

PUBLICATIONS BY PROFESSOR JENNIFER TRAHAN

Books

- “Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes” (Cambridge University Press publication forthcoming 2020) (350 pages)
- “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)
 - 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)
 - 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).
 - 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

- “The Criminalization of Cyber-Attacks under the International Criminal Court's Rome Statute—contributing to cyber peace by maximizing the potential for deterrence,” 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)
- “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 (forthcoming Palgrave 2021)
- “Judicial Reform and Rebuilding,” book chapter in *Handbook on Post-Conflict State Building*, ed. by Paul Williams and Milena Sterio (forthcoming 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 (forthcoming Edward Elgar Publishing 2020)
- “The ICTY and the Three-Tiered Approach to Justice in Bosnia and Herzegovina,” 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 (forthcoming Oxford Univ. Press 2020)
(co-authored with Iva Vukusic)
- “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 2020)
 - “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

- “Questioning Unlimited Veto Use in the Face of Atrocity Crimes” (forthcoming *Case Western Res. J of Int’l Law* 2020)
- “Veto Use and the UN Charter Obligation to Act in Accordance with the ‘Purposes and Principles’ of the United Nations” (forthcoming *Leiden J of Int’l Law* 2020)
- “Revisiting the Role of the Security Council Regarding the International Criminal Court’s Crime of Aggression,” *J. of Int’l Criminal Justice* (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)

Additional Publications/ Documents

- "Legal Limits to the Use of the Veto Power in the Face of Atrocity Crimes," speech from the International Humanitarian Law Dialogs, The Proceedings (American Society of International Law 2019)

- “The Future of the Field of International Justice,” speech from the International Humanitarian Law Dialogs, The Proceedings (American Society of International Law 2018)
- “Report of Symposium on The Future of the Field of International Justice,” Syracuse University, Impunity Watch (2017)
- “The International Criminal Court’s Inquiry as to Crimes in Afghanistan: Questions and Answers” (ABILA, ICC Committee) (Dec. 2, 2017)
- “The Death Penalty Under the International Criminal Court’s Complementarity Regime: Questions and Answers” (ABILA, ICC Committee) (Nov. 14, 2016)
- “The First Cultural Heritage & Al Qaeda Case Before The International Criminal Court: Questions and Answers” (ABILA, ICC Committee) (Nov. 5, 2016) (co-authored)
- “Libya & The International Criminal Court: Questions and Answers. The Libyan Death Sentences Against Saif Al-Islam Gaddafi and Abdullah Al-Senussi & The ICC’s Admissibility Rulings” (ABILA, ICC Committee) (Nov. 3, 2015)
- “Accountability for Crimes in Syria: Lessons Learned from the Field of International Justice” (published by the Syrian Justice and Accountability Center (SJAC), summer 2015)
- “The Kenyan Cases at the International Criminal Court and the African Union’s Positions As to Them: Questions & Answers” (ABILA, ICC Committee) (Dec. 8, 2014)
- “Policy recommendations for the U.S. relationship with the International Criminal Court” (ABILA, ICC Committee) (July 24, 2013)
- “Letter to the U.N. Security Council re: Security Council Referral of Syria to the International Criminal Court” (ABILA, ICC Committee) (March 13, 2012)
- “United States Deployment Of Military Advisers To Apprehend Members Of The Lord’s Resistance Army: Questions & Answers” (ABILA, ICC Committee) (Dec. 12, 2011)
- “Libya & The International Criminal Court: Questions & Answers About The Arrest Warrants Against Saif Al-Islam Gaddafi And Abdullah Al-Senussi,” (ABILA, ICC Committee) (Dec. 12, 2011)
- “The Crime of Aggression: The New Amendment Explained – Questions & Answers” (ABILA, ICC Committee) (Jan. 2011)
- “Reflections on Justice in the Former Yugoslavia,” Syracuse University College of Law, “Impunity Watch” (October 30, 2011)
- “The Courage to Admit A Mistake,” Syracuse University College of Law, Syracuse University College of Law, “Impunity Watch” (May 14, 2011)
- “Recommendations for future U.S. policy towards the International Criminal Court,” ABILA, ICC Committee (March 12, 2010 & December 6, 2010)
- “Recommendations to the Administration regarding its approach to aggression negotiations,” (ABILA, ICC Committee) (March 19, 2010)
- “Human Rights Watch Policy Paper: The Meaning of ‘the Interests of Justice’ in Article 53 of the Rome Statute (HRW 2005)

- "Briefing Paper: The Iraqi Special Tribunal – Rules of Procedure and Evidence Missing Key Protections" (HRW 2005)
- International Criminal Court: "Human Rights Watch Memorandum To States Members of the Assembly of States Parties" regarding budget and governance issues (HRW 2004) (co-author)
- "U.S. Opposition to the International Criminal Court," 30 Human Rights: Laws of War (ABA) 10 (Winter 2003) (co-author)
- Detailed critiques of draft rules of procedure and evidence – Iraqi Special Tribunal (2004); Sierra Leone Special Court (HRW 2003)
- "Justice Denied for East Timor: Indonesia's Sham Prosecutions, the Need to Strengthen the Trial Process in East Timor, and the Imperative of U.N. Action" (HRW 2002) (co-author)
- "Justice for Iraq: A Human Rights Watch Policy Paper" (HRW 2002)
- "Human Rights Watch Policy Paper On The Interrelationship Between The Sierra Leone Special Court And Truth And Reconciliation Commission" (HRW 2002)
- "Recommendations for the Sierra Leone Special Court" provided to Legal Advisors of U.N. Security Council Member States and Interested States (HRW 2002)