

MARGARET MCAULIFFE DEGUZMAN

Professor of Law

Temple University Beasley School of Law • 1719 N. Broad St. • Philadelphia, PA 19122

EDUCATION

IRISH CENTER FOR HUMAN RIGHTS, National University of Ireland, Galway, Ireland, Ph.D., 2015

- Dissertation: *Shocking The Conscience of Humanity: Gravity and the Legitimacy of International Criminal Law*

YALE LAW SCHOOL, New Haven, CT, J.D., 1999

- Foreign Language and Area Studies Fellowship
- Yale Law Journal, *Editor*
- Yale Journal of International Law, *Editor*
- Schell Center For International Human Rights, *Student Director*

THE FLETCHER SCHOOL OF LAW & DIPLOMACY, Tufts University, M.A. in Law & Diplomacy, 1996, with concentrations in Human Rights & Negotiation

- Sasakawa Young Leaders Award, for leadership promise in international affairs
- Research Assistant to Professor Hurst Hannum, International Human Rights Law
- Fletcher Women's Forum, *President*
- Admissions Committee, *Admissions Officer*

FULBRIGHT SCHOLAR, Darou Ndiar, Senegal, 1993

- Studied syncretism between traditional religion and Islam

GEORGETOWN UNIVERSITY, SCHOOL OF FOREIGN SERVICE, Washington, DC, B.S.F.S., *magna cum laude*, 1992

- African Studies Certificate
- Africa prize, awarded to best student in African Studies
- Waterman award for study in Africa
- Studied African history, culture, and law at University of Dakar, Dakar, Senegal, 1990-1991

PROFESSIONAL EXPERIENCE

TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW, Philadelphia, PA (July 2009 – Present)

Professor. Teach Criminal Law, International Criminal Law, Transitional Justice, and Mindful Lawyering: Techniques for Effective Counseling, Negotiation, and Advocacy.

GEORGETOWN UNIVERSITY, INSTITUTE FOR INTERNATIONAL LAW & POLITICS, Washington, D.C. (Spring 2008)

Adjunct Professor. Taught graduate course in international human rights law.

WAR CRIMES RESEARCH OFFICE, American University Washington College of Law, Washington, D.C. (Fall 2007)

Consultant. Drafted a legal memorandum for the prosecutor of an international criminal tribunal.

FARELLA, BRAUN & MARTEL, LLP, San Francisco, CA (2001-2007)

Litigation Associate. Litigated a variety of cases, with specialty in criminal defense. Represented criminal defendants from investigation through trial and sentencing. Lead litigator in numerous *pro bono* cases, including representing prisoner in successful civil rights lawsuit.

HONORABLE JAMES R. BROWNING, NINTH CIRCUIT COURT OF APPEALS, San Francisco, CA (1999-2000)

Law Clerk. Performed case analysis, conducted legal research, and drafted opinions for a wide variety of cases, including numerous criminal and immigration appeals.

SENEGAL DELEGATION, INTERNATIONAL CRIMINAL COURT CONFERENCE, Rome, Italy (1998-1999)

International Law Advisor. Participated in Rome Conference and subsequent Preparatory Commission meetings, including advising delegation, drafting speeches, and assisting in negotiations, particularly regarding definitions of crimes against humanity and gender crimes.

INTERNATIONAL CRIMINAL TRIBUNAL FOR FORMER YUGOSLAVIA, The Hague, The Netherlands (Summer 1997)

Law Clerk. Researched and wrote legal memoranda for trial teams on various international law issues, including the definitions of crimes against humanity and gender crimes.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, Washington, D.C. (1992-1993)

Program Assistant. Assisted program officer in organizing and administering aid for Africa.

PUBLICATIONS

Books

SHOCKING THE CONSCIENCE OF HUMANITY: GRAVITY AND THE LEGITIMACY OF INTERNATIONAL CRIMINAL LAW (Oxford University Press, *forthcoming* 2018).

ELGAR COMPANION TO THE INTERNATIONAL CRIMINAL COURT (with Valerie Oosterveld eds., Edward Elgar Publishing, *forthcoming* 2018).

ARCS OF GLOBAL JUSTICE: ESSAYS IN HONOR OF WILLIAM A. SCHABAS (with Diane Marie Amann eds., Oxford University Press 2017).

Articles

Defendants' Rights in a World of Expanding Supranational Criminal Adjudication, WILLIAM & MARY BILL OF RIGHTS JOURNAL (*forthcoming* 2018).

Justifying Extraterritorial War Crimes Trials, 7 J. OF CRIM. L. & PHIL. 1 (2017).

Inter-national Justice for Them Or Global Justice for Us? The U.S. as a Supranational Justice Donor, 48 CASE WESTERN J. INT'L L. 177 (2016).

When Are International Crimes Just Cause for War? 55 VA. J. INT'L L. 73 (2015).

Harsh Justice for International Crimes? 39 YALE J. INT'L L. 1 (2014).

The International Criminal Court's Gravity Jurisprudence at Ten, 12 WASH. U. GLOBAL STUDIES L.R. 475 (2013).

How Serious Are International Crimes? The Gravity Problem in International Criminal Law, 51 COLUM. J. TRANSNAT'L L. 18 (2012).

Choosing to Prosecute: Expressive Selection at the International Criminal Court, 33 MICH. J. INT'L L. 265 (2012).

Giving Priority to Sex Crime Prosecutions at International Courts: The Philosophical Foundations of a Feminist Agenda, 11 INT'L CRIM. L. REV. 515 (2011).

Gravity and the Legitimacy of the International Criminal Court, 32 FORDHAM INT'L L.J. 1400 (2009).

The Road From Rome: The Developing Law of Crimes Against Humanity, 22 HUM. RTS. Q. 335 (2000).

Book Chapters

Mixed Messages: The Sentencing Legacy of the Ad Hoc Tribunals, in THE LEGACY OF AD HOC TRIBUNALS IN INTERNATIONAL CRIMINAL LAW: ASSESSING THE ICTY AND THE ICTR (Cambridge University Press, *forthcoming* 2018).

Global Sentencing at the International Criminal Tribunal for Former Yugoslavia, in LEGACIES OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA: A MULTIDISCIPLINARY ACCOUNT (Stahn et al., eds, Oxford University Press, *forthcoming* 2018).

Introduction, in THE ELGAR COMPANION TO THE INTERNATIONAL CRIMINAL COURT (with Valerie Oosterveld) (Margaret M. deGuzman & Valerie Oosterveld eds., Edward Elgar Publishing, *forthcoming* 2018).

The future of the ICC, in THE ELGAR COMPANION TO THE INTERNATIONAL CRIMINAL COURT (with Valerie Oosterveld) (Margaret M. deGuzman & Valerie Oosterveld eds., Edward Elgar Publishing, *forthcoming* 2018).

Complementarity at the African Court, in THE AFRICAN COURT OF JUSTICE AND HUMAN AND PEOPLES' RIGHTS IN CONTEXT (Charles Jalloh, Kamari Clarke & Vincent Nmehielle eds., Cambridge Univ. Press, *forthcoming* 2018).

The Global-Local Dilemma and the ICC's Legitimacy, in LEGITIMACY AND INTERNATIONAL COURTS (Nienke Grossman et al eds.,) (Cambridge University Press 2018).

Criminal Law Philosophy in William Schabas' Scholarship, in ARCS OF GLOBAL JUSTICE: ESSAYS IN HONOR OF WILLIAM A. SCHABAS (Margaret M. deGuzman & Diane Marie Amann eds., Oxford University Press 2017).

Is the ICC Targeting Africa Inappropriately? A Moral, Legal, and Sociological Assessment, in CONTEMPORARY ISSUES FACING THE INTERNATIONAL CRIMINAL COURT (Richard H. Steinberg ed., Brill/Nijhoff 2016).

The Elusive Essence of Crimes Against Humanity, in ESSAYS IN HONOUR OF ROGER CLARK (Suzannah Linton et al. eds., Brill/Nijhoff, 2015).

Proportionate Sentencing at the International Criminal Court, in *THE LAW AND PRACTICE OF THE INTERNATIONAL CRIMINAL COURT* (Carsten Stahn ed., Oxford University Press, 2014).

The Sentencing Legacy of the Special Court for Sierra Leone, in *THE SIERRA LEONE SPECIAL COURT AND ITS LEGACY: THE IMPACT FOR AFRICA AND INTERNATIONAL CRIMINAL LAW* (Charles Jalloh ed., Cambridge Univ. Press, 2013).

Initiation of Investigation and Selection of Cases, in *INTERNATIONAL CRIMINAL PROCEDURE: PRINCIPLES AND RULES* (with William Schabas) (Göran Sluiter et al. eds., 2013).

An Expressive Rationale for the Thematic Prosecution of Sex Crimes, in *THEMATIC PROSECUTION OF INTERNATIONAL SEX CRIMES 11* (Morten Bergsmo ed., Torkel Opsahl Academic EPublisher 2012).

Crimes Against Humanity, in *RESEARCH HANDBOOK ON INTERNATIONAL CRIMINAL LAW* (Bartram S. Brown ed., 2011).

Crimes Against Humanity, in *ROUTLEDGE HANDBOOK OF INTERNATIONAL CRIMINAL LAW* (William Schabas & Nadia Bernaz eds., 2010).

Article 21, Applicable Law, in *COMMENTARY ON THE ROME STATUTE OF THE ICC 932* (Otto Triffterer ed., 1999 & 2008 & 2016).

Other

Review of LARRY MAY & SHANNON FYFE, *INTERNATIONAL CRIMINAL TRIBUNALS: A NORMATIVE DEFENSE, ETHICS & INTERNATIONAL AFFAIRS* (*forthcoming* 2018).

Amicus Curiae Brief of Professors Robinson, deGuzman, Jalloh and Cryer on Crimes Against Humanity filed in Cases 003 and 004, Extraordinary Chambers in the Courts of Cambodia (May 17, 2016).

What is the Gravity Threshold for an ICC Investigation? Lessons from the Pre-Trial Chamber Decision in the Comoros Situation, 19 *ASIL INSIGHTS* (August 11, 2015), available at <http://www.asil.org/insights/volume/19/issue/19/what-gravity-threshold-icc-investigation-lessons-pre-trial-chamber>.

National Impact of International Criminal Law (panel summary), *ASIL Cables*, available at <http://www.asil.org/blogs/national-impact-international-criminal-law> (April 12, 2015).

The ICC Deserves Our Full Support, *NY Times Room for Debate* (op-ed) (December 11, 2014).

Review of MOHAMED ELEWA BADAR, *THE CONCEPT OF MENS REA IN INTERNATIONAL CRIMINAL LAW* (2013), *Rutgers Criminal Justice Books Reviews*, available at <http://clcjbooks.rutgers.edu/books/the-concept-of-mens-rea.html> (2014).

Amicus Curiae Observations of Professors Robinson, deGuzman, Jalloh and Cryer filed in Prosecutor v. Gbagbo, *International Criminal Court Appeals Chamber* (Oct. 2013).

Is The ICC Targeting Africa Inappropriately? *Invited Expert Opinion*, *ICC Forum*, available at <http://iccforum.com/africa#deGuzman> (2013).

Gravity Rhetoric: The Good, The Bad, and the “Political,” 107 PROCEEDINGS OF THE ANNUAL MEETING, AMERICAN SOCIETY OF INTERNATIONAL LAW 421 (2013).

“Wartime” in International Criminal Law, 35 HUM. RTS. Q. 232 (2013) (book review).

Fact-Finding Without Facts, Commentary on Nancy Combs’ Book, 105 PROCEEDINGS OF THE ANNUAL MEETING, AMERICAN SOCIETY OF INTERNATIONAL LAW 315 (2011).

Oxford Reports on International Criminal Law, available at <http://oxfordlawreports.com>. Contributing author of peer-reviewed case reports. (May 2009 – Present).

Justice in Cambodia: Past, Present, and Future, 19 CRIM. L. FORUM 335 (2008) (book review).

IntLawGrrls, <http://intlawgrrls.blogspot.com/>. Periodic contributor (August 2008 – Present).

Opinio Juris, <http://opiniojuris.org/>. Occasional contributor (September 2009 – Present).

SELECTED PRESENTATIONS

Legitimate Authority in International Criminal Law, Fiduciaries of Humanity and International Law, Symposium, McGill University Faculty of Law (Montreal, Canada January 2018).

Criminal Law Philosophy in William Schabas’ Scholarship, Arcs of Global Justice: Conference Launching Essay Collection in Honour of William A. Schabas (London, England, December 2017).

Pursuing International Criminal Justice, Globalization and Justice Workshop, Rutgers Camden Law School (Camden, NJ, November 2017).

Hybrid Courts, 11th Annual International Humanitarian Law Dialogs: Changing Times: New Opportunities for International Justice and Accountability (Chautauqua, NY, August 2017).

Options for Accountability in Syria and North Korea, South East Association of Law Schools Annual Meeting (Boca Raton, FL, August 2017).

Should the ICC Privilege Global or Local Goals?, American Society of International Law Annual Meeting, Organized and Moderated (Washington, D.C., April 2017).

Gravity and the Legitimacy of International Criminal Law, American Society of International Law International Criminal Law Interest Group, Annual Workshop (Dallas, TX, December 2016).

Cooperation and Complementarity: Mapping the Terrain, High-Level Cooperation and Complementarity Brainstorming Meeting: The ICC and Africa: The Way Forward (The Hague, Netherlands, November 2016).

ICTY Convicts Karadzic, Roundtable, International Law Weekend (New York, NY, October 2016).

Crimes Against Humanity, International Criminal Law Summer Academy for Junior Professionals, International Nuremberg Principles Academy (Nuremberg, Germany, August 2016).

Human Rights Obligations of Non-State Actors in Conflict Situations & Differences Between Core Crimes

and Other International Criminal Law Crimes, International Institute of Higher Studies in Criminal Sciences (Siracusa, Italy, June 2016).

Complementarity at the African Court, International Criminal Law Workshop, William & Mary Law School (Williamsburg, VA, May 2016).

Hot Topics in International Criminal Law, International Criminal Law Interest Group, Annual Meeting of American Society of International Law (Washington, D.C., April 2016) (moderator).

Complementarity at the African Court, Joint Workshop of the American and European Societies of International Law Courts and Tribunals Interest Groups, Annual Meeting of American Society of International Law (Washington, D.C., April 2016).

The Responsibility of Non-State Actors for Human Rights Violations in Conflicts, International Institute of Higher Studies in Criminal Sciences (Cairo, Egypt, March 2016).

What is the International Community's Interest in Prosecuting War Crimes? American Society of International Law International Criminal Law Interest Group Works-In-Progress Workshop, New York University Law School (New York, NY, December 2015).

Complementarity and Gravity, Annual Forum of the International Principles Academy, The Nuremberg Principles 70 Years Later: Contemporary Challenges (Nuremberg, Germany, November 2015).

Hot Topics in International Criminal Law, International Law Association, International Law Weekend (New York, NY, November 2015).

The Elusive Essence of Crimes Against Humanity, Symposium, For the Sake of Present and Future Generations, Rutgers School of Law, Camden (Camden, NJ, October 2015).

What is the International Community's Interest in Prosecuting War Crimes?, American Society of International Law Research Forum (Washington DC, October 2015).

International Justice for Them Or Global Justice for Us? The U.S. as a Supranational Justice Donor, The International Legal Practice of the Obama Administration, Case Western Reserve School of Law (Cleveland, OH, September 2015).

Assessing the Legacy of the Ad Hoc and Mixed Model Tribunals, International Institute of Higher Studies in Criminal Sciences (Siracusa, Italy, June 2015).

Complementarity in the African Court, Expert Meeting of African Court Research Initiative (Miami, FL, March 2015).

Privileging Global Community at the International Criminal Court, Panel on Legal Expressivism in a Globalizing World, International Studies Association Annual Meeting (New Orleans, LA, February 2015).

Shocking the Conscience of Humanity: Gravity and the Legitimacy of International Criminal Law, Junior International Law Scholars Association Annual Meeting (Miami, FL, January 2015).

Gravity and International Adjudicative Authority, American Society of International Law, International Criminal Law Interest Group Workshop (Philadelphia, PA, December 2014).

Sentencing in International Criminal Law, Columbia University Law School, International Criminal Law Colloquium (New York, NY, November 2014).

The Core Crimes: An ICL Perspective and Complementarity as a Justice Strategy, African Geographies of Justice: The African Court and Heads of State Immunity Question (Addis Ababa, Ethiopia, November 2014).

Potential ICC Charges, Operation Protective Edge: Legal and Political Implications of ICC Prosecution, George Mason University (Fairfax, VA, November 2014).

Punishment in International Criminal Law, International Law Weekend, American Branch of the International Law Association (New York, NY, October 2014).

The Moral Legitimacy of ICC Adjudication, Symposium on Legitimacy and International Courts, University of Baltimore School of Law (Baltimore, MD, September 2014).

Proportionate Sentencing at the International Criminal Court, ICON·S Inaugural Conference on “Rethinking the Boundaries of Public Law and Public Space” (Florence, Italy, June 2014).

International Criminal Law and the Responsibility to Protect: Comrades in Arms or Strange Bedfellows? International Criminal Law Working Group, European University Institute (Fiesole, Italy, November 2013).

The Tension Between Law and Politics: Can the ICC Navigate a Multipolar World? American Society of International Law Annual Meeting, Panel (Washington, DC, April 2013).

Proportionality in International Punishment, Junior International Law Scholars Association Annual Meeting (New York, NY, February 2013).

The ICC’s Gravity Jurisprudence at Ten, Conference on the International Criminal Court at Ten, Washington University School of Law (St. Louis, MO, November 2012).

Expressive Sentencing At the International Criminal Court, Mid-Atlantic Law and Society Association Inaugural Conference (Philadelphia, PA, October 2012).

Sentencing Theory and Practice, Conference on Law and Practice of ICC: Achievement, Impact and Challenges, Grotius Center for International Legal Studies (The Hague, Netherlands, September 2012).

Is The ICC’s Admissibility Jurisprudence Bad for Africa? International Criminal Law Roundtable, International Law Institute, African Center for Legal Excellence (Nairobi, Kenya, June 2012).

The Sentencing Legacy of the Special Court for Sierra Leone, Conference Assessing the Contributions and Legacy of the Special Court for Sierra Leone to Africa and International Criminal Justice, University of Pittsburgh Law School (Pittsburgh, PA, April 2012).

How Serious Are International Crimes? American Society of International Law Research Forum (Los Angeles, CA, November 2011).

Initiation of Investigations and Selection of Cases, International Expert Framework Group on International Criminal Procedure (The Hague, Netherlands, October 2011).

Fact-Finding Without Facts, Book Discussion Panel, American Society of International Law Annual Meeting (Washington DC, March 2011).

Giving Priority To Sex Crime Prosecutions at International Courts: The Philosophical Foundations of a Feminist Agenda, Keynote Address, Conference on Thematic Investigation and Prosecution of International Sex Crimes (Cape Town, South Africa, March 2011).

What Crimes and Defendants Should The International Criminal Court Prosecute? Toward An Expressive Theory of Selection Decisions, Junior International Law Scholars Association Conference (New Haven, CT, February 2011).

Giving Priority to Sex Crime Prosecutions at International Courts: The Philosophical Foundations of a Feminist Agenda, Women and International Criminal Law Roundtable (Washington DC, October 2010).

International Criminal Court Review Conference: Milestone or Missed Opportunity?, Panel Organizer and Moderator, Temple University Beasley School of Law (Philadelphia, PA, September 2010).

The Politics of International Prosecutions, Commentator, John Marshall Law School Symposium on International Criminal Justice (Chicago, IL, April 2010).

Gravity-Based Ambiguity In International Law, Junior International Law Scholars Association Conference (San Francisco, CA, February 2010).

Selecting Cases for International Prosecution, Irish-American Exchange on Human Rights, Notre Dame Law School (South Bend, IN, October 2009).

Gravity and Prosecutorial Discretion at International Criminal Courts, Irish Center for Human Rights Doctoral Seminar (Galway, Ireland, May 2009).

Gravity and the Legitimacy of the International Criminal Court, Georgetown University Law Center Faculty Workshop (Washington, DC, July 2008).

Gravity in International Criminal Law, Irish Center for Human Rights Doctoral Seminar (Galway, Ireland, March 2008).

The Gravity Principle in International Criminal Law, Junior International Law Scholars Association Conference (New York, NY, February 2008).

Did You See What I Saw? Mistaken Eye Witness Identification, Edward J. McFetridge American Inn of Court (San Francisco, CA, April 2006).

Playing Hardball with the Government, Panel Organizer & Moderator, ABA White Collar Crime Committee Annual Meeting (Las Vegas, NV, February 2006).

BOARDS AND PROFESSIONAL ORGANIZATIONS

MINDFULNESS AFFINITY GROUP, BALANCE SECTION, ASSOCIATION OF AMERICAN LAW SCHOOLS
(2017-PRESENT)

Co-chair.

PUBLIC INTERNATIONAL LAW & POLICY GROUP

(2016-present)
Senior Peace Fellow.

AMERICAN SOCIETY OF INTERNATIONAL LAW, INTERNATIONAL CRIMINAL LAW INTEREST GROUP

(2014-2017)
Co-chair. Organize events and coordinate member initiatives.

AMERICAN SOCIETY OF INTERNATIONAL LAW, WOMEN IN INTERNATIONAL LAW INTEREST GROUP

(2014-present)
Mentor.

AFRICAN JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE

(2014-present)
Editorial Board Member.

FORUM FOR INTERNATIONAL CRIMINAL AND HUMANITARIAN LAW

(2011-present)
Editorial Board Member.

CENTER FOR YOUTH DEVELOPMENT THROUGH LAW, Berkeley, CA

(2004-2006)
Board Member. Participated in running non-profit organization aimed at exposing underprivileged youth to careers in the law by providing summer courses and internships.

EDWARD J. MCFETRIDGE AMERICAN INN OF COURT, San Francisco, CA

(2003-2006)
Associate and Pupilage Group Leader. Participated in and organized educational presentations on various legal topics, including leading presentation regarding mistaken eyewitness identification.

DONALD P. MCCULLUM YOUTH COURT, Oakland, CA

(2002-2006)
Judge. Served as volunteer judge for youth court that adjudicates juvenile misdemeanors as an alternative to the traditional juvenile justice system.

ABA WHITE COLLAR COMMITTEE, YOUNG LAWYERS DIVISION, San Francisco, CA

(2001-2005)
Founder and Chairperson. Founded and ran Bay Area chapter of organization to promote career advancement and continuing education of young lawyers practicing criminal defense.

BAR ADMISSIONS

New York (2002)
California (2001)

LANGUAGES

Spanish (fluent), French (fluent), Italian (fluent), Wolof (conversational)