

## **Steven Arrigg Koh**

*Associate Professor of Law and R. Gordon Butler Scholar in International Law*

Boston University School of Law  
765 Commonwealth Ave. | Boston, MA 02215

### **ACADEMIC APPOINTMENTS**

**YALE LAW SCHOOL**, New Haven, CT

*Senior Research Scholar*, 2023–Present

**YALE DEPARTMENT OF SOCIOLOGY**, New Haven, CT

*Visiting Fellow*, Center for Cultural Sociology, 2023–Present

**BOSTON UNIVERSITY SCHOOL OF LAW**, Boston, MA

*Associate Professor of Law and R. Gordon Butler Scholar in International Law*, 2022–Present

- Teaching 1L Criminal Law; International Law.

**BOSTON COLLEGE LAW SCHOOL**, Newton Centre, MA

*Marianne D. Short and Ray Skovnyra Sesquicentennial Assistant Professor of Law*, 2019–2022

- Taught 1L Criminal Law; Criminal Procedure (Investigations); and Law, Justice, and Culture Seminar.
- Innovation in Pedagogy Award

**COLUMBIA LAW SCHOOL**, New York, NY

*Associate in Law*, 2017–2019

- Taught Legal Research and Writing.

**GEORGETOWN LAW CENTER**, Washington, D.C.

*Adjunct Professor of Law*, 2015–2017

- Taught International and Transnational Criminal Law.

### **EDUCATION**

**CORNELL LAW SCHOOL**, Ithaca, NY

J.D., 2008

Honors: *Cornell Law Review*, Senior Article Editor (Committee Chair)  
Dean's List

CALI Excellence for the Future Award

Activities: Jessup International Moot Court Competition  
Asian Pacific American Law Students Association

**UNIVERSITY OF CAMBRIDGE**, Cambridge, England

M.Phil., Social and Developmental Psychology, 2005

**HARVARD COLLEGE**, Cambridge, MA

A.B., Psychology, *cum laude*, 2004

## ARTICLES, ESSAYS, AND BOOK CHAPTERS

*Deep Cosmology and Law* (in progress) (with Philip Smith)

*Russian Aggression, American Law* (in progress)

*Higher Values for Criminal Law* (in progress)

Essay, *Teaching “Is This Case Rightly Decided?”*, 108 MINN. L. REV. HEADNOTES \_\_ (forthcoming 2024).

*How Do Prosecutors “Send a Message”?*, 57 U.C. DAVIS L. REV. \_\_ (forthcoming 2023).

*Prosecution and Polarization*, 50 FORDHAM URB. L.J. \_\_ (2023) (invited symposium contribution) (forthcoming 2023).

*Policing & The Problem of Physical Restraint*, 64 B.C. L. REV. 309 (2023). This article describes the “problem of physical restraint,” or the situation wherein police use their own body (hands, body weight, etc.) to forcibly control a civilian’s movement. It argues that judges, policymakers, and police departments alike have overlooked such physical restraint due to legal under specification, the political economy of policing, and cultural-historical contingency rooted in anti-Asian attitudes. This article also considers the trend of police department hand-to-hand training to redress this body mechanics gap.

*“Cancel Culture” and Criminal Justice*, 74 HASTINGS L.J. 79 (2022). This article explores “cancel culture” and criminal justice as interrelated normative systems in contemporary American society. It argues that cancel culture may rectify deficiencies of over- and under-enforcement in U.S. criminal justice. However, it also shows that cancel culture’s structure—including imprecise factfinding, disproportionate sanctions leading to collateral consequences, and a “thin” conception of the wrongdoer as beyond rehabilitation—reflect deeper, problematic U.S. punitive impulses that characterize our era of mass incarceration.

*Othering Across Borders*, 70 DUKE L.J. ONLINE 171 (2021) (contribution to *Reckoning & Reformation: Reflections and Legal Responses to Racial Subordination and Structural Marginalization* symposium). This symposium contribution examines the role of racial subordination and structural inequality in U.S. policies relating to transnational and international criminal justice. It exposes a phenomenon called “othering across borders,” in which race incentivizes political and prosecutorial actors to promote domestic solidarity through prosecution of foreign defendants and sanctions on non-white International Criminal Court actors.

*The Criminalization of Foreign Relations*, 90 FORDHAM L. REV. 737 (2021). This article argues that the pernicious forces of U.S. overcriminalization may also drive criminalization of U.S. foreign relations. This article argues for a principled place for criminal justice in foreign relations and suggests reforms to preserve Department of Justice autonomy and pare back extraterritorial criminal legislation. Presented at the 2020 Culp Colloquium, 2020 Southeastern Association of Law Schools Annual Conference, and 2020 Research Forum of the American Society of International Law (blind selected from national call). Featured on *Just Security* and [Jotwell](#) law blogs.

*Core Criminal Procedure*, 105 MINN. L. REV. 251 (2020). This article argues that the U.S. government should uphold a “core criminal procedure” when engaging in law enforcement cooperation with foreign criminal justice systems. To support this argument, this article draws on constitutional, human rights, comparative, and global justice theory. This article also considers how core criminal procedure may inform U.S. engagement with international criminal tribunals and mechanisms. Blind selected from national call for presentation at the 2019 Research Forum of the American Society of International Law and 2020 Michigan Law Junior Scholars Conference. Recommended on [Legal Theory Blog](#).

*Foreign Affairs Prosecutions*, 94 N.Y.U. L. REV. 340 (2019). This article argues that U.S. criminal prosecutions involving foreign countries promote accountability for cross-border, cyber, and international crime. However, such foreign affairs prosecutions may negatively impact defendant rights and may also adversely impact U.S. foreign policy. Prescriptively, the paper calls for greater Congressional engagement and judicial oversight to mitigate such risks. Blind selected from national call for presentation at the 2017 Research Forum of the American Society of International Law.

*Marbury Moments*, 54 COLUM. J. TRANSNAT'L L. 116 (2015). This article shows that many courts have a moment similar to *Marbury v. Madison*, i.e., a ruling in its early history on the nature of its own authority or an axiomatic principle of law that engenders controversy but that judicial and political actors ultimately accept. It reviews *Marbury* moments in domestic, regional, and international courts. Blind selected from national call for presentation at the 2014 Research Forum of the American Society of International Law.

*Geography and Justice: Why Prison Location Matters in U.S. and International Theories of Criminal Punishment*, 47 VAND. J. TRANSNAT'L L. 1267 (2013). This article argues that prison location can materially advance core rationales of criminal punishment such as retribution, deterrence, and rehabilitation. It compares the U.S. and international procedures for designating the prison facility where a recently-convicted individual will serve his or her sentence.

*The Emerging Enforcement Practice of the International Criminal Court*, 45 CORNELL J. INT'L L. 1 (2012) (with Hiram Abtahi). This article focuses on the International Criminal Court's (ICC) enforcement practice, with particular emphasis on the enforcement of sentences. It discusses the ICC Presidency's approach to concluding bilateral enforcement agreements with states party to the Rome Statute. It also considers issues such as designation of States of enforcement; supervision of sentences; and the enforcement of fines, forfeitures, and reparation orders.

*Enhancing Enforcement of Economic, Social and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR*, 32 HUM. RTS. Q. 253 (2010) (with Sital Kalantry and Jocelyn E. Getgen). This article proposes a new methodology to determine whether countries have fulfilled their obligation to provide citizens with economic, social, and cultural rights. It focuses specifically on the right to education and employs progress indicators to measure States' progressive realization of their human rights obligations.

*A New Perspective on HIV/AIDS, Identity, and Human Rights, in* SYMBOLIC TRANSFORMATION: THE MIND IN MOVEMENT THROUGH CULTURE AND SOCIETY 284 (2010). This chapter proposes a novel, cross-cultural model of HIV/AIDS coping that can inform health-related human rights discourse. This new model draws from European work in social psychology and philosophy.

*United States Administrative Protective Order Law and Sanctions: Accessing Information Through Agencies*, 2 GLOBAL TRADE & CUSTOMS J. 369 (2007) (with Gary Horlick). This article compares U.S. and European Union international trade law in the antidumping context. Specifically, it focuses on the procedure by which U.S. and European agencies issue administrative orders that protect confidential business information.

Note, "*Respectful Consideration*" *After* Sanchez-Llamas v. Oregon: *Why The Supreme Court Owes More to the International Court of Justice*, Note, 93 CORNELL L. REV. 243 (2007). This Note discusses the role of foreign judgments in U.S. jurisprudence. Specifically, it argues that the Supreme Court should have given more consideration to the International Court of Justice's interpretation of the Vienna Convention on Consular Relations.

## **BLOGS, MEDIA, AND OTHER WRITINGS**

*Introductory Note to Prosecutor v. Ratko Mladić (U.N. Int'l Residual Mechanism Crim. Tribunals App. Chamber)*, 61 I.L.M. 207 (2022).

*Reconciling Art and Law: Poetic Pursuits vs. Prosaic Profession*, BOSTON COLLEGE LAW SCHOOL MAGAZINE (2022).

*What Role Should Criminal Justice Play in Foreign Relations?*, LAWFARE, Jan. 28, 2022.

*The Huawei DPA: A Prologue to the Global Arrest Game?*, JUST SECURITY, Oct. 8, 2021.

*The Mladić Appeal Judgment and the Enduring Legacy of the Hague Tribunals*, JUST SECURITY, June 28, 2021.

*Criminalizing Foreign Relations: How the Biden Administration Can Prevent a Global Arrest Game*, JUST SECURITY, Dec. 18, 2020.

*Our Vulnerabilities Exposed: Covid-19 Shows Weaknesses in Criminal and International Law*, BOSTON COLLEGE LAW SCHOOL MAGAZINE, July 16, 2020.

*Julian Assange and Omar al-Bashir: What Comes Next for Two Global Fugitives?*, JUST SECURITY, Apr. 12, 2019.

*Huawei Arrest: How It Likely Happened and What Comes Next*, JUST SECURITY, Dec. 10, 2018.

*The Trump-Bolton Misdirection on Russian Extradition: Plenty of Legal Options Exist to Gain Custody of Russian Suspects*, JUST SECURITY, July 16, 2018.

*Presence and Politics at the International Criminal Court*, ASIL INSIGHTS, June 1, 2015.

*4 Things You Should Know About the Hague*, HUFFINGTON POST, Aug. 28, 2014.

*Introductory Note to Prosecutor v. Germain Katanga: Judgment on the Appeal Against the Decision of Trial Chamber II of 21 November 2012*, 52 I.L.M. 873 (2013).

## **PROFESSIONAL EXPERIENCE**

**OFFICE OF INTERNATIONAL AFFAIRS, U.S. DEPARTMENT OF JUSTICE**, Washington, D.C.  
*Trial Attorney*, 2014–2017

- Advised U.S. federal and state prosecutors on international, criminal, and constitutional legal issues arising from U.S. criminal cases with transnational aspects.
- Litigated transnational criminal cases arising in the First, Third, Fourth, Sixth, Seventh, Eighth, Tenth and District of Columbia Circuits.
- Participated in multilateral meetings of the Organization of American States in Colombia with Attorney General Loretta Lynch and in Peru with Deputy Attorney General Sally Yates.

**CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE**, Washington, D.C.  
*Counsel to the Deputy Assistant Attorney General and Counselor for International Affairs*, 2016

- Assisted in negotiating a bilateral law enforcement treaty, drafted amendments to Title 18 of the U.S. code, and helped prepare the Attorney General for meetings with foreign counterparts.
- Focused on complex bilateral and multilateral issues arising from three Criminal Division offices: the Office of International Affairs; the Office of Overseas Prosecutorial Development, Assistance, and Training; and the International Criminal Investigative Training Assistance Program.

**AMERICAN SOCIETY OF INTERNATIONAL LAW**, Washington, D.C.

*Senior Fellow and Interim Attorney-Editor / International Law Fellow*, 2013–2014

- Served as managing editor of *International Legal Materials*, *ASIL Insights*, and *International Law in Brief*.
- Worked with the Society’s Judicial Advisory Board, which is chaired by U.S. Supreme Court Justice Ruth Bader Ginsburg and consists of judges from each of the U.S. Circuit Courts of Appeal.

**UNITED NATIONS INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA**, The Hague, Netherlands

*Associate Legal Officer*, 2011–2013

- Worked in Trial Chamber III on the *Prosecutor v. Radovan Karadžić* case.
- Helped draft decisions, orders, legal memoranda, and portions of the final judgment.

**INTERNATIONAL CRIMINAL COURT**, The Hague, Netherlands

*Visiting Professional / Legal Assistant to the Legal Adviser to the ICC Presidency*, 2010–2011

- Assisted the Legal Adviser on diverse criminal and public international legal matters, including enforcement of sentences, detention, and genocide.
- Negotiated bilateral enforcement agreements with States Parties on the basis of enforcement provisions in the Rome Statute, Rules of Procedure and Evidence, and Regulations of the Court.

**UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**, Houston, TX and New Orleans, LA

*Law Clerk to the Honorable Carolyn Dineen King*, 2008–2009

- Drafted legal opinions and orders, wrote bench memos, and researched legal issues relevant to federal appellate cases before Judge King.
- Worked on a wide variety of legal matters, including criminal law, constitutional law, and immigration law.

**INTERNATIONAL HUMAN RIGHTS CLINIC, CORNELL LAW SCHOOL**, Ithaca, NY

*Student Advocate*, 2007–2008

- Prepared a brief on the right to education for the Robert F. Kennedy Memorial Center for Human Rights that was presented to the Inter-American Commission on Human Rights in Washington, D.C.
- Served as a member of a delegation, sponsored by Senator Edward M. Kennedy of the United States and Senator Alexander Lopez Maya of Colombia, that traveled to Colombia to meet with judges, lawyers, and human rights advocates.

**WILMERHALE LLP**, Washington, D.C. and Boston, MA

*Summer Associate*, 2007

- Worked in public policy litigation, international trade, and general corporate law.

**SELECTED PRESENTATIONS**

**NEW YORK LAW SCHOOL** (Oct. 16, 2023), New York, NY, “Teaching ‘Is This Case Rightly Decided?’”

**CRIMFEST** (July 17, 2023), New York, NY, “Disaggregating ‘Is This Case Rightly Decided?’”

**CULP COLLOQUIUM** (May 15, 2023), Durham, NC, “Prosecutorial Messaging”

**HARVARD LAW SCHOOL CRIMINAL JUSTICE ROUNDTABLE** (Apr. 28, 2023), Cambridge, MA, “Prosecutorial Messaging”

**VIRGINIA-CHICAGO FOREIGN RELATIONS LAW ROUNDTABLE** (Apr. 21, 2023), Charlottesville, VA, “Criminal Law and International Conflict”

***PACE INTERNATIONAL LAW REVIEW* SYMPOSIUM: “21ST CENTURY CONFLICT: INTERNATIONAL LAW AND THE WAR IN UKRAINE”** (Apr. 14, 2023), White Plains, NY, “Beyond ICC Arrest Warrants: America & Transnational Accountability for War Crimes in Ukraine”

***FORDHAM URBAN LAW JOURNAL* SYMPOSIUM: “THE FUTURE OF PROSECUTION”** (Mar. 3, 2023), New York, NY, “Prosecution and Polarization”

**JUNIOR INTERNATIONAL LAW SCHOLARS ASSOCIATION** (Jan. 13, 2023), Boston, MA, “International Law in the Twenty-First Century”

**CHICAGO CRIMINAL LAW THEORY WORKSHOP** (Nov. 5, 2022), Chicago, IL, “When Should Prosecutors Indict?”

**RACE, GENDER, AND CRIME SEMINAR (FORDHAM LAW, PROFESSOR BENNETT CAPERS)** (Sep. 14, 2022), New York, NY, “Policing & The Problem of Physical Restraint”

**CRIMFEST** (July 19, 2022), New York, NY, “Policing & The Problem of Physical Restraint”

**CULP COLLOQUIUM** (June 13, 2022), Chicago, IL, “Policing & The Problem of Physical Restraint”

**HARVARD DIVINITY SCHOOL** (Feb. 18, 2022), “Univitalism and American Law”

**JUNIOR INTERNATIONAL LAW SCHOLARS ASSOCIATION ANNUAL MEETING** (Jan. 14, 2022), Miami, FL, “Polarization and the Criminal Trial”

**NORTHEASTERN UNIVERSITY SCHOOL OF LAW** (Jan. 12, 2022), Boston, MA, “‘Cancel Culture’ and the Structure of Public Condemnation”

**ASSOCIATION OF AMERICAN LAW SCHOOLS ANNUAL MEETING** (Jan. 8, 2022), “AALS Discussion Group Program – The Law of the Foreign Relations Bureaucracy”

**RESEARCH FORUM OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW** (Nov. 11, 2021) (blind selected from national call), “Polarization and the Criminal Trial”

**CULP COLLOQUIUM** (Sep. 8, 2021), “‘Cancel Culture’ and Criminal Justice”

**CRIMFEST VIRTUAL WORKSHOP** (Sep. 8, 2021), “‘Cancel Culture’ and Criminal Justice”

**SANTA CLARA UNIVERSITY SCHOOL OF LAW** (Mar. 25, 2021), “The Criminalization of Foreign Relations”

**GEORGETOWN LAW CENTER – INTERNATIONAL LAW COLLOQUIUM** (Feb. 26, 2021), “The Criminalization of Foreign Relations”

**TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW – INTERNATIONAL LAW COLLOQUIUM** (Feb. 3, 2021), “The Criminalization of Foreign Relations”

**JUNIOR INTERNATIONAL LAW SCHOLARS ASSOCIATION ANNUAL MEETING** (Jan. 15, 2021), “The Criminalization of Foreign Relations”

**DUKE LAW SCHOOL SYMPOSIUM – RECKONING AND REFORMATION: REFLECTIONS AND LEGAL RESPONSES TO RACIAL SUBORDINATION** (Dec. 7, 2020), “Othering Across Borders”

**RESEARCH FORUM OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW** (Oct. 29, 2020) (blind selected from national call), “The Criminalization of Foreign Policy”

**SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS ANNUAL CONFERENCE** (Aug. 4, 2020), “The Criminalization of Foreign Policy”

**CULP COLLOQUIUM** (June 8, 2020), “The Global Arrest Game”

**MICHIGAN LAW JUNIOR SCHOLARS CONFERENCE** (Apr. 18, 2020) (blind selected from national call), “Core Criminal Procedure”

**BOSTON UNIVERSITY LAW SCHOOL FACULTY WORKSHOP**, Boston, MA (Feb. 6, 2020), “Core Criminal Procedure”

**JUNIOR INTERNATIONAL LAW SCHOLARS ASSOCIATION ANNUAL MEETING**, Ithaca, NY (Jan. 10, 2020), “Core Criminal Procedure”

**RESEARCH FORUM OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW**, New York, NY (Nov. 9, 2019) (blind selected from national call), “Core Criminal Procedure”

**CRIMFEST**, New York, NY (July 15, 2019), “Core Criminal Procedure”

**RESEARCH FORUM OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW**, St. Louis, MO (Oct. 28, 2017) (blind selected from national call), “Advancing Criminal Legal Extraterritoriality”

**ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW**, Washington, D.C. (Mar. 31, 2016) (blind selected from national call), “Criminal Convergence,” presented on the “New Voices” panel

**RESEARCH FORUM OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW**, Washington, D.C. (Oct. 24, 2015) (blind selected from national call), “Criminal Legal Adaptations”

**GEORGETOWN LAW CENTER**, Washington, D.C. (Jan.–Mar. 2015), Four guest lectures (international criminal tribunals, the International Criminal Court, genocide, crimes against humanity and torture) in International Criminal Law course

**CREIGHTON LAW SCHOOL**, Omaha, NE (Nov. 10, 2014), “Perspectives on International Law: Theory and Practice”

**CORNELL LAW SCHOOL**, Ithaca, NY (Apr. 14, 2014), “From Ithaca to The Hague: Advancing Global Justice at the International Courts”

**U.S. SENATE**, Washington, D.C. (Nov. 22, 2013), “The United States and The U.N. Convention on the Rights of Persons with Disabilities” (moderator)

**UNITED NATIONS INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA**, The Hague, Netherlands (July 12, 2011), “International Human Rights at the International Criminal Tribunal for the former Yugoslavia”

**SUNGSHIN UNIVERSITY**, Seoul, South Korea (May 12, 2010), “International Human Rights Law: America, Korea, and Abroad”

### **PROFESSIONAL AFFILIATIONS AND SERVICE**

#### **AMERICAN SOCIETY OF INTERNATIONAL LAW**

- *Member*, Midyear Meeting Committee (2023)
- *Member*, Development Committee (2022–2023)
- *Member*, Book Awards Committee (2021)
- *Member*, David D. Caron Prize Committee (2020)
- *Member*, Membership Committee (2016–19)

#### **JUNIOR INTERNATIONAL LAW SCHOLARS ASSOCIATION**

- *Co-Chair* (2021–23)

### **INSTITUTIONAL SERVICE AND FACULTY GOVERNANCE**

#### **BOSTON UNIVERSITY SCHOOL OF LAW**

- Clerkships Committee (2022–23)

#### **BOSTON COLLEGE LAW SCHOOL**

- Appointments Committee (2021–2022)
- Diversity, Equity, and Inclusion Committee (2020–2021)
- Diversity, Equity, and Inclusion Grievance Procedure Committee (2020–2021)
- *Faculty Advisor*, *Boston College Law Review* (2021–2022)
- *Faculty Advisor*, International Law Society (2021–2022)
- *Faculty Advisor*, LLM students (2021–2022)
- *Faculty Advisor*, 1L students (2019–2022)
- *Plenary Lecturer* and *Small Group Facilitator*, “Critical Perspectives in Law and Professional Identity” Course (2021)
- Diversity, Equity, and Inclusion Director Search Committee (2020–21)
- Assessments Committee (2020)
- Public Service Committee (2019–21)

### **AWARDS AND HONORS**

Professional Certificate in Songwriting (Berklee College of Music, 2023)

Innovation in Pedagogy Award (Boston College Law School, 2022)

Exemplary Public Service Alumni Award (Cornell Law School, 2019)

Award for Outstanding Services and Contributions to the Asian-American Community in the United States (Korean-American Citizens League of New England, 2016)



## **BAR ADMISSIONS**

District of Columbia (2012)  
New York (2010)  
Massachusetts (2008)