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**Selected Professional Experience**

**Academic**

June 1992-Present	<p><u>Washington College of Law, American University</u>, Washington, D.C.: Professor of Law; Director, War Crimes Research Office (1995-2004); Co-Director, Center for Human Rights and Humanitarian Law</p> <p>Courses: International Law; International Organization: Law of the United Nations; Ethnic Identity and International Law; International Business and Human Rights</p> <p>Recipient of Pauline Ruyle Moore award for scholarship published in 2004 (2005); Recipient of University Award for Outstanding Scholarship and Research (2003); Recipient of University Award for Outstanding Contribution to Academic Development (1998)</p>
2000-2001 Academic Year	<p><u>Princeton University</u>, Princeton, NJ: Fellow, Program in Law and Public Affairs</p>
Summer 1997	<p><u>New College, Oxford</u>, Oxford, England: Member of Faculty, Programme in International Human Rights Law, The University of Oxford and The George Washington University</p>
1989-1990 Academic Year	<p><u>Yale Law School</u>, New Haven, CT: Visiting Lecturer and Orville H. Schell, Jr. Fellow</p>
1987-1991	<p><u>Columbia University</u>, New York, NY: Director, Program in Human Rights and International Law, and Adjunct Professor, <u>School of International and Public Affairs</u> (1988-89); Lecturer on Law, <u>School of Law</u> (1987-89); Adjunct Professor, <u>Graduate School of Business</u> (1989-91)</p>

Fall 1985;  
Spring 1987;  
Winter 1989

Harvard University, School of Law, Cambridge, MA: Lecturer on Law

### **Other**

2004-2005

United Nations: Appointed by UN Secretary-General as Independent Expert to update the Set of principles for the protection and promotion of human rights through action to combat impunity. Updated principles presented to UN Commission on Human Rights at its 2005 session (UN Doc. E/CN.4/2005/102 and Addendum) and endorsed by the Commission in CHR resolution 2005/81.

2003-2004

United Nations: Appointed by UN Secretary-General as expert to prepare an “independent study on best practices, including recommendations, to assist States in strengthening their domestic capacity to combat all aspects of impunity.”

January 1999-  
July 1999

High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe, The Hague, The Netherlands: Special Advisor to the High Commissioner (on secondment from the Department of State of the United States Government while on sabbatical leave from American University).

May 1983-  
March 1988

Lawyers Committee for Human Rights, New York, NY: Deputy Director of organization and Director of its International Human Rights Program. Directed international program of public interest law center that promotes compliance with international human rights and refugee law and procedures. Participated on behalf of Committee in fact-finding delegations to The Philippines, the Thai-Cambodian border, El Salvador, Nicaragua, Honduras, Chile and Israeli-Occupied Territories; presented congressional testimony on issues of U.S. human rights policy; assisted in representation of families of four U.S. churchwomen killed in El Salvador; authored, co-authored and edited publications on human rights conditions in countries monitored by the Committee.

September 1981-  
May 1983

Steptoe & Johnson, Washington, D.C.: Associate. Practiced primarily in areas of international law and international trade.

### **Education**

Columbia University School of Law, New York, NY: J.D. 1981  
Cambridge University, Cambridge, England: Graduate research in Philosophy, Fall 1977  
Yale University, New Haven, CT: B.A. 1977

### Academic Honors

Editor, *Columbia Law Review*  
Deborah Morse Scholar, Columbia Law School  
Harlan Fiske Stone Scholar, Columbia Law School  
Samuel I. Rosenman Prize, Columbia Law School

### Selected Professional Activities

Member of :

- Council on Foreign Relations
- Board of Directors, Open Society Justice Initiative, Open Society Institute; Chair, Subcommittee on International Justice
- Advisory Council, American Bar Association Center for Human Rights
- Advisory Board, National Institute of Military Justice
- American Society of International Law (Executive Council, 1997-1999)
- American Society for Political and Legal Philosophy
- Advisory Board, International Human Rights Law Institute, DePaul University College of Law
- Board of Trustees, Procedural Aspects of International Law Institute
- Advisory Council, Human Rights First (formerly Lawyers Committee for Human Rights), Washington Office
- United States Institute of Peace Working Group on International Humanitarian Law

Admitted to District of Columbia Bar.

Recipient of research grants or fellowships from the Jacob Blaustein Institute for the Advancement of Human Rights (1989-90); the John D. and Catherine T. MacArthur Foundation (1990); Princeton University (Law and Public Affairs Fellow, 2000-01); and the United States Institute of Peace (2000-01).

Scholarly papers and lectures presented in the United States and other countries, including Argentina, Australia, Austria, Canada, Ethiopia, Guatemala, Iraq, Israel, Italy, Japan, the Netherlands, the Slovak Republic, South Africa, Sweden, Switzerland, the United Kingdom, and the former Federal Republic of Yugoslavia.

Expert witness in *In re Estate of Ferdinand E. Marcos Human Rights Litigation* (class action), federal district court for the district of Hawaii, September 1992. Expert-on-mission to Ethiopia for United Nations (Summer 1994). Investigator in the former Yugoslavia for the Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia (Summer 1996). Delegate to the Diplomatic Conference on the Establishment of a Permanent International Criminal Court in Rome (Summer 1998). Head of U.S. government delegation to OSCE Conference on “Integrating Diversity,” Locarno, Switzerland (October 1998). Appointed *amicus curiae* by the Special Court for Sierra Leone, established by the United Nations and the government of Sierra Leone, to advise the Appeal Chamber on two issues of international law in motions heard in October-November 2003. Profiled as “one of the world’s leading authorities on human rights law and war crimes tribunals” in “People of World Influence” feature of the *Washington Diplomat*.

## **Publications**

### **Books, Law Journals and Book Chapters**

*Criminalizing Hate Speech in the Crucible of Trial: Prosecutor v. Nahimana*, 21 AM. U. INT’L L. REV. 557 (2006) (symposium issue)

*Criminalizing Hate Speech in the Crucible of Trial: Prosecutor v. Nahimana*, 12 NEW ENG. J. INT’L & COMP. L. 17 (2005) (symposium issue)

*Whose Justice? Reconciling Universal Jurisdiction with Democratic Principles*, 92 GEO. L.J. 1057 (2004)

*Unilateral Multilateralism: United States Policy Toward the International Criminal Court*, Symposium: US Unilateralism: International Law, Security, and Policy Post-9/11, 36 CORNELL INTERNATIONAL LAW JOURNAL 415 (2004)

*Judging Global Justice: Assessing the International Criminal Court*, 21 WISCONSIN INTERNATIONAL LAW JOURNAL 495 (2003)

*Striking a Balance: Mixed Law Tribunals and Conflicts of Jurisdiction*, Ch. 8 in JUSTICE FOR CRIMES AGAINST HUMANITY: INTERNATIONAL LAW AFTER PINOCHET, Philippe Sands and Mark Lattimer, eds. (Hart Press, 2003)

*International Responses to Separatist Claims*, Ch. 1; and *Democratic Principles and Separatist Claims: A Response and Further Inquiry*, Ch. 3, in XLV NOMOS: SECESSION AND SELF-DETERMINATION, Stephen J. Macedo and Allen Buchanan, eds. (New York University Press, 2003)

*The Future of Universal Jurisdiction in the New Architecture of Transnational Justice*, in UNIVERSAL JURISDICTION: NATIONAL COURTS AND THE PROSECUTION OF SERIOUS CRIMES UNDER INTERNATIONAL LAW 214, Stephen J. Macedo, ed. (University of Pennsylvania Press, 2003)

*When Justice Goes to War: Prosecuting Terrorists Before Military Commissions*, 25 HARVARD JOURNAL OF LAW & PUBLIC POLICY 653 (2002) (with Robert K. Goldman)

*The Role of Domestic Courts and Judges in the Implementation and Enforcement of International Humanitarian Law*, in 4 FUNDAMENTUM 5-20 (2001)

*Relativism and Religion*, in HUMAN RIGHTS AS POLITICS AND IDOLATRY 141 (Princeton University Press) (Amy Gutmann, ed., 2001)

*Contemporary International Law and Policy Responses to Separatist Movements*, in A CONTINENT APART: KOSOVO, AFRICA AND HUMANITARIAN INTERVENTION 151 (Elizabeth Sidiropoulos, ed., 2001)

*The Imprint of Kosovo on International Law*, 6 ILSA J. INT'L & COMP. L. 541 (2000)

*Politics by Other Means: The Law of the International Criminal Court*, 32 CORNELL JOURNAL OF INTERNATIONAL LAW 489 (1999)

Co-editor (with Louis Henkin, Gerald L. Neuman and David W. Leeborn), HUMAN RIGHTS (Foundation Press, 1999); DOCUMENTARY SUPPLEMENT TO HUMAN RIGHTS (2000); and SUPPLEMENT TO HUMAN RIGHTS (2003)

*Genocide*, in CRIMES OF WAR: WHAT THE PUBLIC SHOULD KNOW 153 (Roy W. Gutman and David Rieff, eds., Norton Press, 1999)

*A Half Century of Silence: The Politics of Law*, in WAR CRIMES: THE LEGACY OF NUREMBERG 107 (Belinda Cooper ed., 1999)

*Internationalizing Civil Wars*, in WAR CRIMES: THE LEGACY OF NUREMBERG 154 (Belinda Cooper ed., 1999)

*Separatism and the Democratic Entitlement*, in 92 ASIL PROC. 131 (1998)

*Forward, Symposium: War Crimes Tribunals: The Record and the Prospects*, 13 AM. U. INT'L L. REV. 1383 (1998)

*Democracy and Difference: Democratic Rights and Separatist Claims*, in TRILATERAL PERSPECTIVES ON INTERNATIONAL LEGAL ISSUES: FROM THEORY INTO PRACTICE 143 (Thomas J.

Schoenbaum, Junji Nakagawa & Linda C. Reif, eds. 1998) (Transnational Publishers; published under the auspices of the American Society of International Law)

*Responsibilities of States Participating in Multilateral Operations with Respect to Persons Indicted for War Crimes*, in REIGNING IN IMPUNITY FOR INTERNATIONAL CRIMES AND SERIOUS VIOLATIONS OF FUNDAMENTAL HUMAN RIGHTS: PROCEEDINGS OF THE SIRACUSA CONFERENCE 17-21 SEPTEMBER 1998, 14 NOUVELLES ETUDES PENALES 193 (1998); *reprinted in* MAKING JUSTICE WORK: THE REPORT OF THE CENTURY FOUNDATION/TWENTIETH CENTURY FUND TASK FORCE ON APPREHENDING INDICTED WAR CRIMINALS 87 (1998)

*Citizenship and National Identity*, in ETHNIC IDENTITY AND INTERNATIONAL LAW 296 (David Wippman ed., 1998) (Cornell University Press)

*Separation Anxiety: International Responses to Ethno-Separatist Claims*, 23 YALE JOURNAL OF INTERNATIONAL LAW 1 (1998)

*The Reagan Administration's Policy on Latin America*, in PRESIDENT REAGAN AND THE WORLD 409 (Eric J. Schmertz, Natalie Datlof & Alexej Ugrinsky eds. 1997) (Greenwood Press)

*International Criminal Law and the Cambodian Killing Fields*, 3 ILSA J. INT'L & COMP. L. 705 (1997)

*Swapping Amnesty for Peace and the Duty to Prosecute Human Rights Crimes*, 3 ILSA J. INT'L & COMP. L. 713 (1997)

*No Justice, No Peace: Accountability for Rape and Gender-Based Violence in the Former Yugoslavia*, 5 HASTINGS WOMEN'S LAW JOURNAL 93 (1995) (co-author)

*Addressing Gross Human Rights Abuses: Punishment and Victim Compensation*, in HUMAN RIGHTS: AN AGENDA FOR THE NEXT CENTURY (L. Henkin & J.L. Hargrove eds. 1994)

*The Role of the Prosecutor in the Transition in Latin America*, in TRANSITION TO DEMOCRACY IN LATIN AMERICA: THE ROLE OF THE JUDICIARY 249 (I. Stotzky ed. 1993) (Westview Press)

*Public Law, Private Actors: The Impact of Human Rights on Business Investors in China*, 14 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW AND BUSINESS 66 (1993) (with Timothy A. Gelatt) (excerpts reproduced in INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS AND MORALS (Henry Steiner & Philip Alston eds. 1996) (Oxford University Press)

*Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime*, 100 YALE LAW JOURNAL 2537 (1991) (excerpts reproduced in INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS AND MORALS (Henry Steiner & Philip Alston eds. 1996, University Press)); INTERNATIONAL HUMAN RIGHTS: LAW, POLICY, AND PROCESS (David Weissbrodt &

Frank Newman eds. 1996); UNITED STATES INSTITUTE OF PEACE, TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES (1995))

*The Power of an Idea: The Impact of United States Human Rights Policy*, 1 JOURNAL OF TRANSNATIONAL LAW AND CONTEMPORARY PROBLEMS 43 (1991) (excerpts reproduced in in HUMAN RIGHTS IN THE WORLD COMMUNITY: ISSUES AND ACTION (R. Claude & B. Weston eds., 2d ed. 1992))

Symposium, *Transitions to Democracy and the Rule of Law*, 5 AMERICAN UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLICY 1049 (1990)

*Bearing Witness: The Art and Science of Human Rights Fact-Finding*, 3 HARVARD HUMAN RIGHTS JOURNAL 83 (1990) (excerpts reproduced in INTERNATIONAL HUMAN RIGHTS: PROBLEMS OF LAW, POLICY AND PRACTICE (R.B. Lillich & H. Hannum eds., 3rd ed. 1995))

*Book Review, Human Rights and U.S. Foreign Policy: Congress Reconsidered* (by David P. Forsythe), 83 AMERICAN JOURNAL OF INTERNATIONAL LAW 972 (1989)

*Book Review, Human Rights Missions: A study of the fact-finding practice of non-governmental organizations* (by Hans Thoolen and Berth Verstappen), 82 AMERICAN JOURNAL OF INTERNATIONAL LAW 873 (1988)

*Enforcement of Arbitral Awards Issued by the Additional Facility of the International Centre of Settlement of Investment Disputes (ICSID)*, 2 JOURNAL OF INTERNATIONAL ARBITRATION 15 (1985) (with Edward Leahy)

*Expropriation in the Energy Industry: Canada's Crown Share Provision as a Violation of International Law*, 29 MCGILL LAW JOURNAL 439 (1984) (with Cecil J. Olmstead and Edward J. Krauland)

*The Philippines: A Country in Crisis - A Report for the Lawyers Committee for International Human Rights*, 15 COLUMBIA HUMAN RIGHTS LAW REVIEW 69 (Fall 1983) (with Marvin E. Frankel and Jack F. Greenberg)

Comment, *Snepp v. United States: CIA Secrecy Agreements and the First Amendment*, 81 COLUMBIA LAW REVIEW 662 (1981) (excerpts reproduced in CONSTITUTIONAL LAW (Mark Tushnet, Geoffrey Stone, Louis Sedman & Cass Sunstein eds. 1996))

### **Selected Other Publications**

“The New UN Human Rights Council” (with Morton H. Halperin), 13 No. 3 Hum. Rts. Brief 1 (2006)

“Criminalizing Hate Speech: A Comment on the ICTR’s Judgment in *The Prosecutor v. Nahimana, et al.*,” 13 No. 1 Hum. Rts. Brief 1 (2006)

Report of the independent expert to update the Set of Principles to combat impunity, Diane Orentlicher, UN Doc. E/CN.4/2005/102 and addendum (February 18, 2005), available at <http://daccessdds.un.org/doc/UNDOC/GEN/G05/111/03/PDF/G0511103.pdf?OpenElement>

*Independent study on best practices, including recommendations, to assist states in strengthening their domestic capacity to combat all aspects of impunity, by Professor Diane Orentlicher*, UN Doc. E/CN.4/2004/88 (February 27, 2004), available at [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/94b45b7493a558cac1256e6e005a6d1d/\\$FILE/G0411355.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/94b45b7493a558cac1256e6e005a6d1d/$FILE/G0411355.pdf)

“Universal Jurisdiction After Pinochet: Prospects and Perils,” Working Paper published by the Center for Global Peace & Conflict Studies, University of California at Irvine (2003)

Principal contributing author, HIGH COMMISSIONER ON NATIONAL MINORITIES OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE, REPORT ON THE SITUATION OF ROMA AND SINTI IN THE OSCE AREA (April 2000)

Monograph, *Genocide and Crimes Against Humanity: The Legal Regime* (December 1998), published by United States Holocaust Memorial Council

*Contribution of the International Criminal Tribunal for the Former Yugoslavia to the Interpretation and Development of the Substantive Law that It Applies, in PROCEEDINGS OF THE INTERNATIONAL CONFERENCE ON WAR-CRIMES TRIALS, BELGRADE, NOV. 77-8, 1998 at 71-83* (Humanitarian Law Center, 2000)

*Responsibility to Arrest*, TRIBUNAL (Apr./May 1997)

*Should We Risk Lives to Save Lives?*, THE BOSTON REVIEW (November 1993)

*Yugoslavia War Crimes Tribunal*, FOCUS (publication of American Society of International Law) (Summer 1993) (excerpts reproduced in INTERNATIONAL HUMAN RIGHTS: PROBLEMS OF LAW, POLICY AND PRACTICE (Richard B. Lillich & Hurst Hannum eds., 3rd ed. 1995) and in INTERNATIONAL HUMAN RIGHTS: LAW, POLICY, AND PROCESS (Frank Newman & David Weissbrodt eds., 2d ed. 1996)

NO JUSTICE, NO PEACE: ACCOUNTABILITY FOR RAPE AND GENDER-BASED VIOLENCE IN THE FORMER YUGOSLAVIA (June 1993) (58 pp.) (co-author; for International Human Rights Law Group); *reprinted in* 5 HASTINGS WOMEN’S LAW JOURNAL 93 (1995).

GETTING DOWN TO BUSINESS: THE HUMAN RIGHTS RESPONSIBILITIES OF CHINA'S INVESTORS AND TRADE PARTNERS (July 1992) (50 pp.) (co-author; for International League for Human Rights)

*In Brief: Human Rights at the United Nations: Accountability for Human Rights Crimes* (October 1991) (for International League for Human Rights)

IMPUNITY: PROSECUTIONS OF HUMAN RIGHTS VIOLATIONS IN THE PHILIPPINES (September 1991) (175 pp.) (co-author; for Lawyers Committee for Human Rights)

THE LONG ROAD TO JUSTICE: A REPORT ON THE LETELIER-MOFFITT CASE (September 1991) (39 pp.) (co-author; for International League for Human Rights)

BUSINESS AS USUAL . . .?: THE INTERNATIONAL RESPONSE TO HUMAN RIGHTS VIOLATIONS IN CHINA (May 1991) (75 pp.) (co-author; for International League for Human Rights)

HUMAN RIGHTS IN INDONESIA AND EAST TIMOR (1988) (270 pp.) (for Asia Watch)

VIGILANTES IN THE PHILIPPINES: A THREAT TO DEMOCRATIC RULE (June 1988) (186 pp.) (co-author; for Lawyers Committee for Human Rights)

*The Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment: A Report of the Committee on International Human Rights* (principal author), 42 RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 235 (March 1987)

*Human Rights and the Administration of Justice in Chile: A Report of a Delegation of the Association of the Bar of the City of New York and the International Bar Association* (1987) (with William D. Zabel and David Nachman), 42 RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 431 (May 1987)

SEEKING SHELTER: CAMBODIANS IN THAILAND (1987) (106 pp.) (co-author; for Lawyers Committee for Human Rights)

THE WAR AGAINST CHILDREN: SOUTH AFRICA'S YOUNGEST VICTIMS (1986) (184 pp.) (co-author; for Lawyers Committee for Human Rights)

"SALVAGING" DEMOCRACY: HUMAN RIGHTS IN THE PHILIPPINES (1985) (218 pp.) (co-author; for Lawyers Committee for Human Rights)

KAMPUCHEA: AFTER THE WORST (1985) (252 pp.) (co-author; for Lawyers Committee for Human Rights)

NICARAGUA: REVOLUTIONARY JUSTICE (1985) (161 pp.) (co-author; for Lawyers Committee for Human Rights)

HONDURAS: A CRISIS ON THE BORDER (1985) (114 pp.) (co-author; for Lawyers Committee for Human Rights)

“Lawyers under siege,” *Index on Censorship* (October 1985)

FREE FIRE: A REPORT ON HUMAN RIGHTS IN EL SALVADOR (1984) (137 pp.) (co-author; for Lawyers Committee for Human Rights and Americas Watch)

THE PHILIPPINES: A COUNTRY IN CRISIS (1983) (218 pp.) (for Lawyers Committee for Human Rights)

Numerous opinion pieces in *The New York Times*; *The Washington Post*; *The Wall Street Journal*; *The Los Angeles Times*, and the *International Herald Tribune*