spring 2009). Analysis and briefing of issues in *Prosecutor v. Sesay, Kallon and Gbao*, Case No. SCSL-04-15.
- **International Criminal Tribunal for Rwanda**, Arusha, Tanzania, Defense Consultant (Spring-Summer 2009). Analysis and briefing of issues in *Prosecutor v. Bagosora, Kabiligi, Ntabakuze, Nsenyumva*, Case No. ICTR-98-41 (a/k/a “Military I”).
- **International Center for Transitional Justice**, New York, NY, Iraq Prosecutions Consultant (Fall 2007-Feb. 2008). Analysis of the “Anfal” genocide trial by the Iraqi High Tribunal, Baghdad.

Human Rights Watch, Counsel, International Justice Program (Jan. 2002- July 2005)

- Primary focus: advocacy regarding international and hybrid criminal tribunals
- Areas of geographic concentration: Iraq, Sierra Leone, East Timor, Indonesia, Rwanda, the former Yugoslavia, DRC; also, the International Criminal Court.
- United Nations: representing Human Rights Watch with UN officials and officials of international and hybrid criminal tribunals.
- Authored numerous advocacy documents and position papers

Schulte Roth & Zabel LLP, Litigation Associate, New York, New York (1990-2000).

- Primary focus: litigation of complex civil cases; internal criminal investigations. Participated in 78-day trial and nine year litigation of complex \$118 million fraud/RICO case.

PUBLICATIONS

Books

- “Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes” (Cambridge University Press 2020) (342 pages)
 - *Winner: 2020 ABILA Book of the Year Award, American Branch of the International Law Association*
- “Genocide, War Crimes and Crimes Against Humanity: A Digest of the Case Law of the International Criminal Tribunal for Rwanda” (Human Rights Watch, 2010) (482 pages)
- “Genocide, War Crimes and Crimes Against Humanity: A Topical Digest of the Case Law of the International Criminal Tribunal for the Former Yugoslavia” (Human Rights Watch, 2006) (961 pages)
 - o The book was translated into Spanish by Universidad Iberoamericana (Mexico City) (April 2010)
- “Genocide, War Crimes and Crimes Against Humanity: A Topical Digest of the Case Law of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia” (Human Rights Watch, 2004) (co-author; 277 pages)
 - o The United Nations Development Program translated the Yugoslav Tribunal portion of the book into Bosnian-Serbian-Croatian (2004). It was reissued by the Defense Office of the Sarajevo War Crimes Chamber. Human Rights Watch translated the Rwanda Tribunal portion into French (2005).
 - o The Croatian Judicial Academy used the book to train judges and prosecutors in Croatia. The International Center for Transitional Justice used the book to train judges of the Special Court for Sierra Leone.

Book Chapters

- “Contributing to Cyber Peace by Maximizing the Potential for Deterrence: the Criminalization of Cyber-Attacks under the International Criminal Court's Rome Statute” book chapter in *Cyber Peace: Charting a Path Toward a Sustainable, Stable, and Secure CyberSpace*, ed. by Scott Shackelford, Frederick Douzet, and Christopher Ankersen (forthcoming Cambridge University Press 2021)
- “Human Rights and COVID-19: Differentiating Protections for the Public Good from Abuses of Power,” book chapter in *COVID-19 and Global Affairs*,” forthcoming (forthcoming Springer Verlag 2020)

- “International Justice and the International Criminal Court at a Critical Juncture,” book chapter in *The Future of Global Affairs: Managing Disruptions, Discontinuities, and Destruction*, ed. by Chris Ankersen & WPS Sidhu (Palgrave Macmillan 2020)
- “The Legacy of the ICTY: The Three-Tiered Approach to Justice in Bosnia-Herzegovina and Benchmarks for Measuring Success,” book chapter in *Legacies of the International Criminal Tribunal for the Former Yugoslavia: A Multidisciplinary Account*, ed. by Carsten Stahn, Carmel Agius, Serge Brammertz, John Hocking and Colleen Rohan (Oxford Univ. Press 2020) (co-authored with Iva Vukusic)
- “Judicial Reform and Rebuilding,” book chapter in *Handbook on Post-Conflict State Building*, ed. by Paul Williams and Milena Sterio (Edward Elgar Publishing 2020)
- “The Assembly of States Parties,” book chapter in *The Elgar Companion to the International Criminal Court*, ed. by Valerie Oosterveld and Margaret M. deGuzman (Edward Elgar Publishing 2020)
- “Complementarity, Domestic Due Process Violations, and the Death Penalty,” book chapter in *The International Criminal Court and Complementarity: From Theory to Practice*, ed. by Carsten Stahn and Mohamed M El Zeidy (forthcoming Cambridge Univ. Press 2d ed 2021)
- “Examining the Benchmarks by which to Evaluate the ICTY’s Legacy,” book chapter in *The Legacy of Ad Hoc Tribunals in International Criminal Law: Assessing the ICTY’s and ICTR’s Most Significant Legal Accomplishments*, ed. by Milena Sterio and Michael Scharf (Cambridge Univ. Press 2019)
- “The Crime of Aggression and the International Criminal Court,” book chapter in *Seeking Accountability for the Unlawful Use of Force*, ed. by Leila Sadat (Cambridge Univ. Press 2018)

Law Review Articles

- “Veto Use and the UN Charter Obligation to Act in Accordance with the ‘Purposes and Principles’ of the United Nations” (forthcoming 2021)
- “The Criminalization of Cyber-Attacks under the International Criminal Court’s Rome Statute,” *J. of Int’l Criminal Justice* (forthcoming 2021)
- “Questioning Unlimited Veto Use in the Face of Atrocity Crimes,” *52 Case Western Res. J of Int’l Law* 73 (2020)
- “Revisiting the Role of the Security Council Regarding the International Criminal Court’s Crime of Aggression,” *17 J. of Int’l Criminal Justice* 471 (2019)
- “From Kampala to New York—The Final Negotiations to Activate the Jurisdiction of the International Criminal Court Over the Crime of Aggression,” *18 Int’l Crim. Law Rev.* 197 (2018)
- “Views of the Future of the Field of International Justice: A Scenarios Project Based on Expert Consultations,” *33 American Univ. Int’l Law Rev.* 837 (2018)
- “The International Criminal Court’s Libya case(s)—The Importance of the Court Being Consistent with International Human Rights, and Negotiating Diplomatic Assurances of Non-Use of the Death Penalty,” *17 Int’l Crim. Law Rev.* 803 (2017)
- “An Overview of Justice in the Former Yugoslavia and Reflections for Accountability

- in Syria,” 23 ILSA Journal of Int’l & Comparative Law 2 (2017)
- “Defining The ‘Grey Area’ Where Humanitarian Intervention May Not Be Fully Legal, But is Not The Crime of Aggression,” 2 Journal on the Use of Force and Int’l Law 42 (2015)
 - “The ICTY Appellate Chamber’s Acquittal of Momčilo Perišić: The Specific Direction Element of Aiding and Abetting Should be Rejected or Modified to Explicitly Include a ‘Reasonable Person’ Due Diligence Standard,” 40 Bklyn J. of Int’l L 171 (2015) (co-author)
 - “The Relationship Between the International Criminal Court and the U.N. Security Council: Parameters and Best Practices,” 24 Criminal Law Forum 417 (2013)
 - Book Essay on “Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals,” by William A. Schabas, 13 Int’l Crim. L. Rev. 1047 (2013)
 - “Is Complementarity The Right Approach For The International Criminal Court’s Crime of Aggression? Considering the Problem of ‘Overzealous’ National Court Prosecutions,” 45 Cornell J. of Int’l L 569 (2012)
 - “A Meaningful Definition of the Crime of Aggression: A Response To Michael Glennon,” 33 U. of Penn. J. of Int’l Law 101 (2012)
 - “Potential Future Rome Statute Amendments,” 18 New England J. of Int’l & Comp. L. 331 (2012)
 - “An Overview of the Newly Adopted International Criminal Court’s Definition of the Crime of Aggression,” 2 St. John’s J. of Int’l & Comp. L. 31 (2012)
 - “Negotiating the Amendment on the Crime of Aggression: Proceedings at the Kampala Review Conference on the International Criminal Court,” 11 Int’l Crim. L. Rev. 49 (2011)
 - “A Critical Guide To The Iraqi High Tribunal’s Anfal Judgment: Genocide Against The Kurds,” 30 Mich. J. Int’l L. 305 (2009)
 - “Reflections on The Difficulties of Enforcing International Justice,” 30 U. Penn. J. of Int’l L 1187 (2009)
 - “Remarks Regarding The Iraqi High Tribunal’s ‘Anfal’ Trial: Speech Delivered at International Law Weekend,” 15 ILSA J of Int’l & Comp. L 587 (2009)
 - “Enemy of the State: The Trial & Execution of Saddam Hussein,” book review, 18 Cornell J. of L & Pub. Policy 831 (2009)
 - “Why The Killing In Darfur Is Genocide,” 31 Fordham Int’l L. J. 990 (2008)
 - “Procedures for Military Commission Trials at Guantanamo Bay, Cuba: Do They Satisfy International and Constitutional Law?” 30 Fordham Int’l L. J. 780 (2007)
 - “Terrorism Conventions: Existing Gaps and Different Approaches,” 8 New Eng. J of Int’l & Comp. L. 215 (2002)
 - “Trying A Bin Laden And Others: Evaluating The Options For Terrorist Trials,” 24 Hous. J. Int’l L 475 (2002)
 - “Defining ‘Aggression’: Why the Preparatory Commission for the International Criminal Court Has Faced Such a Conundrum,” 24 Loyola of L.A. Int’l & Comp. L. Rev. 439 (2002)

- “From English Patient To Spanish Prisoner: Reflections On the Pinochet Case, Jurisdiction and the International Criminal Court,” *The Record* (New York City Bar Association) (March/April ed. 2000) (primary author)
- “Justice at Risk: War Crimes Trials in Croatia, Bosnia and Herzegovina, and Serbia and Montenegro” (Human Rights Watch, 2004) (co-author)
- “Constitutional Law: Parental Denial of a Child's Medical Treatment for Religious Reasons,” 1989 *Ann. Surv. Amer. L.* 307 (1990)

EXPERT PARTICIPATION IN INTERGOVERNMENTAL NEGOTIATIONS

- Individual Expert (under the umbrella of the Coalition for the International Criminal Court (CICC)), Sessions of the Assembly of States Parties to the International Criminal Court, varying in The Hague, Netherlands and the United Nations (Dec. 2019, Dec. 2018, Dec. 2017, Nov. 2016, Nov. 2015, Dec. 2014, Nov. 2013, Nov. 2012, Dec. 2011, Dec. 2010, March 2010, Feb 2009, June 2008)
- Individual Expert (under the umbrella of the CICC), First Review Conference of the Rome Statute of the International Criminal Court, Kampala, Uganda (June 2010)
- Individual Expert (under the umbrella of the CICC), Informal Inter-Sessional Meeting on the Crime of Aggression, hosted by the Liechtenstein Institute on Self-Determination, Woodrow Wilson School, the Princeton Club (June 2009); the Liechtenstein Institute on Self-Determination, Woodrow Wilson School, Princeton University (June 2007, June 2006, June 2005)
- Individual Expert (under the umbrella of the CICC), Sessions of the Preparatory Commission for the International Criminal Court, UN (Sept.-Oct. 2001, Feb.-March 2001).

COMMITTEE & BOARD MEMBERSHIPS

- American Branch of the International Law Association (2013-present)
 - Co-Director of Studies (2019-present)
 - Executive Board (2013-present)
 - Nominating Committee (2016-present)
 - Chairperson, International Criminal Court Committee (2009-2020)
 - Co-Chairperson, International Criminal Court Committee (2020-present)
- International Law Association
 - Committee on the Use of Force (2016-18)
 - Committee on the Use of Force: Assistance Upon Request (2018-present)
- NY City Bar Association
 - Task Force on the Rule of Law (2019-present)
 - Task Force on the Independence of Lawyers & Judges (2020)
 - Task Force on National Security and the Rule of Law (2011-19)
 - Committee on International Human Rights (1998-2000; 2007-2012)
 - Committee on International Law (2004-2007)
 - Special Committee on the United Nations, NY City Bar Assn. (2000-2003)

- International Board of Experts, CEPRIS, an independent non-governmental organization for research, study and improvement of the judiciary in Serbia (2017-present)
- Organizing Committee, International Humanitarian Law Dialogs (2013-present)
- Council of Advisors, Global Institute for the Prevention of Aggression (UK) (May 2011-present)
- International Advisory Board, Post-Conflict Research Center (PCRC), Sarajevo, Bosnia (2017-present)
- American Society of International Law (2002-2004, 2007-present)
- American Bar Association (2010-2017)
 - International Criminal Court Task Force (2010)