

Introduction: In the Path of St. Vincent

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IN THE PATH OF ST. VINCENT

Dean Teree E. Foster

*The world rests on three pillars: on truth, on justice,
and on peace.¹*

*The three are really one. If justice is realized,
truth is vindicated and peace results.²*

It is with immeasurable pride and abiding pleasure that I introduce this volume of the *De Paul Law Review* dedicated to Professor M. Cherif Bassiouni. During his thirty-six years as a member of the faculty of the College of Law, Cherif has achieved more than most persons in thirty-six lifetimes, and his accomplishments have profoundly affected and ameliorated the world and positively influenced the lives of thousands of its persons. It is fitting that Cherif has chosen to spend his remarkable academic career at DePaul University, for he uniquely and effectively embodies the values that characterize DePaul University and perpetuates the values espoused by its namesake, St. Vincent DePaul: participating in the ministry to the poor, the vulnerable and the abandoned; using education as an implement for service to the community; and convincingly and vigorously advocating for justice and equality for all persons.

Cherif was born in Egypt to a privileged family.³ Yet even as a youth, advocacy for those who were marginalized and deprived of fundamental human rights was an integral part of his character and directed his actions. At the age of twenty, he was placed under house arrest in Cairo for intervening at the highest levels of government to prevent the summary expulsion from Egypt of two Jewish families, and for protesting the arrest, detention, and interment of political opponents in camps where many were tortured or executed. For seven months, he lived isolated and in darkness, in constant danger of execution, and was unanticipatedly released without explanation. In Cherif's words,

1. Rabban Simeon ben Gamaliel (Abot 1, 18).

2. Talmudic commentary.

3. In an uncanny coincidence, Cherif attended a French Jesuit high school in Cairo, and volunteered with the St. Vincent DePaul Society, of which he later became the Secretary with little foreknowledge that he would spend his professional life at a Vincentian institution.

I truly came out of the experience with a confirmed belief in two things. One is that there are good people and there are bad people, and the question is how to keep the bad people from doing bad things to good people. The other is that I saw legal institutions as being the only things that would stand in the way of bad people doing bad things to good people.⁴

Utilizing his forceful and commanding intellect, singular creativity, boundless energies, ineluctable persuasive powers, powerful passion, and formidable astuteness and tenacity, Cherif has lived a life of unwavering commitment to fashioning legal institutions to combat evil and perpetuate justice.

As a scholar, Cherif's productivity and influence is unparalleled. He is the author or editor of sixty-five books and monographs, more than 175 law journal articles and hundreds of newspaper and magazine articles and op-ed pieces. Among the first persons to teach in the field of International Criminal Law, his articles, casebook, and treatises have shaped and fundamentally influenced this area. His scholarship is relied upon by law faculty members across the globe, and cited by jurists who sit on the United States Supreme Court, the International Court of Justice, federal courts of appeal and district courts, the United States Court of Customs and Patent Appeals, and the Supreme Courts of fifteen states. As a teacher, he is revered by his students, who number in the thousands and who are found among the highest ranks of government, industry, law firms, and international service. He holds honorary doctorate degrees from three universities.

In and of themselves, Cherif's splendid academic teaching and scholarship would leave outstanding records of accomplishment. But it is in his capacity as the President of the DePaul International Human Rights Law Institute and as an appointee to numerous United Nations projects that Cherif's most significant achievements have been realized.⁵

The International Human Rights Law Institute ("IHRLI") was inaugurated in 1990, and has grown in its first decade to become one of the outstanding and leading human rights academic centers. Upwards of 140 students have benefited by their work with IHRLI, as have numerous DePaul College of Law faculty members. An early project

4. Mike Swa, *On Top of the World*, CHI. READER, Mar. 5, 1999.

5. Cherif has been appointed to 21 consultancies and other positions by the United Nations and has performed legal work in 13 nations. He also oversees the international Institute of Higher Studies in Criminal Sciences, Siracusa, Sicily, which annually conducts several specialized seminars and conferences and publishes its proceedings. By December 1995, the Institute has conducted 172 programs with the participation of over 11,000 scholars, judges, researchers, government officials, and jurists from 107 countries and almost 400 universities.

of IHRLI was to train judges, lawyers, prosecutors, and activists from Latin America, Eastern and Central Europe and a number of the Arab nations in human rights law, due process, and the rule of law. IHRLI provides technical legal assistance to developing nations in specific areas of human rights, international criminal justice, and arms control, and conducts field missions to document human rights violations, observe trials, monitor elections, evaluate peace processes, and promote national and international human rights initiatives.

One of the most pivotal projects conducted by IHRLI came about in 1992 when Cherif was appointed as a member of a United Nations Commission of Experts pursuant to a Security Council resolution to investigate violations of international humanitarian law in the former Yugoslavia, and was subsequently appointed Special Rapporteur on the gathering and analysis of facts, and later Chair of the Commission. Cherif raised funds from the MacArthur and Soros Foundations to establish a document center at the College of Law, and supervised a staff of upwards of twenty-five volunteer attorneys, law students, data analysts, programmers, and documentarians to organize tens of thousands of documents. At great physical danger, he personally participated in field trips to the former Yugoslavia, and prepared a team of female attorneys, mental health specialists, and interpreters to conduct interviews with victims of rape and sexual assault. The culmination of this extraordinary effort was the compilation of a 3,300 page, five-volume appendix, supporting the conclusions of the eighty-four page final report submitted to the Secretary General. The report, which has become the published report of the Security Council, summarized findings on ethnic cleansing, concentration camps, rape and sexual assault, mass graves, and destruction of cultural property, collected and catalogued more than 65,000 documents and 300 hours of videotaped interviews and news footage. These documents remain the most complete published record of atrocities and crimes committed in the Balkan conflict, and have been of inestimable benefit to the Yugoslavia Tribunal.

Current projects of IHRLI include conducting a clinic to train twenty lawyers from Central America who will argue human rights cases before the Inter-American Commission on Human Rights, and travelling to Mexico with fifteen bi-lingual students to train Mexican citizens in human rights field work. Moreover, Cherif began gathering data on the international trafficking of women and children several years before this shocking practice gained significant recognition, and as a result of his work, IHRLI, in cooperation with the Organization of American States, the Commission on the Rights of Women, and the

Children's Institute, has undertaken research to determine and document the scope of this denigrating and life-threatening practice. Research has begun in eight Latin American countries.

Cherif's lifelong advocacy for justice is epitomized by his powerful opposition to grants of impunity for perpetrators of crimes against humanity, and by his vigorous support for thirty-five years for the creation of a permanent International Criminal Court. After several United Nations appointments that furthered this goal,⁶ he served in 1998 as the Chair of the Drafting Committee of the United Nations Diplomatic Conference on the Establishment of an International Criminal Court, and produced the Rome Treaty, an eighty-eight page document proposing the establishment of a permanent International Criminal Court. This treaty was approved by the United Nations, and is now being ratified by the nations of the world; by the end of April 2000, ninety-six nations have signed this treaty. It is expected that the treaty will become effective in 2002, after ratification by sixty nations. For this unparalleled, monumental achievement, Cherif was nominated in 1999 for the Nobel Peace Prize.

Cherif walks with the international giants of the world; Anwar Sadat frequently consulted him; Boutros-Boutros Ghali, Richard Goldstone, Arthur Robinson of Trinidad and Tobago, and former President Giovanni Leone of Italy call him their friend. He is listened to by such world leaders as Kofi Annan, Jimmy Carter, and Hosni Mubarak.

He has been instrumental in numerous United Nations landmark human rights projects, and continues to toil tirelessly for justice. In 1977-78, he was the co-chair of the Committee of Experts that prepared the Draft Convention Against Torture, which the United Nations adopted in 1984. In 1984, Cherif chaired the Drafting Committee that prepared the United Nations Declaration on Principles of Justice for Victims of Crime and Abuse of Power, and in 1999, the Commission on Human Rights appointed him as an independent expert to draft the Statute for a specialized International Court to enforce the *Apartheid* Convention, the first major effort by the international community to warn the South African *Apartheid* regime that its perpetrators might one day face criminal responsibility on the world stage. Although this text was not approved by the member states, it nonetheless served as a basis for the International Law Commission to prepare its 1994 Draft Statute for an International Criminal

6. Cherif was the Vice Chairman of the United Nations Preparatory Committee on the Establishment of an International Criminal Court in 1996 and the Vice Chairman of the General Assembly Ad Hoc Committee on the Establishment of a Permanent Criminal Court in 1995.

Court, which was the basis of subsequent work by specialized United Nations committees, and led to the 1998 Rome Treaty.

Cherif is also a loving and devoted husband, step-father, and grandfather. He is a conscientious and committed mentor and counselor to hundreds of current and former students, many of whom name him as the salient influence in their lives. He is unmatched as a raconteur, spinning stories that mesmerize and delight, evoking wonder and inspiration. Those of us who are privileged to call Cherif colleague and friend are blessed to be a part of his outstanding life's work and are most fortunate to benefit from his friendship and counsel. In describing Cherif's work and that of IHRLI, Father John T. Richardson, C.M., President emeritus of DePaul University stated "St. Vincent must be greatly pleased." It is a high honor to introduce this issue of the *De Paul Law Review* in honor of an extraordinary man who has faithfully and unwaveringly trod the path set by St. Vincent.

