

IN MEMORIAM

M. CHERIF BASSIOUNI (1937–2017)

*By Leila Nadya Sadat**

On September 25, 2017, the world lost a great soul, Professor M. Cherif Bassiouni. Cherif was a friend, a colleague, a mentor, and an inspiration to me personally, and to many like me. A truly global citizen, Cherif was brilliant, creative, hardworking, and skilled in international diplomacy, as well as fluent in at least six languages.

Cherif was often referred to as the “father” of international criminal law. From the torture convention to the Statute of the International Criminal Court, his fingerprints are on every major international criminal law instrument of the past fifty years, including the emerging new convention on crimes against humanity. He understood the relationship between international law, international institutions, and global politics extraordinarily well, perhaps more than any other scholar of his generation, and used his considerable intellect not only to write academic treatises, but also to create legal frameworks and institutions to restrain state violence.

As a scholar, Cherif wrote and edited seventy-five books and several hundred law review articles in Arabic, English, French, Italian, and Spanish. His publications have been repeatedly cited as authority by the Yugoslavia Tribunal, the Rwanda Tribunal, and the United States Supreme Court (to name a few) and were always thoroughly researched, beautifully written, and copiously footnoted. I had the honor to co-author the casebook he initiated with Jordan Paust on *International Criminal Law: Cases and Materials*, the first of its kind in the United States, and now in its fourth edition.

Cherif began his academic work in his native Egypt, subsequently earning graduate degrees in Europe and in the United States. He ultimately made Chicago his home, becoming a well-known and distinguished member of the legal community there, focusing not only on his international human rights work but on domestic civil rights issues as well: there is now a street named in his honor. Cherif joined the faculty of DePaul College of Law in 1964 and later founded the International Human Rights Institute there, which trained thousands of law students and human rights lawyers. His other academic home was in Italy; he established the International Institute of Higher Studies in Siracusa which he headed until 2015, and which has trained more than 48,000 jurists from over 167 countries.¹

Cherif worked extensively with the United Nations, and was appointed to co-chair the committee of experts tasked with drafting an anti-torture convention, chaired the commission to investigate atrocities in the former Yugoslavia, and chaired the drafting committee of the Rome Diplomatic Conference that established the International Criminal Court. His time investigating atrocities in Yugoslavia had a profound effect upon him; he would tell story after story of his

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¹ The Institute was recently renamed “The Siracusa International Institute for Criminal Justice and Human Rights.”

encounters with sobbing and devastated witnesses and victims who had been scarred for life by the terrible conflict. He exhumed mass graves, fought with UN bureaucracy, and ultimately produced a report that led to the establishment of the International Criminal Tribunal for the former Yugoslavia,² which only recently concluded its final trials.

Cherif regularly lectured all over the world, bearing witness to what he had seen, training young minds to follow in his footsteps, and perhaps most importantly, enjoying life. He had an extraordinary ability to communicate complex ideas in simple terms and was without equal in his ability to hold vast quantities of complex information in his mind. His lectures were magisterial, typically delivered without notes and often lasting for an hour or more. His brilliance was tempered by his kindness and compassion; Cherif would often pause to dine with friends, to listen to music, to take in the beauty of the Earth even in the midst of war and sorrow. I feel privileged to have been by his side on many of these occasions, and to have heard his wisdom, laughed with him, and worked both on the Rome Statute and on the new crimes against humanity convention with him, among other projects. I am not alone in having had that experience—many can tell similar stories, for Cherif was generous with his time, his expertise, and his friendship. He became a member of the International Criminal Court Committee that I chaired on behalf of the American Branch of the International Law Association—and motivated us to produce not only several reports on the draft statute as it was evolving, but a Model Statute that was published and distributed at the Rome Conference.³ He subsequently served as a member of the Whitney R. Harris Institute's International Council, and on the Steering Committee of the Crimes Against Humanity Initiative.⁴

Cherif was nominated for the Nobel Peace Prize in 1999 by the Association Internationale de Droit Pénale, an honor that he most surely deserved. During his lifetime, he received the French Legion of Honor, the Hague Prize in International Law and the Order of Merit from Austria, Egypt, France, Germany and Italy, as well as honorary doctorates from several universities.

Cherif wrote:

The pursuit of truth and justice requires, among other things, moral courage, at times physical courage, the strength to overcome fear, and fighting off the temptations of reward for ignoring wrongs. It also requires determination, willingness to sacrifice, a sense of honor and dignity and perseverance when things seem impossible.

He had all these qualities and more. He was a devoted husband and wonderful father to his stepchildren, loved music and art, and in spite of his immersion in a field addressing the darkest deeds of humankind, was a bon vivant who laughed easily, smiled readily, and enjoyed the company of friends.

Cherif was a devout Muslim who was not immune to the pain caused by the discrimination he often endured as an Arab American and Muslim in a country that too often has forgotten the principles of religious freedom enshrined in its founding documents. We shared a common heritage and understanding of the trials of being Arab American in the United States. Some of his very first writings as a young academic concerned the question of Palestine, including an essay on “The Middle East in Transition: From War to War, a Proposed Solution,” an astonishingly brave writing for a young academic at a U.S. university.⁵ Yet he was never bitter or angry,

² Cherif's last printed work details the history and activities of the so-called 780 Commission, a book that I received just prior to his death. See M. CHERIF BASSIOUNI, *INVESTIGATING WAR CRIMES IN THE FORMER YUGOSLAVIA WAR 1992–1994* (2017).

³ MODEL DRAFT STATUTE FOR THE INTERNATIONAL CRIMINAL COURT BASED ON THE PREPARATORY COMMITTEE'S TEXT TO THE DIPLOMATIC CONFERENCE, ROME, JUNE 15–JULY 17, 1998, 13*ter* NOUVELLES ETUDES PÉNALES (Leila Sadat & M. Cherif Bassiouni eds., 1998).

⁴ See, e.g., *FORGING A CONVENTION FOR CRIMES AGAINST HUMANITY* (Leila Nadya Sadat ed., 2d ed. 2013).

⁵ M. Cherif Bassiouni, *The Middle East in Transition: From War to War, a Proposed Solution*, 4 INT'L. LAWYER 379 (1970).

understanding that peace between different religious communities could result only from tolerance and education. Cherif quoted from Christian and Talmudic texts as often as the Qu-ran, and would, I think be pleased to have me finish this short remembrance of him with a text attributed to the Talmud that sums up his devotion to justice and peace:

Do not be daunted by the enormity of the world's grief;
Do justly now.
Love mercy, now.
Walk humbly, now.
You are not obligated to complete the work,
But neither are you free to abandon it.

Thank you Cherif, for all you gave us during your too-short time on this earth; we may have lost a father, but your work and your legacy endure.