

Beth Van Schaack

Associate Professor of Law

Santa Clara University School of Law _ 500 El Camino Real _ Santa Clara, CA 95053

EDUCATION

YALE LAW SCHOOL, J.D., June 1997; Editor, YALE LAW JOURNAL

STANFORD UNIVERSITY, B.A., Human Biology with a concentration in Feminism & Public Policy), June 1991; *Phi Beta Kappa*

EXPERIENCE

SANTA CLARA UNIVERSITY SCHOOL OF LAW, Santa Clara, CA (2003-present)

Associate Professor of Law. Teach and write in the areas of International Law, International Criminal & Humanitarian Law, Human Rights, Transitional Justice & Civil Procedure.

- *Faculty*, Women's Rights as Human Rights, Oxford University/G.W. School of Law, Human Rights Summer Program (2008).
- *Founder & Co-Director*, The Institute for Redress and Recovery.
- *Herman Levy 1L Professor of the Year* recipient.
- *Program Director & Faculty*, Geneva/Strasbourg Program in International Human Rights (2005) & Human Rights in the Americas (San José, Costa Rica) (2006 & 2007).
- *Faculty Advisor*, International Law Students Association (ILSA), Journal of International Law & Middle Eastern Law Students Association.
- *Committee Service*, Academic Affairs, the Center for Global Law & Policy Advisory Group, Appointments, Faculty Affairs.

MORRISON & FOERSTER, Palo Alto, CA (1999-2003)

Litigation Associate. Engaged in litigation and arbitration in state, federal, and international fora involving intellectual property, international law, human rights, and commercial claims for relief. Litigated *Romagoza v. Garcia*, which resulted in a \$50 million plaintiffs' judgment under the Alien Tort Statute, and was on the criminal defense team for John Walker Lindh ("the American Taliban").

THE CENTER FOR JUSTICE & ACCOUNTABILITY, San Francisco, CA (1998-2001)

- *Acting Executive Director* (Nov. 2000-May 2001). Fulfilled CJA's mission; developed and implemented strategic planning; maintained overall responsibility for budget, staffing, program development and implementation; fostered institutional relationships; and provided leadership in the human rights movement on the local, national, and international levels.
- *Staff Attorney* (1998-1999). Conducted human rights litigation in U.S. courts and wrote briefs for human rights litigation in other fora.

OFFICE OF THE PROSECUTOR, INTERNATIONAL CRIMINAL TRIBUNALS FOR THE FORMER YUGOSLAVIA AND RWANDA, The Hague, The Netherlands (1997-1998)

Law Clerk. Assisted in the prosecution of individuals indicted for violations of international humanitarian law and international criminal law in the former Yugoslavia and Rwanda. Research and brief writing on issues of international criminal law and comparative criminal procedure.

SHELL CENTER FOR INTERNATIONAL HUMAN RIGHTS, New Haven, CT (1995-1997)

- *Student Director*. Coordinated human rights program at Yale University; liaised with international organizations; organized panel discussions; counseled students on careers; managed budget.
- *Teaching Assistant Lowenstein International Human Rights Clinic*. Supervised law students involved in human rights litigation in U.S. courts.

CAMBODIA GENOCIDE JUSTICE PROJECT, Phnom Penh, Cambodia (Summer 1995-present)

Instructor & Legal Advisor. With a U.S. Department of State-sponsored program, designed and implemented a course on international criminal law and procedure for human rights workers and government officials with a view toward accounting for the atrocities of the Khmer Rouge era.

SOUTH ASIA HUMAN RIGHTS DOCUMENTATION CENTRE, India (Summer 1995)

Legal Intern. Researched India's compliance with international refugee law with regard to refugees from Sri Lanka; evaluated camp conditions against international standards; reported to the U.N. High Commission on Refugees and the human rights and donor communities.

SELECT ACADEMIC PUBLICATIONS

Books & Book Chapters

- THE ESSENTIALS OF INTERNATIONAL CRIMINAL LAW (Aspen Press 2008) (with Ron Slye).
- Engendering Genocide: *Akayesu* and the Affirmation of Genocidal Rape, in HUMAN RIGHTS ADVOCACY STORIES (Foundation Press 2008) (chapter).
- INTERNATIONAL CRIMINAL LAW & ITS ENFORCEMENT (Foundation Press 2007) (with Ron Slye), reviewed at Robert Sloane, 6 J. OF INT'L CRIM. JUSTICE 399 (2008).
- Editor & Contributor, *Bringing the Khmer Rouge to Justice: Prosecuting Mass Violence before the Cambodian Courts* (Mellon Press 2005) (with Jaya Ramji-Nogales), reviewed at Margaret M. DeGuzman, 19 CRIM. L. FORUM 335 (2008).
- Primary Contributor and Editor, *The Statute of the International Criminal Court in Light of the Deliberations in Rome* (International Service for Human Rights, Geneva, Switzerland, 1999).

Selected Articles

- *Obstacles On The Road To Gender Justice: The International Criminal Tribunal for Rwanda As Object Lesson*, ___ AMERICAN UNIV. J. OF GENDER, SOCIAL POLICY & LAW ___ (forthcoming 2009).
- *Finding the Tort of Terrorism in International Criminal Law*, ___ UNIV. OF TEXAS, REVIEW OF LITIGATION ___ (forthcoming 2009).
- *Crimen Sine Lege: Judicial Lawmaking at the Intersection of Law & Morals*, 97 GEORGETOWN L. J. 119 (2008).
- *The Story Behind the Case that Launched a Legal Revolution*, 30 HUM. RTS. Q. 1042 (2008) (reviewing William J. Aceves, THE ANATOMY OF TORTURE: A DOCUMENTARY HISTORY OF FILÁRTIGA V. PEÑA-IRALA).
- *Justice Without Borders: Civil Universal Jurisdiction*, 2005 ASIL Proceedings 120.
- *Forward*, Symposium on International Law in United States Courts, 45 SANTA CLARA LAW REVIEW 807 (2005).
- *Darfur and the Rhetoric of Genocide*, 26 WHITTIER LAW REVIEW 1101 (2005).

- *With All Deliberate Speed: Civil Human Rights Litigation As a Tool for Social Change*, 57 VANDERBILT LAW REVIEW 2305 (2005).
- *Unfulfilled Promise: The Human Rights Class Action*, 2003 UNIV. OF CHICAGO LEGAL FORUM 279, excerpted in Steinhardt et al, INTERNATIONAL HUMAN RIGHTS LAWYERING: CASES & MATERIALS (2009).
- *Command Responsibility: An Anatomy of Proof in Romagoza v. Garcia*, 36 U.C. DAVIS L. REV. 1213 (2003).
- *In Defense of Civil Redress: The Enforcement of Human Rights Through Civil Litigation in the Context of the Proposed Hague Judgments Convention*, 42 HARV. INT'L L. J. 143 (2001), reviewed in FOREIGN POLICY (March/April 2002) at 87.
- *The Civil Enforcement of Human Rights Norms in Domestic Courts*, 6 ILSA J. INT'L & COMP. L. 295 (2000).
- *The Definition of Crimes Against Humanity: Resolving the Incoherence*, 37 COLUMBIA J. OF TRANSNAT'L L. 787 (1999).
- *The View from Beijing: The Establishment of the Permanent International Criminal Court in Light of the Experience of the Two Ad Hoc Tribunals*, 17 CHINESE Y.B. OF INT'L L. & AFFAIRS (1999).
- *The Definition of Genocide: Repairing the Genocide Convention's Blind Spot*, 7 YALE L. J. 2259 (1997).

SELECT CONFERENCES

- *The Principle of Legality in International Criminal Law*, The American Society of International Law Annual Proceedings (2009).
- *Global Social Justice Lawyering: Across Boundaries and Disciplines*, Stanford Law School (2009).
- *Developments Before The Extraordinary Chambers in the Courts of Cambodia*, Yale Law School.
- *Prosecuting Gender Violence*, American University School of Law.
- *Civil Claims for Terrorism*, University of Texas (Austin).
- *Dissecting the Military Commission Act*, World Affairs Council Annual Conference, Rethinking the "War on Terror": New Strategies in U.S. Foreign Policy.
- *Understanding the Khmer Rouge Tribunal*, Cambodian Community of Oregon.
- *Genocide Under International Law*, Stanford Law School.
- *Justice Without Borders: Civil Universal Jurisdiction*, The American Society of International Law Annual Proceedings (2005).
- *Torture in War*, World Affairs Council & Palo Alto Red Cross Foundation.
- *Genocide & The Sudan*, World Affairs Council.
- *Legal Forum on Class Action Lawsuits*, University of Chicago Law School.
- *Modern Issues in Alien Tort Claims Act Litigation*, Hastings Law School.
- *The Mechanics of the ICC*, Stanford Law School.

OTHER

- Blog, International Law Grrls: <http://intlwgrrls.blogspot.com/search/label/BVS>.
- Brief writing for human rights and international law cases proceeding in the U.S. Supreme Court and Circuit Courts, including *Al Odah v. United States* (U.S. SCt), *Presbyterian Church of Sudan v. Talisman Energy* (2d Cir.).
- *Conference Organizer, Panelist & Moderator*, International Law Weekend—West, hosted by the American Branch of the International Law Association, Pepperdine Law

School (2001), Loyola of Los Angeles Law School (2003), Whittier Law School (2005), & Santa Clara (2007).

- *Panelist & Organizer*, ICRC International Humanitarian Law Workshop (2007-2009).
- *Conference Organizer & Moderator*, Global Jurisprudence Colloquium for International Judges, co-sponsored with Stanford University School of Law.
- Talks at a number of law schools (including Berkeley Law, Yale Law School, American University, University of Texas) on works in progress in international criminal law, human rights, and civil procedure.
- *Delegation Head*, International Service for Human Rights, U.N. Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, Italy).
- *Rapporteur*, "The Establishment of a Permanent International Criminal Court in Light of the Experience of the Ad Hoc Tribunals for the former Yugoslavia and Rwanda," hosted by Beijing University Faculty of Law (Beijing, China).

SELECT AWARDS & FELLOWSHIPS

THE CENTER ON CRIME, COMMUNITIES & CULTURE, New York, NY (1997-1999)
Soros Justice Fellow. Examined the application of international criminal law precepts in national courts and through the emerging jurisprudence of the two international criminal tribunals. Researched the lessons to be learned for the International Criminal Court from the work of the two *ad hoc* tribunals.

HOWARD HOLTZMAN FELLOW, Asmara, Eritrea (Summer 1997)
Independent Research. Researched legal reform issues and the establishment of the rule of law in Eritrea in light of the arbitration between Eritrea and Yemen concerning contested Red Sea islands.

KHOSLA MEMORIAL PRIZE (1997)
Awarded by the Yale Law School faculty to the "law student who most demonstrated active engagement in advancing the values of human dignity in the international arena."

RAPHAEL LEMKIN PRIZE (1997)
Awarded by the Yale Law School faculty for "the best paper in the field of International Human Rights."

ROTARY AMBASSADORIAL SCHOLARSHIP PROGRAM, Nairobi, Kenya (1993)
Ambassadorial Scholar. Researched gender, reproductive rights and development issues.

LANGUAGES

Conversational French & Spanish.