

SAIRA MOHAMED

University of California, Berkeley, School of Law
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ACADEMIC APPOINTMENTS

University of California, Berkeley, School of Law, Berkeley, CA

Professor of Law (tenured)

July 2017–present

Assistant Professor of Law

July 2010–June 2017

Courses: Criminal Law, International Law, International Criminal Law, International Human Rights, Colloquium in International Law, Colloquium in International Human Rights, *California Law Review* Writing Workshop

Honors: Women of Berkeley Law Professor of the Year Award (2018); Elected Member, American Law Institute (2017); Junior Faculty Forum in International Law (2016) (declined; unable to travel); Hellman Fellows Fund Research Award (2015); Association of American Law Schools Criminal Justice Section Junior Scholars Paper Competition Award (2014); U.C. Berkeley Robert O. Collins Prize for junior faculty research in African studies (2014); Assistant Professor Fellowship, U.C. Berkeley Doreen B. Townsend Center for the Humanities (2013–2014); U.C. Berkeley Regents' Junior Faculty Fellowship (2012); U.C. Berkeley Institute of International Studies Junior Faculty Fellowship (2011, 2012)

Columbia Law School, New York, NY

James Milligan Fellow

Jan. 2009–June 2010

EDUCATION

Columbia University School of Law, Juris Doctor, May 2005

Executive Articles Editor, *Columbia Law Review*; David Berger Memorial Prize for excellence in international law; James Kent Scholar; Parker School Certificate for achievement in international and comparative law; Harlan Fiske Stone Scholar; Research Assistant to Professor José Alvarez; Teaching Fellow, Professor Jeffrey Gordon's Foundations of the Regulatory State; Columbia University Human Rights, Human Security, and Human Development Essay Prize; Charles H. Revson Law Student Public Interest Fellowship

Columbia University School of International and Public Affairs, Master of International Affairs, May 2005

Associate Editor, *Journal of International Affairs*; Harold W. Rosenthal Fellowship in International Relations

Yale University, Bachelor of Arts, cum laude, History and International Studies, May 2000

Distinction in both majors; Andrew D. White Prize for best undergraduate essay in European history; Morse College Fellows' Award for contributions to the life of the College

PUBLICATIONS AND WORKS IN PROGRESS

ARTICLES

Leadership Crimes, 105 CALIF. L. REV. 777 (2017)

Selected for 2016 Junior Faculty Forum in International Law, New York University School of Law

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, 124 YALE L.J. 1628 (2015)

Winner, 2014 Junior Scholars Paper Competition Award, Association of American Law Schools Section on Criminal Justice

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, 115 COLUM. L. REV. 1157 (2015)

Shame in the Security Council, 90 WASH. U. L. REV. 1191 (2013)

Restructuring the Debate on Unauthorized Humanitarian Intervention, 88 N.C. L. REV. 1275 (2010)

A Neglected Option: The Contributions of State Responsibility for Genocide to Transitional Justice, 80 U. COLO. L. REV. 327 (2009)

INVITED SYMPOSIUM ESSAYS AND BOOK CHAPTERS

Contestation and Inevitability in the Crimes of the International Criminal Court, in ELGAR COMPANION TO THE INTERNATIONAL CRIMINAL COURT (Margaret M. deGuzman & Valerie Oosterveld eds.) (Edward Elgar Publishing, forthcoming)

The Contours and Controversies of Perpetrator Trauma, in THE ROUTLEDGE HANDBOOK OF PERPETRATOR STUDIES (Zachary Goldberg & Susanne Knittel eds., forthcoming 2019)

From Machinery to Motivation: The Lost Legacy of Criminal Organizations Liability, in OXFORD HANDBOOK OF INTERNATIONAL CRIMINAL LAW (Kevin Jon Heller, Sarah Nouwen, Frédéric Mégret, Jens David Ohlin, & Darryl Robinson eds.) (Oxford Univ. Press, forthcoming)

Walking Away: Lessons from Omelas, in FATAL FICTIONS: CRIME AND INVESTIGATION IN LAW AND LITERATURE (Alison L. LaCroix, Richard H. McAdams, & Martha C. Nussbaum eds., 2016) (with Melissa Murray)

Atrocity Prevention in the Responsibility to Protect, in WAR, OCCUPATION, AND REFUGEES (Richard Falk & Tom Syring eds., Routledge) (forthcoming)

Omissions, Acts, and the Security Council's (In)Actions in Syria, 31 B.U. INT'L L.J. 413 (2013)

Taking Stock of the Responsibility to Protect, 48 STAN. J. INT'L L. 63 (2012)

WORKS IN PROGRESS

The Law and Culture of Disobeying Illegal Orders

EDITED VOLUME

ARTHUR RIPSTEIN, RULES FOR WRONGDOERS, COMBATANTS AND CIVILIANS (Oxford Univ. Press, forthcoming 2020)

SHORT COMMENTARIES, RECORDED REMARKS, AND REVIEWS

Legitimacy in International Law and Institutions: A Comment on Carrying Forward the Work of David D. Caron, 37 BERK. J. INT'L L. (forthcoming 2019)

Essential Surgery as a Component of the Right to Health: A Call to Action, 40 HUM. RTS. Q. 641 (2018) (with Lauren Eyler, Isabelle Feldhaus, Rochelle Dicker, and Catherine Juillard)

What International Law Values: An Introduction, 111 AM. SOC. INT'L L. PROC. 1 (2017) (with Aloysius Llamzon & Julie Maupin)

The Death Penalty in the United States and the Force of Regional Human Rights Law, VERDICT (May 14, 2014), <http://verdict.justia.com/2014/05/14/death-penalty-united-states-force-regional-human-rights-law>

What Does Opposition to War in Syria Tell Us About the State of International Law?, VERDICT (Sept. 16, 2013), <http://verdict.justia.com/2013/09/16/what-does-opposition-to-war-in-syria-tell-us-about-the-state-of-international-law>

Syria, the United Nations, and the Responsibility to Protect, 106 AM. SOC. INT'L L. PROC. 223 (2012)

The Activities of the U.N. Security Council in Syria, AM. SOC. INT'L L. INSIGHTS (MAR. 26, 2012), <http://www.asil.org/insights120326.cfm>

Palestine's Bid, INTLAWGRRLS (Sept. 23, 2011), <http://www.intlawgrrls.com/2011/09/palestines-bid.html>

"Fact-Finding Without Facts": A Conversation with Nancy Combs, Remarks by Saira Mohamed, 105 AM. SOC. INT'L L. PROC. 321 (2011)

Introductory Note, *U.N. Security Council Resolution 1975*, 50 INT'L LEGAL MATERIALS 503 (2011)

The ICC Appeals Chamber Decision on the Warrant of Arrest in Prosecutor v. Bashir, AM. SOC. INT'L L. INSIGHTS, Feb. 17, 2010, <http://www.asil.org/insights100217.cfm>

Instrumentalizing International Justice: Don't Halt the Bashir Case, JURIST, Mar. 30, 2009, <http://jurist.law.pitt.edu/forumy/2009/03/instrumentalizing-international-justice.php>

Introductory Note, *Declaration on the Rights of Indigenous Peoples and Cal v. Att'y Gen. (Belize 2007)*, 46 INT'L LEGAL MATERIALS 1008 (2007)

Introductory Note, *El-Masri v. United States*, 479 F.3d 296 (4th Cir. 2007), 46 INT'L LEGAL MATERIALS 626 (2007)

Note, *From Keeping Peace to Building Peace: A Proposal for a Revitalized United Nations Trusteeship Council*, 105 COLUM. L. REV. 809 (2005)

winner of Columbia University Human Rights, Human Security, and Human Development Essay Prize

Book Review, *WORLD AFF.*, July–Sept. 2001, at 131 (reviewing RICHARD J. GOLDSTONE, *FOR HUMANITY: REFLECTIONS OF A WAR CRIMES INVESTIGATOR* (2000))

Book Review, *WORLD AFF.*, Oct.–Dec. 2000, at 125 (reviewing ELAZAR BARKAN, *THE GUILT OF NATIONS: RESTITUTION AND NEGOTIATING HISTORICAL INJUSTICES* (2000))

Book Review, *WORLD AFF.*, July–Sept. 2000, at 120 (reviewing STEPHANIE GUTMANN, *THE KINDER, GENTLER MILITARY: CAN AMERICA'S GENDER-NEUTRAL FIGHTING FORCE STILL WIN WARS?* (2000))

SELECTED PRESENTATIONS

Criminal Law as a Human Right?, Faculty Workshop, University of Washington School of Law (Apr. 2019)

Moderator, *Emerging Accountability Mechanisms: Innovative or Ineffective?*, Annual Meeting, American Society of International Law (Mar. 2019)

Criminal Law as a Human Right?, International Law Colloquium, Temple University School of Law (Mar. 2019)

Criminal Law as a Human Right?, Kadish Workshop in Law, Philosophy, and Political Theory, UC Berkeley School of Law (Feb. 2019)

Criminal Law as a Human Right?, Faculty Workshop, University of Illinois School of Law (Dec. 2018)

Criminal Law as a Human Right?, American Society of International Law Research Forum, UCLA Law School (Nov. 2018)

Discussant, At Risk Populations, American Society of International Law Research Forum, UCLA Law School (Nov. 2018)

Criminal Law as a Human Right?, Faculty Workshop, Washington & Lee University School of Law (Oct. 2018)

Commentator, *The Jurisprudence of Blood: How Law Thinks About Violence*, by David Sklansky, Kadish Lecture, UC Berkeley School of Law (Apr. 2018)

Leadership Crimes, International Law Colloquium, University of Georgia School of Law (Apr. 2017)

Leadership Crimes, Legal Philosophy between State and Transnationalism Seminar, Osgoode Hall Law School (Mar. 2017)

Commentator, *Assessing the International Criminal Court*, by Jane E. Stromseth, *Interdisciplinary Perspectives on International Criminal Law*, Stanford Law School (Nov. 2016)

Leadership Crimes, Annual Meeting, Conference of Asian-Pacific Law Faculty, UC Davis School of Law (Apr. 2016)

Panelist, *Emerging Scholars Plenary*, Conference of Asian-Pacific Law Faculty, UC Davis School of Law (Apr. 2016)

Leadership Crimes, Colloquium in International Law and Politics, UC Berkeley School of Law (Mar. 2016)

Leadership Crimes, Faculty Workshop, Stanford Law School (Mar. 2016)

Leadership Crimes, American Society of International Law Research Forum (Oct. 2015)

Leadership Crimes, Faculty Workshop, Brooklyn Law School (Sept. 2015)

Leadership Crimes, Northern California International Law Scholars Annual Meeting, UC Davis School of Law (Aug. 2015)

Leadership Crimes, Junior Working Ideas Group, Berkeley Law (July 2015)

Leadership Crimes, Criminal Justice Ethics Conference, Fordham Law School (June 2015)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, Soul Wounds Colloquium, Stanford University (June 2015)

Leadership Crimes, Annual Meeting, Law and Society Association (May 2015)

Leadership Crimes, International Law Workshop, William & Mary Law School (May 2015)

Leadership Crimes, Robert O. Collins Conference, Institute of International Studies, UC Berkeley (May 2015)

Leadership Crimes, Wrongs Across Borders Conference, University of Minnesota Law School (Mar. 2015)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, International Law Workshop, Michigan Law School (Jan. 2015)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, American Society of International Law Research Forum, Northwestern Law School (Nov. 2014)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, Faculty Workshop, University of San Francisco School of Law (Oct. 2014)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Contemporary Legal Scholarship Reading Group, Yale Law School (Sept. 2014)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, Faculty Retreat, UC Berkeley School of Law (Aug. 2014)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, Junior Working Ideas Group, UC Berkeley School of Law (July 2014)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, International Criminal Law Workshop, University of British Columbia School of Law (May 2014)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Annual Meeting, American Society of International Law (Apr. 2014)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Faculty Colloquium, Vanderbilt Law School (Mar. 2014)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Legal Scholarship 4.0 Conference, Northeastern School of Law (Mar. 2014)

Of Monsters and Men: Perpetrator Trauma and Mass Atrocity, Fellows Workshop, Doreen B. Townsend Center for the Humanities, UC Berkeley (Feb. 2014)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, International Law Colloquium, Arizona State University Sandra Day O'Connor College of Law (Feb. 2014)

Syria and the Future of Humanitarian Intervention, International Committee of the Red Cross International Humanitarian Law Workshop, Arizona State University Sandra Day O'Connor College of Law (Feb. 2014)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Annual Meeting, Junior International Law Scholars Association, UC Berkeley School of Law (Jan. 2014)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Criminal Justice Colloquium, SMU Dedman School of Law (Jan. 2014)

Commentator, *The Moral and Political Viability of Retributivism*, by Leora Katz, Symposium on Moral and Political Perspectives on Punishment, Kadish Center for Morality, Law and Public Affairs, UC Berkeley School of Law (Oct. 2013)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Faculty Colloquium, UC Davis School of Law (Sept. 2013)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Mid-Year Meeting on Criminal Justice, Association of American Law Schools (June 2013)

Commentator, *Treaty Options: Towards a Behavioral Understanding of Treaty Design*, by Jean Galbraith, International Legal Studies Roundtable, Vanderbilt Law School (Sept. 2012)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Faculty Retreat, UC Berkeley School of Law (Aug. 2012)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Annual Meeting, Law and Society Association (June 2012)

The Responsibility to Protect and the War in Afghanistan, Center on Law, Ethics, and National Security Annual Conference on After Afghanistan: Where to from Here?, Duke Law School (Apr. 2012)

Shame in the Security Council, Center for the Study of Law and Society, UC Berkeley School of Law (Apr. 2012)

Shame in the Security Council, Faculty Workshop, UC Irvine School of Law (Apr. 2012)

Adjudicating Deviance in International Criminal Law, Junior Faculty Fellows Workshop, Institute of International Studies, UC Berkeley (Apr. 2012)

Syria and the Responsibility to Protect, Annual Meeting, American Society of International Law (Mar. 2012)

Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, Junior Working Ideas Group, UC Berkeley School of Law (Mar. 2012)

Taking Stock of the Responsibility to Protect, *Stanford Journal of International Law* Symposium on The Right to Democracy in the Context of the Arab Spring, Stanford Law School (Jan. 2012)

Shame in the Security Council, International Law and Theory Roundtable, Washington University School of Law (Nov. 2011)

Shame in the Security Council, American Society of International Law Research Forum, UCLA School of Law (Nov. 2011)

Shame in the Security Council, Annual Meeting, Northern California International Law Scholars, Pacific McGeorge School of Law (Sept. 2011)

Adjudicating Deviance in International Criminal Law, Symposium on Affective States in International Criminal Law, Melbourne Law School (July 2011)

Shame in the Security Council, Junior Working Ideas Group, UC Berkeley School of Law (June 2011)

Missteps and Advances in the Law of Sexual Violence at the International Criminal Court, Workshop on Women Rethinking Equality, Association of American Law Schools (June 2011)

Panelist, Transparency and Accountability vs. Diplomacy and Deliberation, Conference on National Security and Free Speech: From Wikileaks to The Pentagon Papers, UC Berkeley (Apr. 2011)

Humanitarian Intervention and the Future of the Responsibility to Protect, Global Initiatives Program, Polytechnic School, Pasadena, CA (Apr. 2011)

The Shaming Power of the Veto, Junior Faculty Fellows Workshop, Institute of International Studies, UC Berkeley (Mar. 2011)

Commentator, *Fact-Finding Without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions*, by Nancy Amoury Combs, Annual Meeting, American Society of International Law (Mar. 2011)

Commentator, *What Crimes and Defendants Should the International Criminal Court Prosecute? Toward an Expressive Theory of Selection Decisions*, by Margaret deGuzman, Annual Meeting, Junior International Law Scholars Association, Yale Law School (Feb. 2011)

Commentator, *Jihad Re-examined: Islamic Law and International Law*, by Manisuli Ssenyonjo, Symposium on Religion and International Law, Santa Clara Law School (Feb. 2011)

Discussant, *States' Crime and Punishment*, by Gabriella Blum, Colloquium on International Law and Politics, UC Berkeley (Feb. 2011)

Commentator, *Negotiating at the Interface of Power & Law: The Crime of Aggression*, by Beth Van Schaack, Annual Meeting, Northern California International Law Scholars, UC Hastings College of the Law (Sept. 2010)

Darfur and the International Criminal Court, International Human Rights Program, UCLA School of Law (Aug. 2008)

State Responsibility, Accountability, and Truth-Telling, Symposium on the Sixtieth Anniversary of the Genocide Convention, Chapman University School of Law (Mar. 2008)

The Compatibility of State Responsibility for Genocide with the Methods and Goals of Transitional Justice, Annual Meeting, Association of American Law Schools (Jan. 2008)

SELECTED LAW SCHOOL AND UNIVERSITY SERVICE

LAW SCHOOL

Faculty Appointments Committee

Chair (July 2017–June 2018)

Member (spring 2019; 2016–2017; 2014–2015)

Ad hoc member, entry-levels (fall 2018, fall 2015)

East Bay Community Law Center, Interim Faculty Director (Jan. 2017–present)

California Law Review, Faculty Advisor (Apr. 2011–present)

International Law Reading Group (summer 2015)

Junior Faculty Working Group, Co-coordinator (2014–2015)

Muslim Students Association, Faculty Advisor (2010–2015, 2016–present)

South Asian Law Students Association, Faculty Advisor (2010–present)

Faculty Retreat Planning Committee (2014)

California Law Review Bar Grants Selection Committee (2014, 2015, 2017, 2018, 2019)

Academic Placement Committee

Chair (2013–2014)

Member (2010–2013)

Leadership Conference Student Organizing Group, Faculty Advisor (2013–2014)

Strategic Planning Committee (2013–2014)

Thelen Marrin Prize Selection Committee (2012, 2014)

Boalt Hall Fellowship for Human Rights Fellowship Selection Committee (2011, 2012)

Criminal Law Reading Group (summer 2011)

International Human Rights Law Clinic, Clinical Instructor Hiring Committee (fall 2010)

UNIVERSITY

Ph.D. Committees:

Alexander Stephenson, Political Science (prospectus and dissertation committees) (May 2019–present)

Adam Lichtenheld, Political Science (prospectus and dissertation committees) (Oct. 2014–present)

Fiona Shen-Bayh, Political Science (prospectus and dissertation committees) (completed May 2018)

Peggy O'Donnell, History (dissertation committee) (completed May 2016)

Lynsay Skiba, History (dissertation committee) (completed May 2015)

Undergraduate Thesis Advisor:

Emma Ireland, Legal Studies Major, Honors Thesis (completed May 2016)

Dalia Albassam, Interdisciplinary Studies Field Major (completed May 2015)

Human Rights Program and Interdisciplinary Minor, Faculty Advisory Board (July 2014–Sept. 2016)

Interdisciplinary Studies Field Major, Faculty Advisory Board (July 2014–June 2016)

UC Berkeley Regents' and Chancellor's Scholars Program, Faculty Mentor (2012–2013, 2014–2015) and Faculty Interviewer (2012, 2014–2016)

SELECTED PROFESSIONAL SERVICE

Strategic Initiatives Committee, American Society of International Law (June 2017–present)

Board of Directors, East Bay Community Law Center (Mar. 2015–present)

Executive Council, American Society of International Law (Apr. 2016–April 2019)

American Society of International Law Annual Meeting Program Committee

Co-chair (Apr. 2016–Apr. 2017)

Member (June 2014–April 2015)

Human Rights Interest Group, American Society of International Law, Co-chair (Mar. 2012–Mar. 2015)

Book Awards Committee, American Society of International Law (2013–2014)

Women in International Law Mentoring Program, American Society of International Law, Mentor (2013–2014)

Helton Fellowship Selection Committee, American Society of International Law (2013, 2014, 2015)

Junior International Law Scholars Association, Co-chair (2011–2013)

OTHER PROFESSIONAL EXPERIENCE

United States Department of State, Washington, DC

Senior Adviser to the Special Envoy for Sudan

Mar. 2008–Dec. 2008

Counseled Special Envoy on U.S. policy toward Sudan on issues including: negotiations with the Government of Sudan; the work of the International Criminal Court on Darfur; sanctions; establishment of local government in Southern Sudan; development of a legislative framework for elections; conflict prevention and response; and transparency and sub-national revenue sharing in the oil sector. Participated in negotiations with the Government of Sudan and advised members of Government of Southern Sudan.

United States Department of State, Washington, DC

Attorney-Adviser for Human Rights and Refugees, Office of the Legal Adviser

Nov. 2006–Mar. 2008

Counseled policymakers on: human rights litigation in U.S. courts; international law and litigation concerning genocide; refugee status determinations and admissions; multilateral initiatives on women's rights; and U.S. government intervention in asylum cases. Served as legal adviser to U.S. delegations to meetings of the Organization for Security and Cooperation in Europe on topics including hate speech and freedom of association and assembly. Negotiated resolutions on behalf of the United States in the United Nations General Assembly. Received State Department Superior Honor Award (group) for participation in drafting of General Assembly resolution condemning the use of rape as an instrument to achieve political objectives.

United States Court of Appeals for the Ninth Circuit, Pasadena, CA

Law Clerk to the Honorable Kim McLane Wardlaw

Aug. 2005–Aug. 2006

PROFESSIONAL AFFILIATIONS

Elected Member, American Law Institute (Oct. 2017–present)

Term Member, Council on Foreign Relations (June 2014–present)

State Bar of California (admitted Nov. 2006)

American Society of International Law (2006–present)