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Talking Foreign Policy. "Blood & Treasure"

Milena Sterio

Michael P. Scharf

Gregory P. Noone

Sandra Hodgkinson

Darin Johnson

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TALKING FOREIGN POLICY: “BLOOD & TREASURE”

SEPTEMBER 28, 2021 BROADCAST¹

Michael Scharf: In the summer of 2019, CBS premiered *Blood & Treasure*,² a globe-trotting, action-adventure series about an intrepid international lawyer and a cunning art thief who team up to catch a ruthless terrorist. With 2.7 million viewers, the show was a hit, and it will be back for a second season in a few months. The exciting action drama was inspired by the real-life adventures of a group of international lawyers who hop-sotch around the globe, working on war crimes prosecutions, human rights cases, and peace negotiations. They say that truth is sometimes more exciting than fiction. In this broadcast of WCPN’s Talking Foreign Policy,³ we will talk to four international lawyers whose actual adventures may have helped inspire the hit show, right after the news.

[STATION BREAK]

Michael Scharf: Who does not love a great action-adventure T.V. series? In the summer of 2019, millions tuned into the show *Blood & Treasure* to see if a brilliant international lawyer and a cunning international art thief could stop a deadly terrorist. Two years earlier, my colleague, Mark Vlastic,⁴ a former war crimes prosecutor and law professor, told me that he had pitched the idea for the show to CBS. “It is a story of international lawyer as action hero, a combination of Perry Mason and Indiana Jones,” he told the studio. Not only did CBS

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1. Transcribed by Case Western Reserve University School of Law’s Senior Cox Center International Law Fellow, Sydney Warinner, and Cox Center International Law Fellows, Alyse Geiger, Jose Mendez, and Dana Tysyachuk.
 2. *See 7 Cool Things We Learned About Blood & Treasure*, CBS, https://www.cbs.com/shows/watch_magazine/photos/1008735/7-cool-things-we-learned-about-blood-treasure/ [<https://perma.cc/Y995-M8MU>].
 3. *Talking Foreign Policy*, CASE W. RSRV. UNIV. SCH. OF L., <https://case.edu/law/centers-institutes/cox-international-law-center/talking-foreign-policy> [<https://perma.cc/LV9Y-Q5F9>]. “Talking Foreign Policy” is a radio program hosted by Michael Scharf that discusses current foreign policy issues. Case Western Reserve University School of Law, in partnership with WCPN, produces the show.
 4. *Mark V. Vlastic*, GEO. L. CTR., <https://www.law.georgetown.edu/faculty/mark-vlastic/> [<https://perma.cc/NMM7-TQ9T>]. Mark Vlastic is a Senior Fellow and Adjunct Professor of Law at Georgetown University and previously worked for the White House, the Pentagon, the World Bank, and the United Nations.

greenlight the project, but it even hired Mark to serve as one of the executive producers. The show was a hit, and the second season will launch in a few months. Unfortunately, Mark could not join us today because he is on a plane to Europe. But, for this broadcast, I have assembled four international lawyers, all friends of Mark, whose real-life adventures may have helped inspire the series. Welcome to "Talking Foreign Policy." I am your host, Michael Scharf, Dean of Case Western Reserve University School of Law.⁵ In this broadcast, our panel of international lawyers will be sharing their real-life adventures on the four corners of the globe. We will hear about the challenges and the dangers that they encountered in their important work bringing war criminals to justice, stopping human rights violations, and negotiating peace agreements. Our guests today are all affiliated with the Public International Law and Policy Group ("PILPG"),⁶ a non-governmental organization that I co-founded twenty-four years ago, and which was nominated for the Nobel Peace Prize. The group has provided legal counsel in fifteen peace negotiations. It has helped established a dozen international and domestic war crimes and piracy tribunals. Its members have testified before Congress, and its reports and briefs have been cited recently by the International Criminal Court. So, first, let me welcome Gregory "Greg" Noone.⁷ When you think Greg Noone, think Harmon Rabb, the lead character in the television series, *JAG*.⁸ They even look a little bit alike. Well, he says he looks more like Tom Cruise. Greg is a retired JAG Captain and former commanding officer of the Navy's International and Operational Law Unit.⁹ He is currently

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5. *Michael P. Scharf*, CASE W. RSRV. UNIV. SCH. OF LAW, <https://case.edu/law/our-school/faculty-directory/michael-p-scharf> [<https://perma.cc/DX5Q-MRPH>]. Michael Scharf is Co-Dean of Case Western Reserve University School of Law and Joseph C. Hostetler—BakerHostetler Professor of Law. He has written and published extensively in the area of international law.
 6. *See Our Team*, PUB. INT'L L. & POL'Y GRP., <https://www.publicinternationallawandpolicygroup.org/our-team> [<https://perma.cc/5SSZ-23F6>]. PILPG is a global *pro bono* law firm that provides free legal services for peace negotiations and post-conflict, war-crimes prosecution, and transitional justice issues.
 7. *Dr. Gregory P. Noone*, PUB. INT'L L. & POL'Y GRP., <https://www.publicinternationallawandpolicygroup.org/dr-gregory-p-noone-bio> [<https://perma.cc/46L8-E4ND>]. Gregory Noone is a Senior Peace Fellow and Senior Legal Advisor for the Public International Law and Policy Group. He is also an adjunct professor at Case Western Reserve University School of Law.
 8. *JAG*, IMDB, <https://www.imdb.com/title/tt0112022/> [<https://perma.cc/M4VN-FYMR>]. *JAG* follows the cases of Harmon Rabb and other lawyers in the U.S. Navy's Office of the Judge Advocate General.
 9. *Dr. Gregory P. Noone*, *supra* note 7. *JAG* provides legal counsel to commanders, sailors, and Navy families to enable effective operations. *JAG*'s core practice areas include military justice, operational law, and command advice.

an Adjunct Professor at Case Western Reserve University School of Law, Director of the National Security and Intelligence Program at Fairmont State University, and the Executive Director of the Public International Law and Policy Group. Welcome to the show, Greg.

Gregory Noone: Thank you, Mike. It is a pleasure to be here, and, just for the record, I am taller than Tom Cruise.

Michael Scharf: Next, it is my pleasure to introduce Sandra "Sandy" Hodgkinson.¹⁰ Sandy has served in high-level positions in the State Department and the Department of Defense, including as Deputy of the War Crimes Office at the State Department, Deputy Assistant Secretary of Defense for Detainee Affairs, and Senior Advisor of the Coalition Provisional Authority in Baghdad, Iraq. Sandy is currently Senior Vice President at Leonardo DRS, the subsidiary of the European-based Defense and Aerospace Conglomerate, and she is also a Senior Fellow at Public International Law and Policy Group. Welcome, Sandy.

Sandra Hodgkinson: Thanks so much, Michael. I am excited to be here today.

Michael Scharf: And I am also happy to introduce Darin Johnson,¹¹ Professor of Law at Howard University in Washington, D.C. Darin served as Legal Advisor to the U.S. Embassy in Iraq after the fall of Saddam Hussein, and then he was Chief of Staff for the Office of Special Coordinator of Middle East Transitions during the Arab Spring Uprisings. Darin is also a Senior Legal Advisor at the Public International Law and Policy Group. Welcome, Darin.

Darin Johnson: Thanks, Michael. Pleasure to be here.

Michael Scharf: Rounding out our panel of adventurers is Professor Milena Sterio,¹² who has been a regular on this show. Milena

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10. *Sandra Hodgkinson*, LEONARDO DRS, <https://www.leonardodrs.com/who-we-are/our-leadership/sandra-l-hodgkinson/> [<https://perma.cc/ZK5Q-8ZLR>]. Sandra Hodgkinson is Senior Vice President at Leonardo DRS. She previously worked for the U.S. Department of Defense, the U.S. State Department, and the White House.
 11. *Darin Johnson*, HOW. UNIV. SCH. OF L., <http://law.howard.edu/faculty-staff/darin-johnson> [<https://perma.cc/A587-FZQT>]. Darin Johnson is an Associate Professor of Law at Howard University School of Law.
 12. *Milena Sterio*, CLEV.-MARSHALL COLL. OF L., <https://www.law.csuohio.edu/meetmlaw/faculty/sterio> [<https://perma.cc/KA6Y-M89F>]. Milena Sterio is a chaired professor at Cleveland-Marshall College of Law and an expert in international law.

is a Chaired Professor at Cleveland State's Marshall College of Law, and she is the Managing Director of the Public International Law and Policy Group. It is so good to have you back.

Milena Sterio: It is great to be back, Michael.

Michael Scharf: The television series, *Blood & Treasure*, is known for its exotic settings around the world. One of the best parts of being a real-life international lawyer is the travel. In my work, I have visited the temples of Angkor Wat, the ancient rock-cut cities of Petra; I have ridden on a stallion around the Great Pyramids of Giza, and I even white water rafted down the Nile near Lake Victoria. Let's turn to Greg Noone to tell us all about some of the exciting things he has done and seen in his work travels.

Gregory Noone: Thank you, Michael. At risk of sounding like we are all trying to top each other with the amazing things that we have been able to experience—I know some of my colleagues, Sandy, in particular, have done some of the same things I have—truly, it has been remarkable. Sitting with the mountain gorillas in Rwanda, riding a camel in the Sahara at sunrise in Timbuktu, literally Timbuktu—definitely the first kid on my block to get there—seeing tortoises that are 150 years old, that were born during the American Civil War in Mauritius—just remarkable. More poignantly, I was able to visit Nelson Mandela's cell on Robben Island¹³ and stand in the Valley of Death in Crimea where the Light Brigade fatefully charged.¹⁴ Lastly, I've witnessed the mothers of the disappeared protest in the Plaza de Mayo in Buenos Aires.¹⁵ It has really been a full range of exotic and poignant and important experiences.

Michael Scharf: Yeah, and the key is that you do not go on vacations. You might stick a vacation in at the end, but you are all

13. See *27 May 1963: Mandela Arrives on Robben Island*, NELSON MANDELA FOUND., <https://www.nelsonmandela.org/news/entry/27-may-1962-mandela-arrives-on-robben-island> [<https://perma.cc/3X7D-NLFB>].

14. See Jesse Greenspan, *The Charge of the Light Brigade, 160 Years Ago*, HIST., <https://www.history.com/news/the-charge-of-the-light-brigade-160-years-ago> [<https://perma.cc/YJ5S-Q3SC>]. The Charge of the Light Brigade was a failed British cavalry charge against Russian troops during the Crimean War. The tragic event was memorialized in a famous poem by Alfred Lord Tennyson in 1854.

15. See Erin Blakemore, *30,000 Were 'Disappeared' in Argentina's Dirty War. These Women Never Stopped Looking*, HIST. (Mar. 7, 2019), <https://www.history.com/news/mothers-plaza-de-mayo-disappeared-children-dirty-war-argentina> [<https://perma.cc/2S5M-UG5M>].

there on someone else's dime doing international law work. Right, Greg?

Gregory Noone: One hundred percent! My dad always marveled at the fact that I was able to get someone else to pay for my world travels.

Michael Scharf: Darin, during your work in Rwanda, you got to see the Genocide Museum¹⁶ and Hotel Rwanda.¹⁷ Can you tell us about that experience?

Darin Johnson: Yes, Michael. It was a really powerful experience. I was in Kigali, Rwanda for one of PILPG's programs. We were essentially training a group of young African leaders from about ten different countries on transitional justice and how they could take these lessons in transitional justice back to their home countries that were experiencing ongoing civil conflict. What was so powerful about this experience was actually being there with these young, early-twenties leaders and hearing from Rwandans themselves about the genocide and about how they had worked to reconcile beyond those divisions. It was really powerful.

Michael Scharf: Darin, did Hotel Rwanda look a lot like it did in the movie?

Darin Johnson: You know, it did not. Only because when we got to Hotel Rwanda, we were able to tour the outside, but we were not able to go inside. So, we were not able to quite see it in the same way that it appeared in the film. But, by just being there and hearing the stories people had experienced, you still really felt like you were a part of that history.

Michael Scharf: Sandy, what is your favorite travel adventure?

Sandra Hodgkinson: Like my colleagues here, I have visited a lot of the war crimes sites and locations, both for pleasure and for work.

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16. The Kigali Genocide Memorial is the resting place for over 250,000 Tutsi victims of the Rwandan Genocide. This memorial is the largest, though several other smaller memorials are spread throughout the country. *Kigali Genocide Memorial*, VISIT RWANDA, <https://www.visitrwanda.com/interests/kigali-genocide-memorial/> [<https://perma.cc/A4TV-2LXC>].
 17. See *Mille Collines*, GENOCIDE ARCHIVE OF RWANDA, https://genocidearc.hiverwanda.org.rw/index.php/Category:Mille_Collines (last visited Oct. 4, 2021). *Hotel Rwanda* (or *Hôtel des Mille Collines*) is a film depicting the hotel and its manager, Paul Rusesabagina, during the Rwandan Genocide. Rusesabagina and the hotel gained fame for taking in thousands of refugees in 1994.

Michael Scharf: Only an international lawyer could say that they visited a war crimes site for pleasure.

Sandra Hodgkinson: Yes, that is true. I have also enjoyed some of the other sites, including biblical sites, such as Nineveh¹⁸ and the Hanging Gardens of Babylon,¹⁹ during my time in Iraq. I think a highlight for me in Lebanon was being able to go skiing at the Cedars.²⁰ I was provided a security detail for that ski trip, but, unfortunately, they had a lot of trouble keeping up, so I think I was actually at greater risk, because I had to keep stopping to wait for them on the slopes. It was truly a beautiful, remarkable place to visit.

Michael Scharf: Milena, what is yours?

Milena Sterio: There are definitely several. One that comes to mind is when I spent six months in Baku, Azerbaijan as a Fulbright Scholar. As part of our stay there, we got to see these oil platforms in the Caspian Sea that were featured in a James Bond movie some years before that.²¹ I would add to that visiting some of the ancient Roman ruins in Jordan where I was participating in a PILPG training program. We were training Yemeni lawyers, and I got to go around and see Petra,²² but also some of the most memorable Roman ruins.

Michael Scharf: So, become an international lawyer, see the world. But, the most rewarding aspect of being an international lawyer is the high-impact work that you all do. Let me ask each of our panelists

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18. Nineveh, a city in antiquity mentioned in the Bible, is now known as Mosul, Iraq. Nineveh was a large, affluent trade center until the Babylonians destroyed it in 612 BCE. See Joshua J. Mark, *Nineveh*, WORLD HIST. ENCYC. (Mar. 6, 2011), <https://www.worldhistory.org/nineveh/> [https://perma.cc/8KGY-8GMX].
 19. The Hanging Gardens of Babylon were one of the Seven Wonders of the Ancient World. *Hanging Gardens of Babylon*, UNITED NATIONS MUSEUM, <http://www.unmuseum.org/mob/hangg.htm> [https://perma.cc/AAAY5-TLF3].
 20. The Cedars Ski Resort is in an ancient forest in Northern Lebanon and has been open to skiers since 1920. *Cedars: Overview*, SKILEB, <https://www.skileb.com/ski-resort/Cedars/> [https://perma.cc/97A9-7MYE].
 21. *The World Is Not Enough*, IMDB, <https://www.imdb.com/title/tt0143145> [https://perma.cc/M53A-EP2X].
 22. The Ancient City of Petra was founded over 2,000 years ago. The city is comprised of elaborate buildings that are carved into the sandstone cliffs in the desert along a trade route in what is now the country of Jordan. *The Ancient City of Petra*, AM. MUSEUM OF NAT. HIST., <https://www.amnh.org/explore/ology/archaeology/the-ancient-city-of-petra2> [https://perma.cc/TZU7-TZH2].

to tell us about the most important project that they ever worked on. I am going to begin with Sandy. Sandy, you were the Senior Advisor on Human Rights for the U.S. Government in Iraq right after the fall of Saddam Hussein in 2003.²³ Tell us about your work there.

Sandra Hodgkinson: My time working with the Iraqi people was one of the highlights of my career. It was the most meaningful work that I have been able to participate in, and it really drove the direction of my career. I traveled over in the very beginning of the conflict with General Jay Garner and his team and stayed in Kuwait. We traveled to Baghdad when the statue of Saddam Hussein fell, and helped establish the new Iraqi government there. My role in all of that was really to help drive a culture of human rights and to address the atrocities that had occurred under the prior regime of Saddam Hussein. When I first came in, I got to start working with local NGOs on the ground establishing a new culture for human rights and a human rights ministry as a part of the new government. As time went on, I was also able to work with them on establishing mechanisms for accountability for the atrocities under Saddam's regime. That was extremely meaningful because they were seeking a domestic tribunal under Iraqi law to try him for his war crimes. I got the opportunity to work with the new Iraqi government on helping set that up and see the process through the collection of evidence and the ultimate preparation for trial. This was a highlight of my career—getting to work with them, helping them to move beyond what they had suffered, and trying to create a country that respected fundamental rights, human rights, and human rights law.

Michael Scharf: I am going to turn next to Greg, who recently led PILPG's team that documented the Rohingya genocide²⁴ by interviewing over 1,000 survivors in Cox's Bazar, Bangladesh. Greg, can you tell us about that experience?

Gregory Noone: It was an amazing experience. We had a tremendous team. We went into the refugee camps and undertook this survey of random interviews. Basically, the Rohingya, chased out of their home country, Myanmar, or Burma, as many may know it, suffered at the hands of not only the national military, but also some militias and other people joining in. It was one of the most depraved

23. *See Saddam Hussein Fast Facts*, CNN (Apr. 27, 2017, 3:42 PM), <https://www.cnn.com/2013/10/17/world/meast/saddam-hussein-fast-facts/index.html> [<https://perma.cc/2WSH-4H3X>].

24. *See Rohingya*, HUM. RTS. WATCH, <https://www.hrw.org/tag/rohingya> [<https://perma.cc/26EX-HPWJ>]. To escape violent persecution and alleged atrocities, approximately 900,000 Rohingya fled to camps in Bangladesh beginning in 2018.

stories I had ever heard. Forgive me for sounding like a bit of a sociopath, but I was used to hearing: "They surrounded the village. They killed some men. They raped some women, and they burned down the village." But, they went to the next level. They were dismembering people. They were taking babies out of the arms of mothers and throwing them into the fire or throwing them into the river. In one horrific story, they made one man select which woman would be raped by all the soldiers in front of the rest of the village. It was really a level of depravity that shakes you to your core, but, ultimately, by collecting this, you are able to let the world know what happened there.

Michael Scharf: Being an international lawyer is not for the faint of heart. It is time for a short station break. When we return, we are going to talk about some of the things that went wrong during the panelists' work in some of the most dangerous parts of the globe. Stay with us.

[STATION BREAK]

Michael Scharf: Welcome back to "Talking Foreign Policy," brought to you by Case Western Reserve University and WCPN 90.3 Idea Stream. I am Michael Scharf, Dean of Case Western Reserve University School of Law. I am talking today with four international lawyers whose adventures around the globe may have helped inspire the hit television series, *Blood & Treasure*, produced by our friend, Mark Vlasic. We are getting to the most interesting part of the discussion: times when things did not quite go as expected. In every good action adventure, there is always a moment when everything goes wrong. So it is in real life. Let me begin with Darin Johnson. Darin as legal advisor to the U.S. Embassy in Iraq, you literally landed in Baghdad the day Saddam Hussein was executed. Instead of a somber affair, cellphone video captured the guards mocking Saddam and celebrating as he was led to the gallows. A few minutes later, when Saddam's brother, Barzan, was hanged, his head was torn from his body.²⁵ You have told me that your first assignment in Iraq was damage control regarding these botched executions. Can you tell us about that?

Darin Johnson: Yeah, absolutely, Michael. It was a memorable moment to say the least. I was a young State Department lawyer. This was my first overseas assignment, and I landed in the country to this major crisis. Sandy had mentioned before the effort to stand up this

25. See generally John F. Burns, *Second Iraq Hanging Also Went Awry*, N.Y. TIMES (Jan. 16, 2007), <https://www.nytimes.com/2007/01/16/world/middleeast/16hang.html> [<https://perma.cc/35UQ-NWZS>].

domestic tribunal with the goal of bringing about justice for Saddam's crimes. This botched execution, and with it being recorded, really undermined that effort and risked turning the whole tribunal into this caricature of retribution. So, behind the scenes, we had a lot of negotiation and discussions with the Iraqi government to pause their implementation of the death penalty, to make sure that the procedures were in place to ensure that there was no recording of any further executions, and, certainly, to ensure that, to the extent that they were carrying out executions, that they were carried out in a manner that was not as horrendous as the instance with Barzan. It was definitely trial by fire for a young international lawyer and definitely a memorable moment.

Michael Scharf: Next, let me turn to Sandy Hodgkinson. Sandy, when you were Deputy Assistant Secretary of Defense for Detainee Affairs during the Bush Administration, you managed to all but empty the notorious Guantánamo Bay detention center by convincing countries to take custody of their citizen detainees. Instead of celebrating your successes, you were called to Congress to testify when some of the repatriated detainees returned to the battlefield and attacked U.S. personnel. What was that like for you?

Sandra Hodgkinson: Well, a key lesson here is that the decision-making process on international law and policy matters is very complex and multifaceted. As a result, it can get very emotional when different perspectives are brought to the table. Here, we had to balance the need to protect against these very dangerous individuals that had been encountered on the battlefield and a strong desire to close Guantánamo, at the same time. In trying to balance those, we carefully constructed a situation where we would negotiate with host countries for the transfer of individuals from Guantánamo back to their home countries, provided that they gave us assurances that these individuals would not be able to come back and fight us in the future. Under these circumstances, not every country honored those promises. In the balance of trying to close down the numbers at Guantánamo Bay, we had to trust our allies and our partners in trying to reach that goal. People fell on different sides of the debate as to whether or not you should continue to detain these individuals at Guantánamo Bay or whether you should try to close Guantánamo. This is a clear example of the real challenge between balancing that need for security and safety and trying to do the right thing.

Michael Scharf: International law and diplomacy is full of stories of unintended consequences. Milena Sterio, while you were assisting with piracy prosecutions in the Seychelles and Mauritius, you learned

that the Western approach known as “catch and release”²⁶ had the unintended consequence of encouraging the recruitment and use of children as pirates. You were then invited to speak about the challenges of combatting child piracy at the U.N. Working Group in Copenhagen.²⁷ What was your advice to the U.N., and what did we learn from that?

Milena Sterio: Sure. Michael, you and I had the privilege of working with prosecutors and judges in the Seychelles and Mauritius, and they told us that, if they had suspect detainees who were under the age of eighteen, their first reflex was just to say, “We are going to stay away from this. This is just too complicated. We do not want to prosecute them.” When we spoke to the U.N., our advice was that it was crucial not to have a “catch and release” policy when it comes to juvenile piracy suspects. Instead, it was key to train those judges and prosecutors on appropriate international human rights standards that apply to the detention and prosecution of juvenile suspects. Under international human rights law, juveniles can be prosecuted, but they have to be detained in separate facilities, they have to be provided with educational opportunities, and their sentences should reflect their young age.²⁸

Michael Scharf: Did you also recommend that, when adult pirates were being prosecuted, it should be an aggravating factor in sentencing if they went out to sea with children?

Milena Sterio: Absolutely. At the beginning of some of these prosecutions, there was a tendency to prosecute the entire group of piracy suspects together, including juveniles and the ring leaders. Our advice there was to say, “No. No. No. That’s not right.” The ring leaders should actually receive harsher penalties because they recruited and used child pirates.²⁹

Michael Scharf: We were talking about Milena’s experience in the Seychelle Islands and Mauritius, which are both in the Indian

26. Mark A. Drumbl, *Child Pirates: Rehabilitation, Reintegration, and Accountability*, 46 CASE W. RSRV. J. INT’L L. 235, 261 (2013) (discussing the usual practice of “catch and release,” where naval forces capture juvenile pirates, confiscate their weapons, and immediately release them afterwards).

27. Security Council, *Working Group on Children and Armed Conflict*, <https://www.un.org/securitycouncil/subsidiary/wgcaac> [<https://perma.cc/KMS4-CXDA>].

28. Convention on the Rights of the Child art. 37(a), 37(c), 40(3)(b), Nov. 20, 1989, 1577 U.N.T.S. 3.

29. Milena Sterio, *Juvenile Pirates: “Lost Boys” or Violent Criminals?*, 46 CASE W. RSRV. J. INT’L L. 279, 300 (2013) (discussing the recommendation to give harsher penalties to those who employ juveniles in piracy).

Ocean. In *Blood & Treasure*, the TV series, our protagonists stay at luxurious hotels and beautiful cities. It is not all about tents and sleeping bags for real-life international lawyers either. Milena, tell us about your accommodations and the amenities in Mauritius.

Milena Sterio: Sure, Michael. I definitely have stayed in places that were not so nice, but, in Mauritius, it was literally the opposite. We stayed at a luxurious resort with lots of water sports, a spa, a wonderful restaurant. To be totally honest, it was nice after a full day of work talking about human rights standards and children to go back to this luxurious hotel and unwind.

Michael Scharf: Best advertisement ever for going to law school.

Milena Sterio: Yes.

Michael Scharf: Let's contrast that experience with the experience that Greg and Sandy had in Côte d'Ivoire. You listeners are not going to believe some of this. Go ahead. Who wants to start, Greg or Sandy?

Gregory Noone: First, I would just say that we were there after the electoral violence and working on transitional justice. Sandy and I were flying around the country, compliments of the U.N. This one particular hotel looked like it was right out of the *Pirates of the Caribbean* ride at Disney World. The night that we stayed there, it rained like I have never seen rain ever before. This rain just absolutely deluged for four straight hours. It was amazing. My room was in the lee of the building. There was this beautiful misting rain coming in. "Africa," the song, was going through my head. On the other hand, Sandy, what was your experience in that same hotel?

Sandra Hodgkinson: I do recall that Greg woke up all refreshed the next morning bragging about the great night sleep he had, while I was actually up all night long because it was so creaky, and I was scared. It was also partly because we had a meal just before we went into the hotel at the only place that they had where you could eat. When you got in line, you would watch them take the plate of the customer before you, dunk it in a bucket of brown, murky water, and then put your chicken on it and hand it to you. After our fine meal, we did go back to our *Pirates of the Caribbean* hotel. It was truly frightening to hear that rain all night long.

Gregory Noone: I will just say this, Michael. The roof was like a corrugated tin roof that sounded like it was going to blow off, so what Sandy is leaving out is that she put her running sneakers on and was

ready to launch at any given minute when the roof finally blew off, whereas I did get a wonderful night's sleep.

Michael Scharf: I think she mentioned to me that she literally slept standing up that night. Is that right, Sandy?

Sandra Hodgkinson: Absolutely.

Michael Scharf: Sometimes the situation outside the premises is so dire that international lawyers have to be locked down inside for their safety. Darin, tell us about your experience during the Juba peace negotiations in 2019 to 2020.³⁰

Darin Johnson: As part of PILPG's delegation, I was one of the lawyers supporting the negotiations between different Sudanese parties, which South Sudan was hosting. Even though South Sudan was hosting these peace negotiations for its neighbor, South Sudan itself was also in the midst of its own very active and very violent civil conflict. As we travelled into the country, we had our own security, and we were under a very tight curfew. At one point during the negotiations, we were actually locked down in our compound because there was very actionable intelligence that surfaced that terrorist groups were about to target expat sites. Essentially all of the locations where ex-patriots and international lawyers, such as ourselves, were staying were subject to attack. Fortunately, our team took it very seriously. We were locked down for a period of time, but, once we moved past that period, we were back at it.

Milena Sterio: Michael, if I can jump in, I know that you yourself have been in the thick of things several times. Tell us about the time that you were threatened by child soldiers at a checkpoint in Libya.

Michael Scharf: That is a good one. We were in Libya to do transitional justice work and we decided to go to Misrata, which was the focal point of the greatest fighting during the Libyan Civil War.³¹ Just outside of town, there was a checkpoint manned by a child soldier

30. *See Sudan's Government, Rebel Groups Sign Landmark Deal*, AL JAZEERA (Oct. 3, 2020), <https://www.aljazeera.com/news/2020/10/3/sudans-government-rebels-set-to-sign-landmak-deal> [<https://perma.cc/6VRL-UUR5>]; *see generally* Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and Parties to Peace Process, Oct. 3, 2020, <https://www.peaceagreements.org/viewmasterdocument/2325> [<https://perma.cc/B3LR-VSH3>].

31. *See* Portia Walker, *The Siege of Misrata*, FOREIGN POL'Y (Jun. 9, 2011), <https://foreignpolicy.com/2011/06/09/the-siege-of-misrata-2/> [<https://perma.cc/WS7R-WQF3>].

who had machine guns strapped around his body. He stopped the car in front of us, made the passenger-seat passenger get out, and started bashing him with the butt of one of his guns. Then, he let him get back in the car and waved him forward. Then, we pulled up, and I was sitting in the passenger seat. He started yelling for me to get out. I looked pleadingly at the driver to do something. He started speaking in Arabic, and the child soldier started speaking back, and then he looked very disappointed and waved us forward. I said to the driver, "What in the world did you do? You're a miracle worker." And, he says, "Oh no, you are just really lucky, professor. I happen to know his dad, and I told him that, if he beat you up, I was going to tell on him." I dodged the bullet on that one. But, yeah, you are right. Sometimes, things can get really hairy in the field.

Milena Sterio: You definitely lucked out on that one. What about the time that you got tear gassed in Istanbul?

Michael Scharf: I did not miss the bullet that time. We were there training and working with Syrian judges for the future prosecution of the Assad regime. That happened to be the day that college kids did a mass protest in Taksim Square in Istanbul.³² We were about a mile away at a Starbucks talking with these Syrian judges, and, all of a sudden, we heard chanting and yelling, and a flood of people came into our square. They were the people who had been protesting in Taksim. They had been chased out with tear gas, rubber bullets, and water cannons. The next thing I knew, we were subject to all of that. We started running with the protestors, like one might run with the bulls at Pamplona. I never ran so fast in my whole life. We ended up peeling off and making it back to the hotel. The next day we met with the Syrian judges and said, "Where did you guys go? We lost track of you." They said, "Oh, when you ran away, professor, we ran toward the riot police. We picked up the tear gas and threw it back at them." I said, "That is kind of dangerous. Why would you do that?" They said, "Because, in our own country, Syria, when we protest, we get shot at with real bullets, they drop barrel bombs on us, and they use chlorine gas against us. Tear gas is nothing. This was part of democracy." That was their way of celebrating democracy very heroically.

Milena Sterio: I guess all is relative, right?

Michael Scharf: You know, we were talking earlier about exotic travel, but you all have seen some horrible things too during your work

32. Elif Shafak, *The View from Taksim Square: Why Is Turkey Now in Turmoil?*, THE GUARDIAN (Jun. 3, 2013), <https://www.theguardian.com/world/2013/jun/03/taksim-square-istanbul-turkey-protest> [<https://perma.cc/9C5M-7CRU>].

excursions. Greg, tell us about your experience when you visited the massacre sites in Rwanda just after the 1994 genocide.³³

Gregory Noone: It was really something. I was part of a team that was training the thirty-nine surviving prosecutors so that they could do their best to prosecute the genocide. There was already talk about how not that many people were killed—and did it really happen—almost on the level of a Holocaust denial. At this one particular site where about 3,000 people were killed—it was at a school—they exhumed all of the bodies that had been shoved into a pit. Then, they laid all the bodies out in the school rooms, the classrooms, and covered them in lime. On the door, they wrote the number of bodies that were in each room, and they brought us there because they wanted internationals to see this with their own eyes so that they could do the math, look at these 3,000 exhumed bodies, know how big the village was, and kind of extrapolate to get to 800,000. I can tell you that I will never get the smell of lime out of my nose. It is seared into my memory.

Michael Scharf: I am convinced that Milena gets all of the really good excursions, and Greg gets the really difficult ones. Sandy, what were the most difficult things that you saw during your work?

Sandra Hodgkinson: Perhaps, the most heart-wrenching experience that I had was not dissimilar to what Greg just described. This was immediately after the fall of Saddam Hussein, when local communities down in the Hillah central area of Iraq, just south of Baghdad, began digging up all of the mass graves there looking for their loved ones who had gone missing under his regime, and, most specifically, in the 1991 Shia uprising.³⁴ They had all come out and were looking for all of their loved ones. There were mothers, grandmothers, parents, fathers, brothers, sisters, all just digging up the earth with their bare hands, wailing and crying, and looking for any item to help identify their loved ones—a piece of clothing, a personal effect, or something so that they could have a confirmation that they were, in fact, deceased and, also, to offer them a proper burial. Like Greg, the memory of that will stay with me forever. As these Iraqis tried to reconcile with their past, we tried to offer our assistance to get them through that process.

Michael Scharf: That really is heart-wrenching. Darin, what about you?

33. Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations, <https://www.un.org/en/preventgenocide/rwanda/> [<https://perma.cc/4D6R-2VTK>].

34. See generally Lawrence E. Cline, *The Prospects of the Shia Insurgency Movement in Iraq*, 20 U.N.B. J. CONFLICT STUD. 44 (2000).

Darin Johnson: I would say that the most heart-wrenching experience was, again, when I was serving in Baghdad. There was an incident where contractors ended up killing over a dozen civilians in Nisour Square.³⁵ I was part of a team of embassy officials responsible for meeting with the family members. I just remember spending days sitting in a tent meeting with family members and discussing what had happened. It was probably one of the most personally heart-wrenching experiences that I have gone through.

Michael Scharf: Darin, you also helped advise Iraqi human rights defenders documenting the abuses of ISIS. Can you tell us about that?

Darin Johnson: Not long after ISIS was defeated in large part in Iraq, PILPG was able to return to the country. We had not been able to get into the country for a quite some time because of the conflict. We worked with this coalition of human rights defenders from around the country who had taken up the responsibility of documenting the abuses of ISIS to try to bring some accountability and some reparation to family members who had been impacted by it. It was really difficult work, but really heroic Iraqi citizens engaged in that effort.

Michael Scharf: It is time for another short break. When we return, I am going to ask our experts about times when cultural differences led to "lost in translation" type of situations. We will be back in just a minute.

[STATION BREAK]

Michael Scharf: This is Michael Scharf, and we are back with "Talking Foreign Policy." I am joined today by four international lawyers whose adventures may have helped inspire the television series, *Blood & Treasure*. In this final segment, we are going to talk about times when things went wrong because of cultural misunderstandings.

Milena Sterio: Michael, why don't you kick us off by telling the story that appears in your book, *Enemy of the State*,³⁶ about when you were about to tell the Iraqi judges that they should be like a pit bull about due process?

35. David Johnston & John M. Broder, *F.B.I. Says Guards Killed 14 Iraqis Without Cause*, N.Y. TIMES (Nov. 14, 2007), <https://www.nytimes.com/2007/11/14/world/middleeast/14blackwater.html> [<https://perma.cc/ZBZ2-YV87>].

36. MICHAEL A. NEWTON & MICHAEL P. SCHARF, *ENEMY OF THE STATE: THE TRIAL AND EXECUTION OF SADDAM HUSSEIN* (2008).

Michael Scharf: That is a good one. I learned a lesson there. I was invited to help train the judges for the Saddam Hussein trial,³⁷ and I was trying to convince them that they had to be really vigilant about due process because the whole world was watching them.³⁸ So, I said, "You have to be like a pit bull when it comes to due process and fair trial rights." My interpreter said, "What is a pit bull?" I said, "A pit bull is this dog we have in the United States that bites the neck and will not let go." I said that they needed to be like that about due process. He said, "No, professor, I will not say that about the pit bull." I said, "Why?" He said, "Because, in our country, the dog is a very evil creature. It is a dirty creature, and to even suggest that the judges must be like a dog, well, they would walk out of the room and never talk to you again." So, I said, "Well, do you guys have tree frogs in those marsh Arab areas? You know, sticky frogs that will not let go?" He says, "Oh, we have many sticky frogs, professor." I said, "Well, tell them they have to be like a sticky frog then." It was not quite as powerful a metaphor, but it worked, and they did not leave the room. Milena, speaking of interpreters, why don't you tell us about what the interpreter said to you when you were in Amman, Jordan working with lawyers from Yemen as part of the peace negotiations?

Milena Sterio: Sure. I was in Amman, Jordan as part of this Public International Law and Policy Group peace negotiation that lasted for about five days, and it was in English and Arabic.³⁹ Most of the Yemeni lawyers did not speak English and were speaking Arabic, so there were interpreters there interpreting from English to Arabic and the other way around. At the end of the first day, one of the interpreters came up to me very seriously and said, "You know, we interpreters, we keep a hit list." I looked at him, and I said, "What do you mean?" He said, "A hit list of people who speak too fast." He said, "And, right now, you are number one on that list." That was a good way of reminding me to slow down because the interpreters were having a really hard time.

Michael Scharf: Whenever I speak at a conference with simultaneous interpretation, I always have a sign sitting in front of me at the dais that says, slow down, for that reason. Sandy, being a woman in the field can have unique challenges in some foreign countries, and

37. *Id.* at 71.

38. *Id.* at 74.

39. *Client Update: Yemen*, PUB. INT'L L. & POL'Y GRP., <https://www.publicinternationalallawandpolicygroup.org/client-update-yemen> [<https://perma.cc/7XXQ-47F3>]. PILPG hosted Transition Engagement Trainings for geographically diverse civil society organizations engaged in the Yemeni peace process in Amman, Jordan.

you once told me that, in Botswana, the local colonel that you were working with asked you if he could call you "mama." Is that right? What did you say to him?

Sandra Hodgkinson: I told him that "Lieutenant" would be just fine.

Michael Scharf: Are there other times when you ran into such gender challenges?

Sandra Hodgkinson: As a female officer, beginning in the military in uniform and then separately as a diplomat when I worked for the State Department, I had a number of interesting encounters, not really challenges but just interesting moments where we were trying to understand the awkwardness and how to handle a female and male relationship in a foreign country. I felt like I was considered this sort of third gender because I had been placed in a position of authority by the U.S. government. I was not really male, but I was not a local female by their standards. I was sort of a different thing. It seemed like I was this third gender, and they would allow me to be assertive in my positions and still earn respect. It calls up a few memories that I had that were really special, though. One was in Mauritania when I was there as the senior member of a delegation and was invited to a dinner at the local colonel's home. I was the only female seated around this incredible display of food, but it was all being served by the daughters and spouse of the colonel. They kept peering out from the kitchen to watch me and giggling all night long because they could not believe that there was actually a woman there. I compare that to a time when I did a three-week peacekeeping trip in Abu Dhabi, and, every night, the male officers were invited to go out with members of the Emirati Armed Forces for dinners and events. As a female, I was separately paired up with a different spouse for every night of the trip and would go to local markets to go shopping or have tea but was kept completely by myself one spouse at a time. I got to share so many stories about our cultural differences. I think I will only mention one more because I, to this day, still think about this with such fondness. I was visiting Beirut just prior to getting married, and the admiral there had heard about my engagement and threw this big engagement party for me at the officer's club. All of the male officers that I had worked with over the years each individually gave me a beautiful gift, which was a makeup kit. I ended up fitting all of these into my suitcase, and came home with like fifty-five different kinds of eye shadows and lipsticks and perfumes to bring back for me to get married with. It was extremely endearing, and I cherish some of those memories. But, I was a different thing than what they were used to.

Michael Scharf: I do want to point out that Sandy now has five wonderful children and, for the record, they are the only ones who get to call her “mama.” Now, phrases in different cultures sometimes mean something very different than their literal translation. Darin, did you ever experience that in your work in the Middle East?

Darin Johnson: Definitely, Michael. One kind of funny moment that I remember is when I served as legal advisor for our embassy in Baghdad. One of my jobs was to regularly meet with high level Iraqi officials and, oftentimes, when I would make a request of them or I had to deliver a particular message from the State Department, I would receive a response of “in sha’Allah” or “God willing.” That usually sounded like a pretty positive response until I found out from some close Iraqi friends that I made that, oftentimes, “in sha’Allah” is just another way of saying “Don’t bet on it.” That moment showed me the importance of having friends who are local who can tell you what the terms really mean.

Michael Scharf: I think I just learned something. You know, in different cultures there are different conceptions of being on time. I know, in U.S. sports, there is a saying that if you are early, you are on time. If you are on time, you are late. And, if you are late, you will end up running laps. But, it is quite different abroad. To illustrate this, Milena, why don’t you tell us about the time you had a 10:00 meeting with the Dean of Novi Sad Law School in Serbia and showed up a couple of minutes early?

Milena Sterio: Yeah. I showed up at around 9:55, thinking, “I am early. I am not running laps. I am early.” When I showed up and checked in with the Dean’s secretary, she looked at me as if I were completely crazy. I said, “No, I am here for the 10:00 meeting.” She said, “Yeah, but it is 9:57.” I said, “Yeah . . .” She said, “You know it does not really start until 10:30 or 10:40.” There was a totally different conception of time. I am sure Darin would agree with this, for example, in Juba, South Sudan, where both of us spent time for peace negotiations. After a few days there, my Western colleagues and I started saying things like, “Oh, does this really start at 10:00 AM normal time, or 10:00 AM Juba time?”

Michael Scharf: Yeah, and food can be a big challenge, too. Monkey brains in parts of Africa, snake soup in China, sheep’s head in Norway, fat-bottomed ants in Colombia, guinea pigs in Peru, crocodile skewers in Australia—they are all foreign delicacies that have been offered to me while I have been working abroad. I remember once when I was in Libya, we had just finished a large midday feast with our host, and my colleague, Paul Williams, who has often been on the show, asked the question, “What does camel taste like?” On our way back to

the office after this feast, our host took a detour for a second lunch at a restaurant with a large camel sign out front. But, sometimes the shoe is on the other foot, and we have to remember that what we eat in the United States might seem a little odd to our foreign guests. Greg, tell us the story about the time you hosted a Rwandan delegation in Newport, Rhode Island.

Gregory Noone: Yeah, thanks Michael. So, each night we would take turns bringing them out to dinner, and Newport, Rhode Island, of course, has wonderful restaurants. The night before my turn, one of our colleagues did a classic New England clambake. You can imagine the whole scene that they put on for them. I thought, how wonderful. I always love to go to a New England clambake. The next night, I was taking them out, and I said, "Where would you like to eat?" They kind of sheepishly looked around each other and finally said, "Anything, but no more giant red scorpion."

Michael Scharf: That is what our lobsters are to them?

Gregory Noone: Yeah, it took me a minute to realize that they were talking about lobsters and then I thought, if I was in the middle of Africa and somebody put a big beetle on my plate and said, "this is a delicacy. This costs a lot of money, and, here, eat the back end first," I think I would have the same reaction, so, yes, sometimes we miss the boat as well.

Milena Sterio: Now, Michael, tell us the story about your meeting with the Head of the Truth Commission in Côte d'Ivoire.⁴⁰

Michael Scharf: Oh yeah, Côte d'Ivoire, the same place where Sandy and Greg were at the jungle hotel in the rain. I went there at the behest of the U.S. State Department to talk to the Head of the Truth Commission, who had reportedly decided that she was going to release the names of everybody who had been implicated or who had testified before her commission, whether or not there was any corroboration or any evidence that showed that these people were implicated beyond a reasonable doubt. The problem, of course, is that once you are named in a Truth Commission report, it is like putting a target on you, and people are going to attack you. I had this very important assignment to go and convince her to keep those names secret, give them only to the prosecutor, and have an executive summary without the names. I go there, and I do not speak really good French. In Côte d'Ivoire, that is all that they speak. I know Sandy

40. *Ivory Coast Gets Truth and Reconciliation Commission*, BBC (Sep. 28, 2011), <https://www.bbc.com/news/world-africa-15086829>. The Truth and Reconciliation Commission was started by President Alassane Ouattara after a tumultuous post-election period in 2010–2011 in Côte d'Ivoire.

speaks French really well and Milena is fluent in French but not Greg and me, right, Greg? When I was there, I said that I would be using a translator and, all of a sudden, the Truth Commission Judge got very angry and started saying a lot of things in rapid French. I heard her say, "Newt Gingrich" and "Mitt Romney." This was very perplexing to me, so I turned to the translator and said, "What's going on?" Apparently, this was during the primaries when Newt Gingrich and Mitt Romney were running against each other, and Newt Gingrich had a commercial that aired everywhere in the world, through the beauty of the internet, in which he showed Mitt Romney speak in French at the Salt Lake City Olympics.⁴¹ Newt Gingrich's voice over said, "That is Mitt Romney, and he speaks French too well to be a patriot. Someone who speaks French that well is unfit to be president. Vote Newt Gingrich." That made this French-speaking judge very angry, so I had to find a way to extract myself from that. I noticed that she had some pictures of her kids playing soccer on her desk, so I started asking her questions about her kids to distract her. Then, I asked her if the kids knew about the important work that their mom was doing, and I said, "Because you know if you do not end up documenting these atrocities, your country is going to be condemned to repeat them over and over again." Now, of course, I was shamelessly borrowing from George Santayana,⁴² but she did not seem to know that. She thought that was pretty cool, so she asked if she could have a selfie taken with me, and we worked things out. But, yes, it is very important as an international lawyer sometimes to be able to speak the local language. I want to end by asking each of our panelists why they became international lawyers. I will start with you, Milena.

Milena Sterio: Sure. For me, maybe it is a little bit personal. I grew up in what is now Serbia, the former Yugoslavia. When I was coming of age, the country was falling apart. There was a civil war, and lots of bad things were happening. I really saw firsthand the role that international lawyers can play in resolving conflicts and leading the parties towards an agreement. From that point on, I decided that this was what I would like to be. This is what I would like to do and, hopefully, I will someday make an impact in either my own country or somewhere else.

Michael Scharf: You certainly have. Darin, you are next.

41. *Mitt Romney Lambasted in Attack Ad for Speaking French*, BBC (Jan. 13, 2012), <https://www.bbc.com/news/world-us-canada-16549624> [<https://perma.cc/XUF8-7MHZ>].

42. GEORGE SANTAYANA, *LIFE OF REASON, REASON IN COMMON SENSE* 172 (1905) ("Those who cannot remember the past are condemned to repeat it.").

Darin Johnson: Similar to Milena, I grew up with a deep reverence for the role that lawyers can play in improving society. I grew up with this deep reverence for civil rights lawyers, and I also had a passion for foreign affairs. I found that, over time, a career in international law really allowed me to merge all of those passions: a deep love of the law, a deep love of foreign affairs, and a deep love of human rights. It has been so, so rewarding.

Michael Scharf: Greg, how about you?

Gregory Noone: Well, I wish it was as deep as Darin's. I was a young, single Naval Officer who just wanted to be stationed overseas. I kind of fell into it quite by accident and then came back to Newport, Rhode Island and worked at a brand-new program called the Defense Institute of International Legal Studies,⁴³ which is a place where Sandy and I both worked. We got to do some amazing work all over the world and really fell in love with the idea that we could practice law, help others practice law, and, along the way, help victims of some of the gravest atrocities known to man.

Michael Scharf: Sandy, what about you?

Sandra Hodgkinson: I always had this passion for human rights and international law, even before there were classes in this area. As I was going through school, I was always interested and fascinated by the war crimes tribunals and how to address them. Long before there was an International Criminal Court, I authored a big paper on why we should have an International Criminal Court because I felt so strongly that there had to be justice mechanisms for accountability. Through this opportunity to serve in this capacity as a lawyer over these decades, it has been everything I ever hoped it could be and more. I have loved every step of my career.

Michael Scharf: Finally, with a few minutes remaining, I would love to ask each of you to tell us about what you are working on now and where you are going to be traveling next. Milena, do you want to kick things off?

Milena Sterio: Sure. Lately, I have been very involved in the work of the Public International Law and Policy Group. I just returned from a round of peace negotiations in Juba, South Sudan, so it is likely that I will return to Juba. We also have a potential visit scheduled in Khartoum, Sudan where we work with the government of Sudan, and

43. See *Defense Institute of International Legal Studies (DIILS)*, DEF. SEC. COOP. AGENCY, <https://www.dsca.mil/defense-institute-international-legal-studies-diils> [<https://perma.cc/HR4X-2T63>].

then we also have clients in Ukraine. Those are the destinations that are most likely in the near future.

Michael Scharf: Darin, what about you?

Darin Johnson: Much like Milena, I have worked with PILPG on the Sudan peace negotiations. Right now, I am working on a team helping to focus on implementation of that agreement. I am also working on human rights documentation in Iraq and transitional justice in South Sudan. Hopefully, there will be opportunities to travel back to Juba, both in support of the Sudan peace negotiations and transitional justice issues in South Sudan.

Michael Scharf: Greg, where are you off to next?

Gregory Noone: I literally just returned from Amman, Jordan where we are helping the Jordanian Armed Forces create operational legal support. Basically, we are making international lawyers out of some of their military lawyers so that they can better advise commanders in the field, especially with their treatment of civilians, whether refugees or people caught in between battle. I am also working with the Public International Law and Policy Group to lead the Yemen team. As you can imagine, there is never a dull moment when working with Yemen.

Michael Scharf: We have heard some fascinating tales from the field today. Do not be surprised if some of these show up in the next season of *Blood & Treasure*. Our producer is indicating that it is time to wrap up our program. Greg Noone, Sandy Hodgkinson, Darin Johnson, and Milena Sterio, thank you all for sharing your experiences with our listeners. Our audience will probably never think about international lawyers in the same way again. I am Michael Scharf. You have been listening to "Talking Foreign Policy."