

CATHERINE AMIRFAR

Litigation Partner & Co-Chair Public International Law Group
Debevoise & Plimpton LLP
camirfar@debevoise.com
(212) 909-7423

Legal Employment

Litigation Partner & Co-Chair, Public International Law Group. Debevoise & Plimpton LLP, New York, New York (2016 to present). Practice focusing on public international law (including human rights, boundary disputes, sovereign immunity, international humanitarian law, and international environmental law), international commercial and treaty arbitration, and international and complex commercial litigation. Regularly representing multinational corporations, sovereign states and international organizations in both U.S. courts and before international tribunals. Member of the firm's Management Committee since 2018.

Counselor on International Law, Office of the Legal Adviser, U.S. Department of State (2014 to 2016). Advised State Department on its most significant litigation matters involving international law and foreign relations and liaised with senior officials of the Departments of Justice and Defense, the National Security Council, and the Office of White House Counsel in developing the litigation position of the United States in federal and international courts. Represented the United States before the United Nations and other international bodies, including with respect to the UN Convention Against Torture, the UN Convention on Certain Conventional Weapons, the CAHDI Group (Committee of Legal Advisers on Public International Law), the US-EU Dialogue, the UN Sixth Committee, the P5+1 (Legal) and the P3 (Legal). Engaged in bilateral negotiations with states in the fields of cyber security, law enforcement cooperation, and torture-related issues. Provided advice on cross-cutting and complex international legal questions, including in the fields of human rights, sovereign immunity, international arbitration and claims settlement, cyber security and armed conflict.

Litigation Partner, Debevoise & Plimpton LLP, International Disputes Resolution Group New York, New York (associate 2002-2008; partner 2008-2014). Regularly represented private parties and states in commercial and treaty disputes arising under bilateral investment treaties and wide variety of contracts, including joint venture, share purchase, oil and gas, manufacturing, reinsurance, distribution, and concession agreements.

Law Clerk, Judge Deborah Batts, United States District Court for the Southern District of New York, New York, New York (2000-2002).

Professional Activities and Associations

Council on Foreign Relations (CFR)

Permanent Member (2017-present)

Term Member (2009-2012)

U.S. State Department Advisory Committee on International Law (ACIL)

Member (Appointed 2017)

American Law Institute (ALI) Member (Elected 2014)

American Society of International Law (ASIL)

President-Elect (inducted March 2019)

Co-host, ASIL Podcast, *International Law Behind the Headlines* (2018-present)

Vice President (2016-2018)

Chair, Strategic Planning Committee (2016 -2018)

Member, Strategic Planning Task Force (2015-2016)

Nominating Committee (2012)

Executive Council (2009-2012)

2011 Program Co-Chair, Annual Meeting, *Harmony & Dissonance in International Law*

Singapore International Arbitration Centre (SIAC) Court of Arbitration

Court member (Appointed May 2017, reappointed 2019)

ICCA, Governing Board Member (Appointed 2019)

ICCA-ASIL Task Force on Damages in International Arbitration

Chair (Appointed 2017)

AAA/ICDR Council Member (Nominated 2017)

International Institute for Conflict Prevention & Resolution (CPR) Advisory Council

Member (2013-2014)

American Branch of the International Law Association (ABILA) Vice President (2012 to 2016)

Executive Council (2008 to 2016)

Institute for Transnational Arbitration (ITA) Advisory Board (2005-2013)

New York International Arbitration Center

Board member (2016)

Director, Chair of Program Committee (2012-2014)

International Bar Association (IBA) Task Force on Human Rights and Climate Change

Vice Chair (2013-2014)

IBA Arbitration Committee

Co-Chair, IBAArb40 (2013 to 2015)

Awards & Rankings

Leading Lawyer, The Legal 500 USA (2017-2019)

Top 250 Women in Litigation, Benchmark Litigation (2017-2019)

Who's Who Legal: Arbitration, Global Arbitration Review (2017-2019)

Thought Leaders (2018-2019), *Future Leaders* (2016), Global Arbitration Review

U.S. State Department Superior Honor Award (2016)

Pro Bono: Private Practice Lawyer of the Year (2014) Chambers & Partners USA

Litigation Star International Arbitration (2019) Benchmark Litigation

2013 Rising Star in *The New York Law Journal* and *Super Lawyers*

Global Arbitration Review, *45 Under 45* (2011)

Ranked as a leading practitioner in international arbitration and public international law in *Chambers Global, Public International Law* (2018-2019) (Band 3), *Chambers USA* (2010-2014, 2018-2019) (Band 2), *Chambers Global, International Arbitration* (2012-2014, 2019) (Band 5), *Legal 500 US* (2011-2014, 2019)

Selected International Cases

Served as lead counsel in numerous international commercial and treaty arbitrations before international tribunals, constituted under the auspices of leading arbitral institutions, including ICSID, CPR, AAA (ICDR), ICC, LCIA, and others.

Request for Indication of Provisional Measures in the case concerning the Interpretation and Application of the International Convention on the Elimination of All Forms of Racial Discrimination (State of Qatar v. The United Arab Emirates) (International Court of Justice) Order of 23 July 2018 and Order of 14 June 2019 (argued on behalf of Qatar in the ICJ; successfully obtained provisional measures on behalf of Qatar and defended against request for provisional measures).

Request for Indication of Provisional Measures in the case concerning Avena and Other Mexican Nationals (Mexico v. United States) (International Court of Justice) Order of 16 July 2008 (argued on behalf of Mexico; provisional measures granted).

Avena and Other Mexican Nationals (Mexico v. United States) (International Court of Justice) Order of 5 February 2003 and Judgment of 31 March 2004 (argued on behalf of Mexico at both provisional measures and merits stages; provisional measures granted; liability found and remedy granted in cases of 51 out of 52 Mexican nationals).

Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay) (International Court of Justice) (represented Oy Metsä-Botnia AB in connection with dispute between Argentina and Uruguay concerning company's US \$1.2 billion pulp mill on Uruguay River).

Selected U.S. Cases

- Kling v. World Health Organization* (S.D.N.Y. 2020) (represented World Health Organization with respect to asserting its privileges and immunities related to its handling of the COVID-19 pandemic).
- Villavicencio Calderon v. Sessions et al.* (S.D.N.Y. 2018) (represented Mr. Villavicencio in habeas proceedings requesting his release after he was placed in immigration detention).
- Morales v. New York* (New York Court of Appeals) (2016) (represented Mr. Morales to challenge application of the New York Anti-Terrorism gang members).
- Bond v. United States* (Supreme Court 2014) (represented group of Chemical Weapons Convention Negotiators and Experts as amici curiae, arguing that individual criminal acts of petitioner fell within expansive scope of conduct prohibited by Convention and statutory law).
- American Express v. Black Card LLC*, (S.D.N.Y. 2012) (represented American Express in trademark dispute case raising novel issues of federal trademark law).
- Brzak v. United Nations*, 597 F.3d 107 (2d Cir. 2010) (represented United Nations in case in which Second Circuit affirmed dismissal of claims on the basis of immunity), *aff'g*, 551 F. Supp. 2d 313 (S.D.N.Y. 2008).
- Boumediene v. Bush* (U.S. Supreme Court 2008) (represented United Nations High Commissioner for Human Rights as *amicus curiae* in case in which U.S. Supreme Court held aliens detained as enemy combatants at Guantánamo Bay entitled to habeas corpus to challenge legality of detention).
- Medellín v. Texas*, *Sanchez-Llamas v. Oregon*, *Medellín v. Dretke* (U.S. Supreme Court 2005, 2006, 2008) (represented Mexican nationals in federal and state courts subject to ICJ's *Avena* judgment seeking compliance with that judgment and with President's determination that United States would comply).
- Al-Marri v. Wright*, 443 F. Supp. 2d 774 (D.S.C. 2006) (represented Human Rights First and Human Rights Watch as *amicus curiae* in case involving Qatari national declared enemy combatant by President and presently only such individual remaining in custody).

Publications

- "Tribunal Jurisdiction and the Relationship of Investment Arbitration with Municipal Courts and Tribunals" in *Handbook of Investment Law and Policy* [Forthcoming 2020].
- "From the World Court to the U.S. Supreme Court: The Vienna Convention Cases" (with Donald Donovan), Cambridge University Press [In progress].
- "Cambridge Handbook on Immunities and International Law: Waivers of Jurisdictional Immunity", Cambridge University Press (2019).
- "The Trump Administration and the 'Unmaking' of International Agreements," *Harvard International Law Journal* (with Ashika Singh) (Summer 2018).
- "Climate Disputes and Sustainable Development in the Energy Sector: Future Directives," *International Arbitration in the Energy Sector*, Oxford University Press (OUP) (2018).
- "Learning from the Past: Human Rights & Corporate Responsibility" (with Andrew Levine), *Global Investigations Review*, December 2, 2016.

“The Role of Damages Calculations in the Legitimacy of International Investment Arbitration,” *The 2015 Fordham Papers: Contemporary Issues in International Arbitration and Mediation* (2016).

“United States: Answers to Legal Business Questions” in *International Comparative Guide: The Legal 500 Series* (2016).

“Treaty Arbitration: Is the Playing Field Level and Who Decides Whether It is Anyway?” in *International Council for Commercial Arbitration (ICCA) Congress Series No. 18* (2014).

“Oral Proceedings” in *Litigating International Investment Disputes* (2014).

“Arbitration and Enforcement in the United States” in *The Arbitration Review of the Americas 2014. U.S. Handbook of ICCA* (with Holtzmann & Donovan) (2005; 2013).

“What Every Corporate Executive Needs to Know: Four Tips for Structuring Your Investment” in *International Trade Daily*, Issue 89, 2013.

“Current Challenges to Consumer Arbitration in the United States: Much Ado About Nothing for International Arbitration?” (with Rivkin) in *The Arbitration Review of the Americas 2012*.

“The Reed Schedule,” in *ICCA Newsletter*, December 2012.

“Obtaining Evidence for Use in International Arbitrations Through United States Courts,” in *The Arbitration Review of the Americas 2011*.

How Summary Adjudication Can Promote Fairness and Efficiency in International Arbitration,” in *International Bar Association Arbitration Newsletter*, September 2010.

“U.S. and International Arbitration,” in *The Arbitration Review of the America 2010*.

“Current Challenges in U.S. and International Arbitration,” in *The Arbitration Review of the Americas 2009*.

“Thirteen Years of NAFTA’s Chapter 11: The Criticisms, The United States Responses, and Lessons Learned,” in *New York International Law Review* (Winter 2007).

“*Mexico v. U.S.A. (Avena)* – Arguments of Mexico,” in *5 German Law Review* 375 (2004).

“Developments in the Act of State Doctrine,” in *38 International Lawyer* 342 (2004).

Selected Speeches and Presentations

Regional Perspectives of Investor State Claims in light of Covid-19, ABA ILS Webinar Series: COVID-19: Its impact on International Law and You (Zoom/Webinar, July 17, 2020)

International Arbitration: Past, Present & Future, NYIAC Talks (New York City, December 10, 2019)

The Nuts and Bolts of Multilateral Treaty-Making, ASIL 2019 Research Forum Lunch Plenary (Brooklyn Law School, November 9, 2019)

Hitting a Boundary: Is the U.N. Convention on the Law of the Sea Still Fit for Its Purpose? International Law Weekend (ILW) 2019 Panel, (Fordham Law School, October 12, 2019)

Law of the Sea, UNCLOS, American Branch of the International Law Association (ABILA), (Fordham Law School, October 12, 2019)

An Inside Look at Yemen, Council on Foreign Relations (New York City, October 10, 2019)

What Keeps GCs Up At Night? Leadership Council Summit, International Bar Association (New York City, June 2019).

“Trumping” International Law?: “Grading” The Administration at The Half-Term, 2019 ABA Section of Litigation & Solo, Small Firm & General Practice Division CLE Conference (New York City, May 3, 2019)

Situating Public-Private Arbitration: Theoretical and Practical Predicaments of Public Actors in International Arbitration, ITA-ASIL Conference (Washington, DC, March 27, 2019)

Data Protection, Privacy, Confidentiality and Cyber Security, IBA Arbitration Day (Montreal, Quebec, Canada, March 15, 2019)

Lecture, *Transnational Legal Methods and International Law*, Columbia Law School Human Rights Institute (New York City, January 2019).

Is Investment Under Fire? ILA American Branch International Law Weekend (Fordham Law School, October 2018)

Damage Calculation in International Arbitration, co-sponsored by Arbitration Institute of the Stockholm Chamber of Commerce, the Energy Charter Secretariat, ICSID and the PCA (Paris, France, September 11, 2018)

Overview of Investor State Arbitration, Columbia Law School/Chartered Institute of Arbitrators (CIAr) (New York City, June 4, 2018)

Roundtable on Damages from the Perspective of Arbitrators, ABA Damages in International Arbitration (New York City, April 26, 2018)

Task Force on Damages – *Damages in International Arbitration*, ICCA/ASIL Conference (Sydney, Australia, April 16, 2018).

Intractable Conflicts: To What Extent is Litigation Powerless? ASIL 2018 Annual Meeting, (Washington, DC, April 6, 2018).

Co-Chair, *Task Force on Damages in International Arbitration*, ICCA-ASIL (Hong Kong, November 15, 2017).

International Law in the Age of Trump (Keynote Address), ABA Annual Conference (New York City, August 10, 2017).

Private Equity Seminar (D&P London, July 18, 2017).

The UN Dynamic and Political Constraints, International Justice Day Event. Foreign Commonwealth Office, UK Government (London, July 2017).

Climate Change Arbitration, ABA Section of International Law (Washington DC, Wednesday April 26, 2017).

Perspectives from the Obama Administration’s State Department, International Arbitration Club of NY (New York City, Monday, April 24, 2017).

Adjudicating International Environmental Disputes: Lessons from Recent Jurisprudence, American Society of International Law Annual Meeting (Washington DC, Thursday April 13, 2017).

Damages in International Arbitration, ICCA & ASIL Joint Workshop (Washington DC, Tuesday April 11, 2017).

The UN Guiding Principles and Business Causation, Contribution and Direct Linkage, IPIECA (Oil & Gas Industry) (Houston, Texas, Wednesday April 4, 2017).

Settlement Facilitation: Does the Arbitrator Have a Role? CPR 2017 Annual Meeting (Coral Gables, FL, March 2, 2017).

Cause, Contribute, and Directly Linked in Human Rights Risk for Business, U.S. Council for International Business Webinar (New York City, February 22, 2016).

International Law and the Trump Administration: The Future of International Agreements, American Society of International Law (Washington, DC, February 1, 2017).

Human Rights for Financial Institutions, Debevoise & Plimpton (London, January 17, 2017).

Enforcing the States' Environmental Obligations: An International Court for the Environment, International Arbitration and Other Legal Avenues, The World Bank's Law, Justice and Development Week 2016 (organized by ICSID) (Washington, DC, December 7, 2016).

How The Relationship and Bidding Dynamics Between Public Bodies and Private Contractors Give Rise To Disputes, 33rd AAA/ICC/ICSID Joint Colloquium on International Arbitration (Paris, December 9, 2016).

Co-Chair, Global Arbitration Review New York Live (New York City, September 2016).

Global Arbitration Review Live: Investor-State Dispute Settlement in the Trade Agreements of the United States (Washington DC, September 2015).

Calculation of Damages in the Investor-State Arbitration Context, Fordham Conference on International Arbitration (New York City, November 2015).

International Arbitration Counsel Ethics (World Bank/Washington DC, May 2015).

The Legal Framework of International Arbitration, Columbia Law School/Chartered Institute of Arbitrators Course (Washington D.C., May 2015).

Customary International Law in U.S. Courts, ASIL meeting (Washington D.C., January 2015).

Global Arbitration Review Live: Oxford Debate on Investment Arbitration (New York City, September 2013).

PLI Seminar: International Arbitration Hot Topics (New York City, July 2013).

Developments in International Dispute Resolution, CPR's 2013 Annual Meeting (San Diego, January 2013).

The Final Curtain: Post-Hearing Submissions, Deliberations and Enforcement, 24th Annual ITA Workshop (Dallas, June 2012).

Complex International Energy Investment Arbitration, International Bar Association Annual Conference (Dubai, November 2011).

Rethinking the Law Firm II: Outsourcing of Legal Services, International Bar Association Annual Conference (Dubai, November 2011).

Amazon Crude: The Implications of Chevron v. Ecuador for Investor-State Arbitration, New York University Law School (New York City, October 2011).

Private International Law in Action: The Impact of Recent Private International Law Developments on Domestic Law and Policy, ABILA, International Law Weekend (New York City, October 2011).

Are the 2010 Health Care Reform Laws Constitutional? First Monday in October, Office of the Appellate Defender (New York City, October 2011).

Preparation of an International Arbitration Case and Promoting Efficiency, Stockholm Arbitration Day, Roschier Forum (Stockholm, May 2011).

Stop the Hand-Wringing and Do Something: Solutions on the Table to What Is Perceived to Be Wrong with International Arbitration, Mid-year Meeting of ASIL (Miami, November 2010).

Strategies in International Human Rights Litigation, ABILA, International Law Weekend (New York City, October 2010).

Enforcement Under the NY Convention, International Bar Association Annual Conference, Workshop (Vancouver, October 2010).

Getting Ahead of the Curve: Advance Planning for Disputes in Energy and Infrastructure Projects, D&P Seminar Series (New York City, September 2010).

Globalization of Procedural Law in International Arbitration, Litigation Section Annual Conference, American Bar Association (New York City, April 2010).

Recognition and Enforcement of ICC Arbitral Awards, ICC Annual Conference (New York City, September 2009).

Treaty Obligations in Federal States, ITA Annual Conference (Dallas, June 2009).

Careers in International Law, International Law Society, NYU Law School (New York City, February 2009).

ADR Landscape Today: Perspectives from the Company Trenches, Annual Meeting of the CPR Institute for International Arbitration (New York City, January 2009).

International Law in US Courts, Seton Hall Law School (Newark, January 2009).

Avoiding the First Date Jitters: Tips for Your First Meeting with Your Expert, International Bar Association Annual Conference (Buenos Aires, August 2008).

Boumediene & Medellin: What Did the US Supreme Court Mean? Meeting of ASIL (Washington DC, July 2008).

Practice of Law Before Organizations of International Public Law, Litigation Section Annual Conference, American Bar Association (Washington DC, April 2008).

Shielding Citizens Abroad: the New Faces of Diplomatic Protection and Consular Assistance, ABILA, International Law Weekend (New York City, October 2007).

International Law as Part of Domestic Law: Addressing the National Security Model (September 2007).

What's Yours is Ours: The Effects of Nationalization and Expropriation in Latin America, International Law Section Annual Conference, American Bar Association (November 2006).

Education

New York University Law School, New York, NY J.D. 2000 *cum laude*
Associate Editor, *NYU Law Review*

Stanford University, Stanford, CA 1995
BA with honors, International Relations

Personal

Born July 13, 1973; United States citizen
December 2020