HARRIS INSTITUTE NEWSLETTER
AY 2017-2018

NEVER AGAIN
Forging a Convention for Crimes Against Humanity
Harris Institute's Film Takes Spotlight in International Film Festivals
A new global convention on preventing and punishing crimes against humanity is gaining international momentum. In Summer 2017, the International Law Commission (ILC) completed a first reading of Draft Articles on a global convention for crimes against humanity and is now accepting comments from governments, international organizations and others to be submitted to the Secretary-General by December 1, 2018. In Fall 2017, the United Nations General Assembly's (UNGA) Sixth Committee considered the ILC’s Draft Articles. Of the 55 governmental responses received, 51 were positive or neutral. The ILC will complete a second reading of the Draft Articles in 2018, after which a new treaty may be adopted by the UNGA or a diplomatic conference in 2019 or 2020.

On December 11, 2017, the Harris Institute hosted a side event at the 16th Session of the ICC Assembly of States Parties (ASP) on Progress in Drafting a Convention on the Prevention and Punishment of Crimes Against Humanity.

The side event was co-sponsored by the Republic of Chile, the Federal Republic of Germany, the Hashemite Kingdom of Jordan, the Republic of Korea, and the Republic of Sierra Leone and brought together more than 80 individuals representing States and civil society. The panelists included Professor Sean Murphy, Professor Charles Jalloh, Professor Claus Kress, Judge O-Gon Kwon, Mr. Solomon Sacco, and Professor Leila Sadat. Discussions at the side event enhanced broad support for the proposed new treaty, while raising questions about particular Draft Articles.

The Harris Institute, in conjunction with the Pontifical Catholic University of Peru, will host a Latin American and Caribbean Regional Workshop on the International Law Commissions Draft Articles on September 28, 2018 in Lima, Peru.
In Summer 2017, the Harris Institute launched the documentary film *Never Again: Forging a Convention for Crimes Against Humanity* to support efforts to create a new global convention on crimes against humanity. *Never Again* features moving testimony from survivors of atrocity crimes, as well as calls from international experts, and highlights that peace is not possible without justice.

The film was featured in the 26th Annual Whitaker St. Louis International Film Festival’s Human Rights Spotlight, at the 2018 New Haven International Film Festival, and will be featured in the Belfast Respect Human Rights Film Festival in August 2018. It has also been screened at the 11th Annual International Humanitarian Law Dialogs in Chautauqua and a number of institutions, universities, and high schools around the country.

To view the film preview and Discussion Guide, schedule a screening, or see how you can help the Institute’s work, visit the film website at CrimesAgainstHumanity.wustl.edu.
Harris Institute Launches a Research Project on Human Rights Approaches to Gun Violence in the United States

In the wake of recent mass shootings in the United States and repeated calls from international organizations such as the Inter-American Commission on Human Rights and the UN Human Rights Committee to take effective measures to prevent and reduce gun-related violence, the Harris Institute has launched a new research project that aims to explore the gun violence epidemic in the United States as a human rights violation under international law. WashULaw students have conducted in-depth research to put together a White Paper on the issue.

The Institute will host a public conference on Interdisciplinary and Human Rights Approaches to the Gun Violence Crisis in the United States and an experts' meeting on November 2-3, 2018. Co-sponsored by Washington University’s Institute for Public Health and the American Branch of the International Law Association, Committee on Human Rights, this event will bring leading scholars and academics in the field, including key NGO representatives, to Washington University to discuss the crisis.

On February 27, 2018, the Inter-American Commission on Human Rights held a hearing on The Regulation of Gun Sales and Social Violence in the United States in Bogotá, Colombia. The Commission invited the U.S. government and four representatives of civil society—the Harris Institute, the Center for American Progress, Amnesty International, and the Igarapé Institute—to present testimony on this important issue. WashULaw students Jiyeon Kim and Nicole Smith presented testimony at the hearing on behalf of the Institute. A copy of the Harris Institute’s Statement is available on the Institute’s website.

The hearing highlighted that there are proven and effective measures that the U.S. government can take to reduce the lives lost to gun violence. An appropriate government response that takes a public health and human rights approach to the problem would reduce homicide and suicide rates in the United States and reduce illegal gun trafficking in the Americas.

During the joint recommendations at the end of the hearing, the Harris Institute urged the Commission to conduct a study on gun violence in the United States, with a special focus on school shootings, and hold a thematic hearing on this important issue.
The Harris Institute and AMICC Launch the ICC Scholars Forum

In Summer 2017, the Harris Institute, in conjunction with the American NGO Coalition for the International Criminal Court (AMICC), convened a meeting that brought together U.S. academics who work on International Criminal Court-related issues. Participants discussed their scholarship and the common challenges academics face when teaching about the Court. They also shared ideas for local and domestic advocacy efforts.

On June 15-16, 2018, the Harris Institute and Leiden University hosted the second ICC Scholars Forum. This year’s meeting, held at the Grotius Centre in The Hague, brought together over two dozen scholars and practitioners from the United States and Europe who research, write, and teach about the International Criminal Court.
Record Attendance at the 2017 ASIL Midyear Meeting in St. Louis

In October 2017, Washington University School of Law hosted the American Society of International Law (ASIL) Midyear Meeting and Research and Practitioners’ Forums. Dean Nancy Staudt and the Honorable Louis B. Susman, JD ’62, served as Honorary Co-Chairs. The Host Committee was co-chaired by Fred Bartelsmeyer of Bryan Cave LLP, Professor Leila Sadat, and Jennifer Schweig, JD ’98, of Armstrong Teasdale LLP and included Sara Yang Bosco, General Counsel at Emerson Electric; Anna Crosslin, Director of the St. Louis International Institute; Dean William Johnson of St. Louis University School of Law; Katherine Krebel, Corporate Counsel at Leonardo DRS, Inc.; Melissa Nolan, JD ’04, of Paule Camazine & Blumenthal; Tim Nowak of the St. Louis World Trade Center; Robert Zafft of Greensfelder, Hemker & Gale, P.C.; and Vicki Zimmerman, Principal Senior Counsel at Boeing. The Practitioners’ Forum was hosted by St. Louis law firm Armstrong Teasdale LLP, and featured a Keynote Address by Bruce C. Swartz, Deputy Assistant Attorney General and Counselor for International Affairs at the Department of Justice, entitled Anti-Corruption and the New World of Multi-Jurisdictional Enforcement.

FROM TOP:
1. Perry S. Bechly, Berliner Corcoran & Rowe LLP, and Jennifer Schweig, Armstrong Teasdale LLP
2. Fred Bartelsmeyer, Bryan Cave LLP
3. Bruce Swartz, Deputy Assistant Attorney General and Counselor for International Affairs
More than 170 participants attended the ASIL Research Forum, discussing approximately 70 papers. The Research Forum, hosted by Washington University School of Law, included a Keynote Discussion by the Honorable Louis B. Susman, former U.S. Ambassador to the United Kingdom; Sara Yang Bosco, Senior Vice President and General Counsel of Emerson Electric; and Lucinda Low, President of ASIL, on Looking East and West: The Future of U.S. Engagement in Asia and Europe.

FROM TOP LEFT:
1. Victoria Sahani, ASU Sandra Day O'Connor College of Law
2. Elizabeth Sepper, Washington University Law; and Ben Batros, Open Society Justice Initiative
3. Ben Love, Freshfields Bruckhaus Deringer; Diane Marie Amann, University of Georgia School of Law; Milena Sterko, Cleveland-Maihail College of Law
4. Melissa Waters, Washington University Law; Danna Asarta, University College London; Deborah Pearlstein, Cardozo School of Law
5. Julian Arato, Brooklyn Law School
In Fall 2017, Former French Minister of Justice Mme. Christiane Taubira lectured on **Enhancing Democratic Values: Balancing Liberty and Security in Modern France** and met with members of the wider St. Louis community. The well-attended lecture generated interesting and thoughtful questions from the audience.

**Visiting Professor Rifat Azam, Washington University**

Washington University Visiting Professor Rifat Azam spoke on **The Israeli Supreme Court and the Palestinian Citizens of Israel** in November 2017, which highlighted Israel’s unique constitutional framework by presenting recent cases at the Court and their impact on the Palestinian citizens of Israel.

**President Nak-in Sung, Seoul National University**

As part of Washington University’s McDonnell International Scholars Academy program, the Harris Institute co-sponsored a lecture by President Nak-in Sung of Seoul National University who spoke about **The Democratic Citizen and the Constitution of South Korea.**
Spring 2018

Professor Michael Newton, Vanderbilt University

The Harris Institute’s 2018 Spring Speakers Series kicked off with a lecture by Professor Michael Newton from Vanderbilt University Law School on Making Modern War: Tensions & Teleologies.

Professor Margo Bagley, Emory University

Professor Margo Bagley from Emory University School of Law spoke on Cultural and Genetic Resource Protection Issues at the World Intellectual Property Organization.

Professor Leslye Obiora, University of Arizona

Professor Leslye Obiora, University of Arizona, delivered a lecture on Reframing Accountability: Leadership Enterprise for African Development and met with students to discuss her experience as Former Minister of Mines and Steel for Nigeria. Her lecture was co-sponsored by the Public Interest Law and Policy Speakers.

Professor Valerie Oosterveld, Western University

Professor Valerie Oosterveld, Western University Faculty of Law, delivered a lecture which highlighted lessons in transitional justice that can be learned from Canada’s Truth and Reconciliation Commission on Indigenous Residential Schools.

Professor Marie Seong-Hak Kim, St. Cloud State Univ.

The 11th Annual William C. Jones Lecture featured Professor Marie Seong-Hak Kim, St. Cloud State University, who made A Case for Korea in Comparative Legal History.

Legal Adviser Hugo Relva

Amnesty International’s Legal Adviser Hugo Relva spoke about the Obligation of States Parties to Implement the Rome Statute.

For commentary on international and comparative law and global affairs, visit the Institute’s blog Lex Lata, Lex Ferenda at law.wustl.edu/harris/ledata.
WashULaw Students Attend International Law Weekend

Students from WashULaw attended the 2017 International Law Weekend in New York, which focused on International Law in Challenging Times. Organized by the American Branch of the International Law Association and the International Law Students Association, topics included a new UN approach regarding the accountability for international crimes in Syria and the ICRC’s updated commentary to the Second Geneva Convention. Law students also listened to remarks by His Excellency Judge Christopher Greenwood of the International Court of Justice about the power of international law to resolve global conflicts. Read more on Lex lata, lex ferenda.

Dagen-Legomsky Hague and Public Interest Fellows

In Summer 2017, Dagen-Legomsky Fellows Nicole Gougeon and Anton Krayniy participated in enriching experiences abroad. Nicole worked in dispute resolution at the Korean Commercial Arbitration Board, located in the Seoul World Trade Tower, in the heart of Gangnam-gu. Anton attended The Hague Academy of International Law and studied public international law topics such as the International Protection of Vulnerable Persons under International Human Rights Law and Economic Sanctions Decided and Implemented Outside the United Nations. Read more about their experiences on Lex lata, lex ferenda.
WashULaw alumni successfully compete for the top jobs in private and public international law in the United States and abroad.

Robert J. Kestelik, JD ’97, is Assistant General Counsel at Mattel, Inc., the world’s largest designer, manufacturer, and distributor of toys and other children’s products. His management of the company’s legal affairs includes U.S. and international regulatory issues, international business transactions, material (non-IP) litigation, and labor and employment issues that arise outside the United States. Prior to joining Mattel, Inc., Kestelik worked on international mergers and acquisitions and major development projects for the Houston offices of the international law firms King & Spalding and Akin, Gump, Strauss, Hauer & Feld LLP, and for clients like Enron while at the Houston-based law firm Bracewell LLP. After completing his JD, Kestelik worked in Mexico City for Pemex, Mexico’s state-owned oil company, where he worked on two $5 billion transactions.

McCall Carter, JD ’10, currently works as a Rule of Law Officer at the UN Mission in South Sudan, a position she took up in April 2018. Previously, she served as Legal Officer and acting Legal Adviser to the UN Mission in Liberia from 2016. She also served as Associate Legal Officer to the International Criminal Tribunal for Rwanda and later as Associate Legal Officer at the UN Mechanism for International Criminal Tribunals in Arusha, Tanzania. As an inaugural member of WashULaw’s Transnational Law Program, Carter interned at the International Criminal Tribunal for the former Yugoslavia during her legal studies while pursuing her Masters in Laws in Public International Law at Utrecht University in the Netherlands.

Ashley Hamnett, LLM ’14 & JD ’16, is an Associate with the International Arbitration (IA) group at Shearman & Sterling LLP in London. Since joining the group, she has been involved with representing claimants in investment arbitration proceedings against States under the ICSID and UNCITRAL arbitration rules. Her work often involves complex questions of international law, including issues of jurisdiction, treaty interpretation, and State responsibility. She also worked on the proceedings commenced in the D.C. U.S. District Court against the Syrian Arab Republic for its targeted killing of journalist Marie Colvin. Prior to joining the IA group, she worked in litigation and investigations in the New York office.

Gilbert Sison, JD ’00, has been [elected/appointed as a judge on ____]. Sison has served as Assistant U.S. Attorney. Gilbert Sison (Assistant U.S. Attorney Gilbert Sison) has been coaching WashULaw’s, Philip C. Jessup International Law Moot Court team for more than 15 years and has served as an adjunct faculty at WashULaw for a number of years.
European Book Launch for Seeking Accountability for the Unlawful Use of Force

The Harris Institute hosted a book launch at the Grotius Centre at Leiden University on June 15, 2018 for Seeking Accountability for the Unlawful Use of Force (Cambridge University Press, 2018). The book was generously supported by The Planethood Foundation and began with an Experts’ Meeting in September 2015 in St. Louis. It contains essays written by prominent and upcoming scholars and legal experts. As we approach the 75th anniversary of the Nuremberg War Crimes Tribunal, Seeking Accountability for the Unlawful Use of Force examines the many systems and accountability frameworks which have developed since the Second World War. By suggesting new avenues for enhancing structures already in place as well as proposing new frameworks needed, this volume will begin a movement to establish the mechanisms needed to charge those responsible for the unlawful use of force.

Latin American Criminal Justice Professionals Visit Washington University Law

A group of Latin American professionals in the field of criminal justice visited the Harris Institute in April 2018 as part of a U.S. Department of State’s International Visitor Leadership Program. Seven criminal justice professionals from Argentina, Costa Rica, the Dominican Republic, Honduras, and Peru visited the Institute to learn more about the Institute’s work, the U.S. experience teaching international criminal law, and the U.S. criminal justice system more generally.

The 11th International Humanitarian Law Dialogs focus on Changing Times: New Opportunities For International Justice and Accountability

In August 2017, the Harris Institute co-sponsored the 11th International Humanitarian Law Dialogs, which focused on Changing Times: New Opportunities for International Justice and Accountability and brought together international prosecutors, ambassadors, diplomats, human rights leaders, and legal scholars from around the world to discuss the implementation of international humanitarian law in the modern age. WashULaw students Emily Brewster and Olivia Youn attended the Dialogs, and recapped the meeting in their blog post on lex lata, lex ferenda. The 12th IHL Dialogs entitled Is the Justice We Seek the Justice they Want? Cultural Approaches to International Justice will be held from August 26-28, 2018 in Chautauqua, NY.
Faculty Highlights

WashU Law’s faculty traveled throughout the world during the 2017-2018 academic year.

Professor John Drobak gave a lecture on The Constitutional Protection of Property Rights: Lessons from the United States and Germany at the Shanghai University of Political Science and Law in China. Vice Dean Adam Rosenzweig spoke on A New Vision for The Role of Equity in Constructing an International Tax Regime: International Vertical Equity at the Vienna Institute for Austrian and International Tax Law. Professor Brian Tamanaha delivered the closing Keynote at the Law and Society Association of Australia and New Zealand Annual Conference at Otago University, New Zealand, in Fall 2017 and spent Summer 2018 as the Fernand Braudel Fellow at the at European University Institute in Florence, Italy.

Professor Karen Tokarz had the opportunity to work with Roma Tre University Legal Clinic faculty and students on issues related to immigration, refugee, and international human rights, and efforts to connect with legal clinics and experts around the world. Assistant Dean Peter Cramer travelled to Beijing, Chongqing, Guangzhou and Shanghai to meet with admitted students and alumni and also visited Bucerius School of Law in Hamburg, Germany. Professor Kimberly Norwood gave lectures on The Yin and Yang of American (E)Discovery, an Overview of the American Civil Procedural System, and Colorism: The Preference for Lighter Skin over Darker Skin at National Chiao Tung University School of Law, National Cheng Kung University, and NKFST Law in Taiwan, respectively.

Professor Lee Epstein spoke on a conference panel in Macerata, Italy alongside justices from the Italian and German Constitutional Courts and the Canadian, Israeli, and U.S. Supreme Courts, including Justice Sotomayor. She also taught a course at the University of Bergen in Norway with Adam Liptak of the New York Times, spent time at the Universidad Torcuato Di Tella Law School in Buenos Aires and the University of Sao Paolo Law School, and met with several legal experts including Justice Arnfinn Bårdsen of the Supreme Court of Norway, the Vice President of Taiwan’s Constitutional Court Jeong-Duen Tsai, and several of the Court’s justices. Professor Peter Joy was recently in Taiwan to meet with WashU Law alumni and members of the online LLM program, including many who are now law professors, and one, Hui-Feng (Tim) Hsu, who is the Dean of Chinese Culture University School of Law.

Professor Kimberly Norwood and Ronald Norwood

Assistant Dean Peter Cramer (center) with administration at Bucerius School

Professor Lee Epstein (center) with law faculty at Universidad Torcuato Di Tella Law School

Professor Peter Joy (4th from left) with alumni in Taiwan
In Memoriam:
Professor M. Cherif Bassiouni (1937-2017)

On September 25, 2017, the world lost a great soul, Professor M. Cherif Bassiouni. Professor Bassiouni was a friend, a colleague, a mentor and an inspiration to many people around the globe.

Brilliant, creative, hardworking and skilled in international diplomacy—and fluent in at least six languages—he was known as the father of international criminal law. From the Torture Convention to the Statute of the International Criminal Court, his fingerprints are on every major international criminal law instrument of the past fifty years, including the emerging new convention on crimes against humanity. As a scholar, Professor Bassiouni wrote and edited seventy-five books and several hundred law review articles in Arabic, English, French, Italian and Spanish. His publications have been repeatedly cited by the ICTY, ICTR, and the United States Supreme Court (to name a few) and were always thoroughly researched, beautifully written, and copiously footnoted.

A native of Egypt, trained in universities there, in Europe and in the United States, he joined the faculty of DePaul College of Law in 1964 where he founded the International Human Rights Institute; and was instrumental in establishing the International Institute of Higher Studies in Siracusa, Italy, which he headed until 2015, and which has trained more than 48,000 jurists from over 167 countries.

Professor Bassiouni worked extensively with the United Nations, and was appointed to co-chair the committee of experts tasked with drafting an anti-torture convention, chaired the commission to investigate atrocities in the former Yugoslavia, and chaired the Drafting Committee of the Rome Diplomatic Conference that established the International Criminal Court. His time investigating atrocities in Yugoslavia had a profound effect upon him; he would tell story after story of his encounters with sobbing and devastated survivors who had witnessed murder, or been the victims of rape, and who were terribly scared by the conflict and grateful to find that someone cared. He exhume mass graves, fought with UN bureaucracy, and ultimately produced a report that led to the establishment of the ICTY.

Even while accomplishing all of this, Professor Bassiouni regularly took time to lecture all over the world, bearing witness to what he had seen and to train young minds and other scholars to follow in his footsteps, and perhaps most importantly, to enjoy life.

Professor Bassiouni was nominated for the Nobel Peace Prize in 1999, an honor that he most surely deserved. He received the French Legion of Honor, the Goler T. Butcher medal from the American Society of International Law, which he founded in 1962, the Hague Prize in International Law, and the Order of Merit from Austria, Egypt, France, Germany, and Italy, just to name a few.

Professor Bassiouni was also an active supporter and friend of Washington University School of Law, and especially the Whitney R. Harris World Law Institute. He gave an Assembly Series Lecture in 1999, joined the Institute’s International Council when the Institute opened its doors in 2001, received the World Peace Through Law Award in 2010, and spearheaded the drafting of a new global treaty on crimes against humanity as part of the Institute’s Crimes Against Humanity Initiative launched in 2008. He also gave many lectures and much good advice over the years, helping to build the fledgling Institute into the globally-recognized entity it is today. The Harris Institute and the School of Law are deeply indebted to him.
Upcoming Events

Fall 2018 and Spring 2019

Is the Justice We Seek the Justice they Want? Cultural Approaches to International Justice
12th Annual International Humanitarian Law Dialogs
Chautauqua Institution
August 26-28, 2018
Chautauqua, NY

Latin American and Carribean Regional Workshop on a Crimes Against Humanity Convention
Pontifical Catholic University of Peru
September 28, 2018

World Peace Through Law Award Lecture - H.E. Judge Christine Van den Wyngaert
Washington University School of Law
October 8, 2018
St. Louis, MO

Interdisciplinary and Human Rights Approaches to the Gun Violence Crisis in the U.S.
Journal of Law and Policy Symposium, Washington University School of Law
November 2-3, 2018
St. Louis, MO

H.E. Ambassador Carlos Wahnon Veiga
Washington University School of Law
Spring 2019

International Arbitration Speaker Series
Washington University School of Law
Spring 2019