Few persons have contributed as much to the creation of the International Criminal Court (ICC) as Cherif Bassiouni. My direct experience of working with Professor Bassiouni in building this vital historical institution began with the 1998 Rome Conference that adopted the Statute of the Court. However, his influence on the establishment of the ICC long precedes Rome and occurred through a wide range of his activities.

Professor Bassiouni’s reputation as a prolific scholar and writer in the field of international criminal law is well-known. Long before the ICC became a reality, he authored numerous books and articles on the subjects of international criminal law and an international criminal court. For many years, Professor Bassiouni’s writings kept alive the demands of the international community for a permanent institution to succeed the Nuremberg and Tokyo tribunals, and facilitated the practical development of the substance and procedure of international criminal law as well as related fields such as international humanitarian and human rights law.

Professor Bassiouni also has had a significant impact on the establishment of the International Criminal Court through his leadership role in several academic and professional institutions concerned with international criminal law and the creation of the ICC. In this context his service as Secretary-General and then President of the International Association of Penal Law and as President of the International Institute for Higher Studies in Criminal Sciences in Siracusa is particularly notable.

His outstanding academic and other professional accomplishments notwithstanding, perhaps Professor Bassiouni’s most direct influence on the

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establishment of the ICC has been through his long and distinguished record of service to the United Nations. One of his earliest initiatives in this regard was his preparation in the early 1980s of a Draft Statute for the Creation of an International Criminal Court which would facilitate the work of subsequent drafters.

In the early 1990s, Professor Bassiouni served as a member and then Chairman of the U.N. Security Council’s Commission of Experts to Investigate Violations of International Humanitarian Law in the Former Yugoslavia. His efforts on behalf of the Commission played an important role in the establishment and success of the International Criminal Tribunal for the Former Yugoslavia (ICTY). The work of the Commission and the ICTY helped to demonstrate to the international community that international criminal courts were indeed a realistic possibility, thus providing momentum to the initiative to create a permanent international court.

When the United Nations began serious efforts towards establishing the ICC in the 1990s, Professor Bassiouni was immediately involved in the process at a high level. He served first as Vice-Chairman of the Ad Hoc Committee on the Establishment of the ICC, and then as Vice-Chairman of its successor, the Preparatory Committee. The outcome of this process provided a firm basis for the final negotiations of the ICC Statute at the U.N. Diplomatic Conference of Plenipotentiaries held in Rome in the summer of 1998.

At the Rome Conference, I had the privilege of working closely with Professor Bassiouni in my capacity as chairman of the Committee of the Whole. Professor Bassiouni’s knowledge and expertise pertaining to the ICC were widely recognized among the delegates, and they elected him to chair the Drafting Committee. The Drafting Committee had a crucial role in preparing the Statute. Once we agreed upon the substance of texts in the Committee of the Whole, the texts were sent to the Drafting Committee to harmonize the drafts of the Statute in all six official U.N. languages. Professor Bassiouni and I had to synchronize our working methods very quickly if the Conference was to achieve agreement on a Statute establishing the ICC.

As anyone who was at Rome can attest, the short period of time allotted for such a complex task meant that a premium was placed on efficiency of action. The Drafting Committee did not have the luxury of beginning their work with an agreed Statute. Often they would work on a specific statutory provision while a closely-related provision was still under discussion in the Committee of the Whole. Professor Bassiouni’s leadership, efficiency, and creative approach to managing the Committee were critical to the Rome Conference being able to adopt the Statute of the International Criminal Court on 17 July 1998.
As Professor Bassiouni noted at the signing ceremony for the Statute in Rome, the establishment of the ICC is not only “the end of a historical process,” but also “the beginning of a new phase in the history of international criminal justice.” It will still take much effort to ensure that the ICC has the support it needs to achieve its true potential. While we acknowledge his essential role in the creation of the ICC, we also look forward to Professor Bassiouni’s continuing contributions to the causes of the ICC and international justice – as a scholar, an activist, and an international civil servant.