

NOMINATION  
BY  
THE INTERNATIONAL SCIENTIFIC AND PROFESSIONAL ADVISORY COUNCIL  
OF THE UNITED NATIONS  
TO AWARD THE 1999 NOBEL PEACE PRIZE TO PROFESSOR M. CHERIF BASSIOUNI

*Memorandum in Support of the Nomination to the 1999 Nobel Peace Prize of  
Professor M. Cherif Bassiouni*

The Association Internationale de Droit Pénal and Professor M. Cherif Bassiouni, whose long-lasting dedication and commitment to the support of international criminal justice and, in particular, the support of the establishment of an international criminal court, have been more effective and far-reaching than any other organization or individual. The global impact of their work, since 1924 for the Association Internationale de Droit Pénal and since 1964 for Professor Bassiouni, has had the broadest and deepest effect on the outcome achieved at the Diplomatic Conference on the Establishment of an International Criminal Court held in Rome, June 15-July 17, 1998.

Some of the salient facts in support of the above are:

1. The Association Internationale de Droit Pénal (AIDP) was established in Paris in 1924 with its siège social at the University of Paris, La Sorbonne, Faculty of Law, Place du Panthéon. Among the luminaries of criminal justice who founded the organization were such personalities as Professor Henri Donnedieu de Vabres, who served as a judge on the International Military Tribunal at Nuremberg. The AIDP has its origins, however, in the International Union of Penal Law founded in Vienna in 1889. It is the oldest scholarly association of its kind and has been dedicated to the establishment of an international criminal court since its inception.
2. The organization has some 3,000 members in 99 countries with 47 active national groups. It biannually publishes the REVUE INTERNATIONALE DE DROIT PÉNAL and occasionally the NOUVELLES ÉTUDES PÉNALES. The work of the Association over the years has not only included the world's elites in the field of criminal justice (understood in its broadest sense, which includes human rights), but has also reached and shaped many generations of scholars and students throughout the world. The AIDP has consistently been the historic bridge among penalists from all parts of the world, even at a time when sharp divisions existed between east and west, north and south. Its scientific and humanistic work has produced a significant impact in Africa after the decolonization period of the '60s and '70s and in the emerging democracies in Central and Eastern Europe from the late '80s.
3. In 1926, the Association presented its first draft proposal for the establishment of a permanent international court to the League of Nations. It was joined in that endeavor by the International Law Association and the Interparliamentary Union. Subsequently, the AIDP's president, Vespasian V. Pella, was instrumental in the adoption by the League of Nations of a Protocol to the 1937 Terrorism Convention, which provided for the establishment of an international criminal court.
4. In 1972, the AIDP established the International Institute of Higher Studies in Criminal Sciences (ISISC) located in Siracusa, Italy. ISISC, since its inception, has consistently developed conferences and seminars for experts and young penalists on the establishment of an international criminal court. In twenty-five years, ISISC has held 234 conferences, seminars and meetings of experts, with the participation of some 15,000 jurists from 147 countries, including over 4,000 academics from 417 universities. Furthermore, the Institute cooperated in these activities with 110 international, inter-governmental and non-governmental organizations (NGO) and produced 104 volumes of publications. A majority of these programs were devoted to international criminal justice, the establishment of an international criminal court, combating impunity for international crimes, and human rights in the administration of justice. More particularly, in 1996-1998, the Institute hosted three official inter-

sessional meetings of the UN's General Assembly Preparatory Committee (PrepCom) for the establishment of an international criminal court, and in 1995, two committees of experts during the General Assembly's Ad Hoc Committee on the establishment of an international criminal court. The texts produced at these meetings were formally introduced at the PrepCom and greatly aided in the process of negotiating the consolidated text brought to the Rome Diplomatic Conference. The Institute also produced seven books on the international criminal court, with a cumulative distribution of over 15,000 copies. This is in addition to the specialized volumes of the REVUE INTERNATIONALE DE DROIT PÉNAL on an international criminal court, whose cumulative distribution has also exceeded 10,000 copies

5. The range of activities of the AIDP and its Siracusa Institute in support of an international criminal court include: normative development, enhancing consensus among governments, providing technical assistance to government officials, expanding the support basis for the ICC in the academic and professional communities, and developing a worldwide support network in the criminal justice communities and in the foreign policy communities of a large number of countries, particularly in Developing and Least Developed Countries. Furthermore, the wide-ranging impact of the multiplier effect of the Association's scientific work and, in particular, its publications has been the most significant of its kind in the world.

6. For the last twenty-five years, all of the work mentioned above has been directed by Professor M. Cherif Bassiouni. As a native of Egypt, holding dual citizenship of Egypt and the U.S.A., Professor Bassiouni is President of the AIDP and the ISISC. He has brought to the work scholarly knowledge, technical competence, diplomatic ability, personal commitment and personal integrity. All of the programs and activities described above have originated through him. He has also personally organized these activities, participated in them, overseen the publications and distribution and worked in many ways to disseminate the message of international criminal justice and, in particular, of the establishment of an international criminal court. In the last thirty years, he has lectured extensively in Africa, the Middle East, Latin America and Europe in support of the international criminal court. During that period of time, he has spoken at more than 200 conferences and seminars, reaching an audience of thousands of professionals and non-professionals in over fifty countries, making many in the academic community refer to him as the "father of the international criminal court."

7. Since 1997, he has also developed a program for Least Developed Countries (LDC), which has permitted twenty-two delegates from LDC's to participate in the Rome Diplomatic Conference. Prior to that, his support program brought twenty delegates from LDC's to the PrepCom. Presently, sixteen LDC delegates were brought to the Preparatory Commission and he is planning a technical cooperation project to assist Developing Countries and LDC's in ratification of the ICC treaty and elaboration of national implementing legislation. Without this support no more than twenty LDC's would have been able to participate in the ICC process.

8. Professor Bassiouni in 1992-1994, served as chairman of the United Nations Security Council Commission to Investigate Human Rights Violations in the former Yugoslavia. The first report of that Commission urged the Security Council to establish a tribunal for the former Yugoslavia. As a result, Security Council Resolution 828 (1993) establishing the International Criminal Tribunal for the former Yugoslavia (ICTY) referred in one of its operative paragraphs to the Commission's recommendation as a basis for establishing that tribunal. Essentially, the ICTY was established because Professor Bassiouni, at great personal risk, had been able to document the crimes committed in the former Yugoslavia, working indefatigably in the war-torn zones of Bosnia and Croatia, and overcoming many political, administrative and financial obstacles in order to achieve a result that powerful nations were not eager to see. Professor Bassiouni's report is the longest published report of the Security Council. It contains 3,500 pages, backed by 65,000 documents and 300 hours of videotapes. The latter, however, were not published, because they were turned over to the prosecutor of ICTY.

9. It is well-known that the work of the General Assembly's 1995 Ad Hoc Committee and the 1996-1998 Preparatory Committee for the Establishment of an International Criminal Court started

from a draft statute prepared by the International Law Commission (ILC) in 1994. However, unbeknownst to many, is that the ILC's 1994 draft was modeled on a draft statute for the establishment of an international criminal jurisdiction to implement the Apartheid Convention (1981). That draft statute was prepared by Professor Bassiouni, who had been named by the Commission on Human Rights as the independent expert to prepare such a draft statute.

10. Professor Bassiouni's highly recognized expertise earned him the unanimous election by 161 countries to the chairmanship of the Drafting Committee of the Rome Diplomatic Conference. The process by which the Diplomatic Conference functioned would have resulted in the inability of the Diplomatic Conference to conclude its task on July 17 if it were not for Professor Bassiouni's leadership, competence and hard work as Chair of the Drafting Committee. Prior to the Diplomatic Conference, he served as Vice-Chair of the PrepCom and Vice-Chair of the Ad Hoc Committee, to which he significantly contributed.

11. Professor Bassiouni is recognized as the leading scholar on international criminal law. He has published many books and articles and his doctrinal views have inspired generations of young scholars and researchers in that field. His extensive scholarly and professional activities, as well as his work as a human rights activist and leader have earned him worldwide recognition. Throughout his distinguished career, he has always been known as a man of the highest level of integrity and moral rectitude. He has led by example, as well as by his work and teachings.

12. There have been many individuals and organizations who have supported the idea of an international criminal court and whose contributions during the past ten years have been very important. For example, Arthur Robinson, now President of Trinidad and Tobago, proposed to a Special Session of the General Assembly on Drugs that an international criminal court be established for drug trafficking. That initiative was subsequently credited for bringing the question of an ICC back to the General Assembly, even through from a limited perspective. Many NGOs have, since the establishment of the ICTY and ICTR, begun campaigns in support of international criminal justice. Among them, the work of Amnesty International, Human Rights Watch, No Peace Without Justice, and the NGO Coalition for an ICC deserve recognition. It is not the purpose of these observations to diminish the efforts of individuals and organizations who have recently contributed to this goal, but to show the long-lasting dedication and commitment of the AIDP, its ISISC, and Professor Bassiouni, whose contributions have had worldwide impact in the achievement obtained in Rome 1998.

It is for these reasons that both are nominated for the 1999 Nobel Peace Prize.

Professor Gerhard O.W. Mueller  
*Chairman, a.i., International Scientific and  
Professional Advisory Council; Distinguished  
Professor of Criminal Justice, Rutgers University;  
Vice-President, International Society for Social  
Defense; Former Director, U.N. Crime Prevention  
and Criminal Justice Branch*

New York, New York  
February 21, 1999