

ZIV ITZHAK BOHRER, Ph.D.

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Current Position (2013-): Law Faculty Member, Bar-Ilan U. (Isr.) [Senior Lecturer, since 2018].

Course Subjects: International Law, Criminal Law, International Criminal Law, International Humanitarian Law; Punishment Justifications in International Criminal Law (Seminar).

PREVIOUS WORK EXPERIENCE

- 2019-2000 **Visiting Scholar, Max Planck Inst. Comp. Pub. L. & Int'l L.,** Heid., Ger.
- 2017 **Visiting Scholar, Cambridge University Law Faculty,** Cambridge, U.K.
- 2015 **Adjunct Professor, UGA Law School,** Athens, Geo. U.S.A.
Course: "Selected Topics in International Criminal Law"
- 2013 **Adjunct Lecturer, Tel Aviv U. Social Sciences Faculty,** Israel
Course: "An Introduction to The Israeli Legal System"
- 2011-2012 **Adjunct Lecturer, Tel Aviv U. Law Faculty,** Israel
Course: "The 'General Part' of International Criminal Law"
- 2008-2011 **T.A., Tel Aviv U. Law Faculty,** Israel
Course: "Public International Law" (by Adv. Pnina Sharvit-Baruch)
- 2008-2011 **T.A., Tel Aviv U. Law Faculty,** Israel
Course: "Hebrew Law" (by Dr. Shay Wozner)
- 2008-2011 **Competition Coach, Tel Aviv U. Law Faculty,** Israel
Co-coaching the university team for the ICRC-Israel Annual IHL Competition
- 2006-2007 **T.A., Hebrew U. Law Faculty,** Israel
Course: "Constitutional Law" (by Prof. Mordechai Kremnitzer and Dr. Re'em Segev)
- 2006-2007 **T.A., Haifa U. Law Faculty,** Israel
Course: "Public Law" (by Dr. Ilan Saban)
- 2002-2006 **I.D.F. Military Adv. General Corps,** Israel
2005-06: The Legal Advisor of the Center for Employment of IDF Civilian Workers

2002-05: Legal Officer for Instruction and Research, IDF School of Military Law

2004-2005 **T.A., Haifa U. Law Faculty, Israel**
Course: "Public Law" (by Prof. Ariel Bendor and Dr. Ilan Saban)
Mentoring students who were not native Hebrew speakers

2001-2004 **R.A. of Dr. Ilan Saban, Haifa U. Law Faculty, Israel**

EDUCATION

2012-13 **Research Fellow (Post-doc), Sacher Institute, Hebrew U., Israel**

2011-12 **Visiting Research Scholar (Post-doc), U. of Mich. Law School, U.S.A.**

2007-12 **Ph.D, Tel Aviv U. Law Faculty, Israel**
Dissertation: *Superior Orders Defense in Domestic and Int'l Law-A Doctrinal and Theoretical Revision*
Supervisor: Prof. Eyal Benvenisti;
Additional (Informal) Academic Instructor: Dr. Re'em Segev

2006 Accepted to LL.M studies in Columbia, NYU, Penn., Berkeley & Michigan (but decided instead to enroll into the direct track to a doctorate thesis program at Tel-Aviv U.)

2005-07 **LL.M., Magna Cum Laude, Tel Aviv U. Law Faculty, Israel**

2005 **Certified Mediator, The Israeli Center for Mediation & Negotiation**

1998-2002 **LL.B. & B.A. (Psychology), Haifa University, Israel**

AWARDS, SCHOLARSHIPS & HONORS

2020 **Max Planck Institute Grant**

2019 **DAAD Scholarship**

2018 **Bar-Ilan Rector's Grant for Interdisciplinary Research Groups (as a group member).**

- 2017 **Israel's Junior Law Faculty Workshop – Paper Competition Prize**
- 2011 **Fulbright Postdoctoral Fellowship**
- 2010 **Wolf Foundation Doctorate Student Scholarship for Excellence**
- 2010 **Personal Promotion in Military Rank** (awarded for dedicated reserve service at the IDF Military Advocate General Corps)
- 2009 **Meitar Fellow, Zvi Meitar Center for Advanced Legal Studies, Tel-Aviv U. Law Faculty** [valedictorian].
- 2007-2011 **Doctoral Studies Scholarship, Tel-Aviv U. Law Faculty**
- 2006 **International Law Research Scholarship, Tel-Aviv U. Law Faculty**
- 2005 **IDF Military Advocate General Certificate of Excellence**

LAW REVIEW BOARD MEMBERSHIP

- 2020 **Academic Advisory Bd member, J. OF THE HISTORY OF INT'L LAW**
- 2004-2006 **Co-editor in chief/Editorial Bd Member, IDF LAW REVIEW [English]**
- 2001-2002 **Editorial Bd Member, HAIFA U. L. REV("Mishpat U'Memshal") [Heb.]**

MEMBERSHIP IN PROFESSIONAL COMMISSIONS AND FORUMS

- 2020-2021 **Forum Member, Humanities and Social Sciences Young Scholar Annual Forum, Israel Academy of Sciences and Humanities**
Forum Subject: "Racism, Anti-Semitism, Genocide: The Holocaust in its Historical, Ideological and Cultural Contexts"
 Forum members were selected based on research excellence in the relevant subject fields
- 2006 **Committee Member, the Soldiers' Tribunal Committee**
 A Military Advocate General Corps internal committee appointed by the Military Advocate General to examine reforms regarding soldiers' access to courts on issues concerning their military service. Based on committee

recommendations the Israeli Parliament legislated: The Enlisted Service in the IDF (Judicial Proceedings of Enlisted Soldiers) Act – 2010.

REVIEWER FOR THE FOLLOWING JOURNALS/INSTITUTIONS

2021	Reviewer of a Book Manuscript, Cambridge University Press
2021	Book Review for the JOURNAL OF THE HISTORY OF INTERNATIONAL LAW
2020	GROTIANA JOURNAL
2020	External Reviewer of a Grand Proposal, Israel Science Foundation.
2020	External Reviewer of a LL.M. Thesis, Tel-Aviv U. – Law Faculty
2020	Reviewer of a Book Proposal, Cambridge University Press
2019	Reviewer of a Book Proposal, Routledge
2019	YALE LAW JOURNAL
2018	External Reviewer of a Grand Proposal, Israel Science Foundation
2017	JOURNAL OF THE HISTORY OF INTERNATIONAL LAW
2016	BAR-ILAN U. L. REV. ("Mech'kary Mishpat") [Heb.] (reviewing 2 different papers)
2015	EUROPEAN JOURNAL OF LAW & ECONOMICS
2015	External Reviewer of a LL.M. Thesis, Hebrew U. – Law Faculty
2014	INTERNATIONAL JOURNAL OF LAW IN CONTEXT
2013	HAIFA U. LAW REVIEW ("Mishpat U'Memshal") [Heb.]
2012	ETHICS & GLOBAL POLITICS

CONFERENCE ORGANIZING COMMITTEE MEMBER

2018	Nazism, Holocaust and Ethics: Moral Legitimacies for Action in Extreme States
2017	Annual Conference of the Inter'l Network on Trans'l Legal & Political Theory

PUBLICATIONS

Academic Publications

1. *Visiting Forces Status in Israeli and International Law*, 33 LAW STUDIES (forthcoming) [in Hebrew].
2. SUPERIOR ORDER DEFENSE AND MANIFESTLY UNLAWFUL ORDERS IN ISRAELI LAW (Min. of Defense Press, I. Fine, eds, intro. by M. Kremnitzer, 2020) [in Hebrew].
3. *The (Failed) Attempt to Try the Kaiser and the Long (Forgotten) History of International Criminal Law – Thought following WILLIAM A SCHABAS, THE TRIAL OF THE KAISER (OUP, 2018)*, 53 ISRAEL LAW REVIEW 159 (2020).
4. LAW APPLICABLE TO ARMED CONFLICT – PART II OF MAX PLANCK TRIALOGUES ON THE LAW OF WAR AND PEACE (Cambridge University Press, Anne Peters & Christian Marxsen eds., 2020) (with Janina Dill & Helen Duffy).
5. *'Jolly Roger' (Pirate Flag)*, in INTERNATIONAL LAW'S OBJECTS 259 (Jessie Hohmann and Daniel Joyce eds., Oxford University Press, 2019).
6. *International Criminal Law's Millennium of Forgotten History*, 34 L. & HIS. REV. 393 (2016).
7. *Protecting State Soldiers, Compatriot Civilians or Foreign Civilians: Proportionality's Meanings at the Tactical, Operational and Strategic Levels of War*, 46 IYBHR. 171 (2016).
8. *Human Rights vs Humanitarian Law or Rights vs Obligations: Reflections Following the Rulings in Hassan and Jaloud*, 1 QUESTIONS OF INTERNATIONAL LAW 5 (2016).
9. *Preferring One's Own Civilians: May Soldiers Endanger Enemy Civilians More Than They Would Endanger Their State's Civilians?*, 97 GEORGE WASHINGTON INTERNATIONAL LAW REVIEW 99 (2014) (with Iddo Porat).
10. *Proportionality in War, Protecting Soldiers from Enemy Captivity, and Israel's Cast Lead Operation—'The Soldiers Are Everyone's Children'*, 22 USC INTERDISCIPLINARY L.J. 637 (2013) (with Mark Osiel).
11. *Proportionality in Military Force at War's Multiple Levels: Averting Civilian Casualties vs. Safeguarding Soldiers*, 46 VANDERBILT J. TRANSNATIONAL L. 747 (2013) (with Mark Osiel).
12. *England and the Superior Orders Defence—Choosing the Middle Path*, 12 OXFORD UNIVERSITY COMMONWEALTH L.J. 273 (2012).
13. *The Superior Orders Defense—A Principal-Agent Analysis*, 41 GEORGIA J. INT'L & COMPARATIVE L. 1 (2012).
14. *Is the Prosecution of War Crimes Just and Effective? Rethinking the Lessons from Sociology and Psychology* 33 MICHIGAN J. INT'L L. 749 (2012).

15. *'Yes Minister': On a Civil Servant's Duty to Obey Superiors' Illegal Instructions, and On the Superior Orders Defense That Should Be Afforded to Such an Obedient Servant*, 35 TEL AVIV U. L. REV. 185 (2012) [in Hebrew] (cited by the Israeli Supreme Court, in: Criminal Appeal 7704/13 **Margolin v. State of Israel** (2015)).
16. *Clear and Obvious? A Critical Examination of The Superior Order Defense in Israeli Case Law*, 2 IDF LAW REVIEW 193 (2006) [in English] & 17 MISHPAT VE'TZAVA 351 (2004) [in Hebrew] (cited by an Israeli court in the criminal case of the Israeli minister Zahi Ha'negbi: Crim. Case (Jerusalem) 4063/06 **State of Israel v. Ha'negbi** (2010)).

Additional Publications

1. *The Israeli Law Is a Vaster Ocean Than People Tend to Think: A Comment On: 'Yoav Harris, On Missiles, Cement and Prize Law,'* 24 LAW ON THE WEB: HUMAN RIGHTS (March 2014)[in Hebrew] (cited by the Israeli Supreme Court, in: Civil Appeal 7307/14 **State of Israel v. The Ship Estelle** (2016)).
2. *Lawyers in Warfare: Who Needs Them?*, in LAW AND NATIONAL SECURITY: SELECTED ISSUES 45 (INSS, 2014) [published both in English and in Hebrew]
3. *Command Responsibility in Negligence Offences*, in CRIMINAL LAW IN THE IDF 147 (Ministry of Defense Press, I. Fine eds, 2006) (with Irena Fine)[in Hebrew].
4. *Superior Order Defense and Manifestly Unlawful Orders*, in CRIMINAL LAW IN THE IDF 235 (Ministry of Defense Press, I. Fine eds, 2006)[in Hebrew].

SELECTED CONFERENCES, SEMINARS AND WORKSHOPS

05/02/21: **ASIL Int'l Courts and Tribunals Interest Groups**, Work-in-Progress Workshop
Presenting: *"World War I: A Phoenix Moment in the History of International Criminal Tribunals"*

27/10/20: **Bar-Ilan, Faculty of Law**, Faculty Seminar
Presenting: *"World War I: A Phoenix Moment in the History of International Criminal Tribunals"*

20/02/20: **KFG International Rule of Law - Rise or Decline?**
Presenting: *"The Centuries-Long (Forgotten) Pre-WW2 Historical Development of International Criminal Law and the Rise (or Decline) of the International Rule of Law"*

25/09/19: **Max Planck Inst.**, Agora Seminal,
Presenting: *"The Long (Forgotten) Pre-WW2 History of International Criminal Law"*

27/05/19: **Haifa U. - Law Faculty, Minerva Center**, Legal Aspects of Relief Operations Roundtables
Expert Roundtable Participant

04/02/19: **Haifa U. - Law Faculty, Minerva Center**, Young Researchers Workshop
Responding to: Elad Gil, *"The Regulation of Counter-terrorism Targeting: A Comparative Perspective"*

26/09/18: **Tilburg University, I-HILT - Institute for the History of Int'l Law @ Tilburg**
Presenting: *"Nuremberg Was Not the First International Criminal Tribunal"*

24/06/18: **Israel Democracy Institute**, Close Round Table of Experts on the Situation in Gaza
Participating as a Legal Expert

22/05/18: **University of Fribourg**, International Criminal Law Seminar
Presenting: *Nuremberg Was Not the First International Criminal Tribunal*

14-15/05/18: **Bar-Ilan U.**, "Nazism, the Holocaust and Ethics" Conference
Charring the Panel: *Law, the Holocaust and Extreme States*

12/02/18: **Haifa U. - Law Faculty, Minerva Center**, Young Researchers Workshop
Responding to: *B. Kis Kelemen, "Targeted Killing, Armed Drones and Int'l Law of Use of Force"*

29/12/17: **Bar-Ilan U.**, Ambassadors' Forum
Presenting: *My part in the book: "The Applicability of International Humanitarian Law"*

25/10/17: **Cambridge U., Lauterpacht Centre**, Legal Histories beyond the State Forum
Presenting: *My part in the book: "The Applicability of International Humanitarian Law"*

23/10/17: **Exeter U., Exeter Centre for International Law**, Seminar
Presenting: *My part in the book: "The Applicability of International Humanitarian Law"*

23/10/17: **Exeter U.**, International Criminal Law Seminar
Presenting: *Nuremberg Was Not the First International Criminal Tribunal*

19/10/17: **Oxford U.**, Public International Law Forum
Presenting: *My part in the book: "The Applicability of International Humanitarian Law"*

18/10/17: **Queen Mary University**
Presenting: *My part in the book: "The Applicability of International Humanitarian Law"*

10/10/17: **Oxford U.**, Oxford Transitional Justice Forum
Presenting: *Nuremberg Was Not the First International Criminal Tribunal*

13/06/17: **Bar-Ilan U. – Law Faculty**, Opening Note: Talks about [Faculty Members'] Books
Presenting: *My part in the book: "The Applicability of International Humanitarian Law"*

18/05/17: **EUI**, workshop of the Individualization of War Project
Presenting: *My part in the book: "The Applicability of International Humanitarian Law"*

07-08/05/17: **Bar-Ilan U.**, Conference of the Int'l Network on Transn'l Legal & Political Theory.
Charring a Panel and Presenting a Paper

30-31/03/17: **Max Planck Institute for Comparative Public Law and Int'l Law**, workshop on the book:
Z. Bohrer, J. Dill & H. Duffy, *THE APPLICABILITY OF IHL* (A. Peters & C. Marxsen eds.).
Presenting: *My part in that book (and participating in the workshop discussions)*

18/09/16: **Haifa U. - Law Faculty, Minerva Center**, Young Researchers Workshop
Guest Lecture: Classification of Armed Conflicts

26/07/16: **Israel-Ministry of Justice**, Close Meeting with Experts from Academia and from NGOs, on War
Crimes Investigation Policy.

Participating: as an Academic Legal Expert

30-31/05/16: 24/06/18: **Israel Democracy Institute**, Conference on Proportionality
Charring and Participating in a Panel

24/05/16: **IDC - Law School**, *Panel on Updated Commentary on the 1st Geneva Convention*.
Presenting: *Classification of Armed Conflicts*

16/11/15: **Minerva (Hebrew U.)/ICR**, Annual Conference on International Humanitarian Law
Responding to: *E. Benvenisti & A. Cohen, "War is Governance"*

27/10/15: **IDC - Law School**, Faculty Seminar
Presenting: *International Criminal Law's Millennium of Forgotten History*

30/09/15: **UGA-Law School**, Faculty Colloquium
Presenting: *International Criminal Law's Millennium of Forgotten History*

25/09/15: **McGill Centre for Human Rights and Legal Pluralism**
Presenting: *Before Nuremberg: Early International Criminal Tribunals*

02/09/15: **Institute for National Security Studies**, Symposium: Int'l Criminal Proceedings
Presenting: Israel and *International Criminal Law: Past, Present, and Future*

25/06/15: **Seminar: Current Perspectives on the Shaping of Memory in Israel and Germany and the Challenges of Education in the Coming Decade (Berlin)**
Presenting: *Remembering the Holocaust and International Law*

12/05/15: **Hebrew University**, International Law Forum
Presenting: *Lawyers in Warfare: Who Needs Them?*

11/05/15: **Hebrew U.**, Criminal Law Forum
Presenting: *Nuremberg Was Not the First International Criminal Tribunal*

01/03/15: **Annual Conference of the International Association of Young Legal Historians**
Presenting: *ICL's Millennium of Forgotten History and Its Post-WWII Pretermission*

12/11/14: **TAU**, International Law Workshop
Presenting: *Nuremberg Was Not the First International Criminal Tribunal, Not by a Long Shot*

25/03/14: **Institute for National Security Studies**, Symposium: Law and National Security
Presenting: *Lawyers in War: Who Needs Them?*

25/03/14: **Sha'arei Mishpat College**, Faculty seminar
Presenting: *Preferring One's Own Civilians?*

31/02/14: **Junior International Law Scholars Association (JILSA)**, Annual Meeting
Presenting: *War Criminals as Medieval Outlaws: ICL's Millennium of Forgotten History*
Commenting on: *Rachel Vanlandingham, "50 Shades of War"*

14/04/13: **TAU-Law Fac., Minerva Center for Human Rights**, Symposium on the Turkel Report

20/11/12: **Hebrew U.**, International Law Forum

Presenting: *Proportionality, Protecting Soldiers from Enemy Captivity, and Israel's Cast Lead Operation*

10/02/12: **Junior International Law Scholars Association (JILSA)**, Annual Meeting

Presenting: *Is War Crimes Prosecution Just and Effective?*

27/02/12: **Temple Uni. – Law School, Institute for International Law & Public Policy**

Presenting: *Is War Crimes Prosecution Just and Effective?*