A Century of Dedication to Criminal Justice and Human Rights: The International Association of Penal Law and the Institute of Higher Studies in Criminal Sciences

M. Cherif Bassiouni

Follow this and additional works at: https://via.library.depaul.edu/law-review

Recommended Citation
Available at: https://via.library.depaul.edu/law-review/vol38/iss4/4

This Article is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact digitalservices@depaul.edu.
A CENTURY OF DEDICATION TO CRIMINAL JUSTICE
AND HUMAN RIGHTS: THE INTERNATIONAL
ASSOCIATION OF PENAL LAW AND THE INSTITUTE
OF HIGHER STUDIES IN CRIMINAL SCIENCES

M. Cherif Bassiouni*

Report Submitted by the American National Section, AIDP

I. THE INTERNATIONAL ASSOCIATION OF PENAL LAW

A. The History and Philosophy of the Association

The International Association of Penal Law ("Association") was founded in Paris on March 24, 1924. It was not, however, an entirely new grouping of scholars in the field of criminal justice. Instead, it was a newly reorganized structure of the Union Internationale de Droit Pénal ("Union"), which was founded in Vienna in 1889. The Association is to a large extent a continuation of the Union, whose activities were ended because of World War I. The history of the Union as the predecessor of the Association is, therefore, part of the Association's own history.1 As such, when the Association holds its Fourteenth International Congress in Vienna, October 1-7, 1989, it will be a centennial celebration. In that respect the Association is the world's oldest scholarly organization in the field of criminal justice.

The Union was founded in 1889 by three distinguished penalists, Franz von Liszt of Marburg, Germany, Gerard van Hamel of Amsterdam, The Netherlands, and Adolphe Prins of Brussels, Belgium. These three distinguished professors of penal law shared the same values and concerns with respect to an emerging historical crisis at that time. During a brief span of time in the closing decades of the nineteenth century, many countries of Western Europe experienced a significant increase both in the volume of

---

1. See Cornil, Reflexions sur le Cinquantenaire de l'Association Internationale de Droit Pénal, 46 R. Int. D. Pénal 387 (Nos. 3-4) (1975). Professor Paul Cornil, who was Secretary-General of the Ministry of Justice of Belgium, served as President of the Association and is now Honorary President.
crime and in repressive reactions to it.\(^2\) That increased frequency of crime was mostly a consequence of Europe’s rapid industrialization, a concomitant decline in agricultural and artisan labor, and the ensuing demographic shift of population from rural to urban areas. Legislators were tempted, then as now, to increase the number and to expand the scope of crimes defined in penal codes and to escalate the penalties attached to them. The wisdom of such a policy swiftly became a topic for great academic and public debate. Because Professors von Liszt, van Hamel and Prins were deeply concerned about the increasingly repressive tendencies in penal law that were emerging in Europe, they decided to create an organization, embracing both penalists and criminologists, to embrace all aspects of the criminal sciences. That tradition had its roots in the writings of such illustrious penal reformers as Cesare Beccaria\(^3\) and Jeremy Bentham,\(^4\) the philosophical works of Montesquieu\(^5\) and Voltaire,\(^6\) and the social philosophy of Rousseau.\(^7\) The humanistic and universalist philosophies that these views expressed are what is now embodied in the modern approach to human rights which the Association continues to foster.

The founders of the Union were not, however, concerned exclusively with advancing these more liberal notions or a more individualized approach to criminal justice; nor were they purely reacting to a repressive tendency in penal legislation of their time. They also wanted to create a forum which would permit scholars, academicians and practitioners of criminal justice to gather, exchange views, express their concerns, and ultimately to have a positive and constructive effect on the development of criminal justice policy. At that time, the notion of criminal justice policy was a new approach to the rigid traditional approaches that characterized pre-twentieth century criminal law.

During the era which gave rise to the Union, the dominant school in the field of criminology, penology and criminal law was the Italian positivist school. Two of its principal proponents, the criminologist Cesare Lombroso\(^8\)


\(^3\) See, e.g., C. Beccaria, Dei Delitti e Delle Pene (1764); On Crime and Punishment (D. Young trans. 1986).

\(^4\) See, e.g., J. Bentham, INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION (1780).

\(^5\) See, e.g., J. Dedieu, Montesquieu, L’ESPRIT DES LOIS (1913); V. Klemperer, MONTESQUIEU (1914-15); V. Klemperer, OEUVRES COMPLETES DE MONTESQUIEU AVEC DES NOTES DE Dufin, Crevier, Voltaire, Marly, Servan, LeHarpe, etc. (1835).

\(^6\) See F. Voltaire, LETTRES PHILOSOPIQUES (1734).

\(^7\) See J.J. Rousseau, Du Contrat Social (1762); see also C. Vaughan, The Political Writings of Jean-Jacques Rousseau (1915).

\(^8\) See, e.g., C. Lombroso, L’Uomo Delinquente (2d ed. 1878); see also C. Lombroso, Crime Its Causes and Remedies (H.P. Horton trans. 1912).
and the legal positivist Enrico Ferri, were among those who strongly opposed the developing movement to end penal repressiveness. Nonetheless, Ferri became a member of the Union.

A particular objective of the Union was to integrate, or at least to harmonize, all aspects of the criminal sciences as they were then known. Criminal law experts tended, then as now, to separate themselves professionally from criminologists, penologists, sociologists, and psychologists. The Union sought then, and the Association continues to pursue, a merger of the different aspects of criminal science studies into an integrated whole, or at least to encourage all these disciplines to converge, so that their collective impact could further the creation of more effective and integrated criminal justice systems. As a result, the Union and the Association from their inception found themselves in the position of acting as a synthesizing forum, not only with respect to a multiplicity of disciplines that bear upon the criminal sciences, but also with regard to differing and often diametrically opposed theories, schools, ideas, and personalities. This multi-disciplinary approach continues and the Association has added to it a human rights dimension.

The Association has encouraged this trend, but also has sought to be a neutral ground where diverse concepts, ideologies and points of view concerning the multi-disciplinary aspects of the criminal sciences could converge to form a common framework. This neutrality, or openness to all valid scientific views was as obvious in the Union as it is in the Association, and is clearly embodied in the present by-laws of the Association. It also is evidenced by the Association's diverse membership and the participation in its activities by national groups from many parts of the world. The activities of the Association since 1924 manifestly have attested to a strong commitment toward the realization of this policy objective.

In the course of time, however, the conclusion became inescapable that the Association could not truly encompass a multiplicity of disciplines without a complete hegemony over the field of criminal sciences, which it neither wanted nor had any realistic possibility of achieving. Indeed, a number of


10. This was evidenced, for example, by P. Bouzat & J. Pinatel, Traité de Droit Pénal et de Criminologie (1975). Professor Bouzat was secretary-general and then president of the Association, and is now honorary president. The Traité reflects joint cooperation between the president of the Association and Professor Jean Pinatel, who was president of the International Society of Criminology. The present board (Conseil de Direction) includes the former president of the International Society of Criminology, Professor Denis Szabo; the honorary president of the International Society for Social Defense, the Honorable Marc Ancel, whose major conceptual work is La Défense Sociale Nouvelle (3d rev. ed. 1981); and the president of the International Penal and Penitentiary Foundation, the Honorable Helge Rostad.

organizations have emerged or expanded since the end of World War II, specializing in such fields as criminal law, criminology, penology, corrections, criminal policy, and social defense. Each of them in turn has different subgroups representing sub-specialties and differing interests and schools of thought. Since its creation in 1924, however, the Association clearly has remained the world’s principal scholarly organization in the field of criminal law and procedure, particularly international and comparative criminal law and procedure. In addition, there are three other major organizations which, along with the Association, created an International Coordination Committee consisting of the four presidents and secretaries general; they are: The International Society of Criminology; The International Society for Social Defense; and, The International Penal and Penitentiary Foundation. These organizations together have come to be known as “The Four Major Associations” in the field of criminal sciences.

Association membership is open to jurists and nonjurists in the criminal sciences. Its activities encompass a number of traditionally nonjuristic subjects involving multidisciplinary and interdisciplinary aspects of the criminal sciences. The Association, however, has achieved special status among other organizations and among scholars, experts, government officials and professionals in three distinct areas: 1) criminal policy and codification of criminal law; 2) comparative criminal justice; and 3) international criminal law.

With respect to the first of these, the Association has been quite instrumental in influencing the development and shaping of criminal codification efforts in a number of countries, especially with regard to the general part of the criminal law. The Association's impact on codification has flowed principally from the frequent gatherings of its members to address topics of direct relevance to the codification process, particularly principles and theories of responsibility, criminalization policy, definitions of crimes, and delineation of penalties. Indeed, the Association’s international congresses, the preparatory colloquia for them, interregional meetings, and national section meetings on these topics have had a great impact on the development of national policies in various countries.

With respect to the second area of special concern to the Association, comparative criminal justice, it has been inevitable that the large number of experts from many different parts of the world, who have gathered in national, regional and international meetings on various topics, have been forced to compare aspects of criminal justice reflected in the legal, economic and social systems they represent. Thus, the mere fact that the Association has provided opportunities for such gatherings has promoted a specialization in comparative criminal justice.

The third area of specialization advanced by the Association, international criminal law, has proven a more specific, if not a marked, vocation of the Association, which it has furthered through institutional activities, and by virtue of the activities of individual members. Penalists in the middle 1800's shared the concerns of other jurists over the almost constant state of war or preparation for war that characterized Europe at that time. The Union
itself dissolved with the advent of World War I, and it was not until 1924 that those who were still members of the revived Union or who were sympathetic to its role and purposes could gather again to create the Association. But this later period, too, was marked by a great concern over international relations and the troublesome state of contemporary world affairs.

The short-lived hope for world peace after World War I was soon shattered by the rise of certain political regimes and the threats of impending war they generated. Once again, it proved a difficult period for penalists, who saw the criminal justice systems of many countries converted into instruments to achieve political objectives—a process inimical to the traditions of criminal justice and what today is referred to as an abuse of fundamental human rights. Penalists long have been concerned about such abuses of the criminal justice systems in which they have a special professional interest, perhaps because they perceive more acutely the impact of unsettled world affairs and chaotic international relations on the stability of society and the increased criminality that can result. This concern has led to an increasing interest in international cooperation as a way of curbing such local abuses.

There also has been an interesting parallel between domestic criminal law, which focuses on individual deviant behavior, and international criminal law, which addresses, inter alia, the deviant behavior of states through individuals acting for or on behalf of states. The Association and its members, since the middle 1920’s, have been particularly active in the development of international criminal law. One need only recall their role in the formulation and adoption of the 1937 Convention for the Prevention and Punish-

---

12. For a recent compilation and analysis of this area in the context of the criminal justice system, see, e.g., 4 Nouvelles Études Pénales: The Protection of Human Rights in the Criminal Process under International Instruments and National Constitutions (1981).

13. Jean Graven, a past president of the Association and now honorary president, who was president of the University of Geneva, dean of the Law School, professor of Criminal Law and chief justice of the Supreme Court of Geneva, was the author of Le Difficile Progrès du Règne de la Justice et de la Paix Internationales Par le Droit; des origines à la Société des Nations (1970). One of the distinguished members of the Association, Professor H.F. Donnedieu de Vabres of the University of Paris, was the author of Introduction à l'Etude du Droit Pénal International (1922) and Les Principes Moderne du Droit Pénal International (1928). He was also one of the judges at the Nuremberg International Military Tribunal for the Prosecution of the Major Nazi War Criminals. Another distinguished member of the Association is Professor H.H. Jescheck, who is presently president of the Association. Professor Jescheck was president of the Albert Ludwig University, Freiburg, F.R. Germany, dean of the Faculty of Law, Professor of Criminal Law, and director of the Max Planck Institute for International and Comparative Criminal Law, a post he still occupies. Among his many works he authored Die Verantwortlichkeit der Staatsorgane nach Volkerstrafrecht (1952). See also M.C. Bassiouni, A Draft International Criminal Code and a Draft Statute for the Establishment of an International Criminal Tribunal (1987); M.C. Bassiouni, International Criminal Law: A Draft International Criminal Code (1980) [hereinafter Bassiouuni, Draft Code] (translated into French, Spanish and Hungarian); M.C. Bassiouni, International Criminal Law (3 vols 1986); M.C. Bassiouuni & V.P. Nanda, A Treatise on International Criminal Law (2 vols. 1973).
The Association played an important role within the League of Nations, through its members and its then president, V.V. Pella,16 who was minister for Romania at the League of Nations. Thereafter, the Association became active in international criminal law as an organization in its own right and within other international organizations. It has been accredited as a non-governmental organization ("NGO") in consultative status with the United Nations, and cooperates with a number of its specialized agencies and offices. It also has NGO status with the Council of Europe and enjoys a privileged cooperative relationship with the Organization of American States. The Association engages in many international activities and cooperates with a number of international and regional organizations.

B. The Association’s Structure and Membership

Although individual memberships constitute the mainstay of the Association, it also has collective group memberships and national sections. To facilitate matters, especially finance and administration, the Association permits indirect enrollment: individual members may enjoy some of the Association’s benefits through membership in a national group. While this form of membership does not carry with it the privilege of voting in the affairs of the Association, particularly at the general assembly that meets at the Association’s quinquennial Congresses, individuals who hold membership only through their national groups are not excluded from any of the advantages or benefits flowing from the scientific activities of the Association. Collective group memberships are recognized for scientific, research or public entities.

Membership in the Association is available to all penalists, jurists, criminologists, penologists, and social and behavior scientists involved in criminal science. Membership is open to all without any distinctions or discrimination.

The Association has approximately 3000 members and adherents to its categories of individual, national, and collective group memberships in sixty-eight countries of the world, with thirty-seven national groups functioning on an active basis.


16. See, e.g., V.V. Pella, La Criminalité Collective des États et le Droit Pénal de l'Avenir (1925); V.V. Pella, La Codification du Droit Pénal International (1916).
C. The Organizational Structure of the Association

At each of its quinquennial Congresses, the members elect a board of directors consisting of forty-three members holding a five year term of office. The General Assembly also elects the president, secretary-general and, since 1974, five deputy secretaries-general (with a view to promoting regional representation), also serving five-year terms.

Active distinguished service on the board is recognized through a category of vice-presidencies, while past distinguished service rendered to the Association is acknowledged by election as honorary president, honorary vice-president or honorary member, with the status of honorary president being limited to past presidents.

The composition of the board reflects geographical factors and the diversity of the world's legal systems. Board membership, however, also rests on eminent individual accomplishments and service to the Association before election. The past and present membership of the board of directors clearly includes a number of outstanding and world-renowned personalities. Among them are a former head of state and several present and past ministers of justice, attorneys general, chief justices and justices of supreme courts, university presidents and deans of law schools, directors of specialized institutes, distinguished law professors, and high-ranking government officials.17

The members of the Association, and particularly its board members, rank among the most distinguished and widely recognized experts in the world. As members of the scientific community and as government officials of their respective countries, they accord the Association an unparalleled prominence and prestige in national and international circles. This is particularly evident at international conferences and United Nations activities, where the noteworthy presence of and participation by Association members are prevalent among national delegations and international officials.

D. Publications

Between 1889 and 1913, the Union published the Bulletin de l'Union Internationale de Droit Pénal. Since 1924, the Association has published the Revue Internationale de Droit Pénal, now in its sixtieth year with over 1500 institutional subscriptions in more than sixty countries; the Revue appears quarterly with occasional double and special issues. Although the Revue regularly contains contributions in French and English, the two official languages of the Association, there have been occasional exceptions where, for example, Spanish has been used. The Revue has received wide international circulation, and has achieved noteworthy international scholarly impact. A number of issues, especially those containing the reports of preparatory

---

17. For a listing of the members of the Conseil de Direction of the Association, see any issue of the Revue Internationale de Droit Pénal.
colloquia of the Association's congresses, have been published by national
groups. The host country national group of a Congress also publishes the
proceedings, and distributes the publication to those who attend the Con-
gress. The Association also publishes an annual Newsletter prepared by the
secretary-general to provide the membership with information about Asso-
ciation activities and news of its national sections.

In 1976, the Association added a new publication series, *Nouvelles Etudes
Pénales*, which contains either the proceedings of specialized meetings of
national sections, or special works by committees of experts on particular
topics of international interest. This publication also frequently contains
proceedings of conferences held at the Association's International Institute
for Higher Studies in Criminal Sciences, Siracusa, Italy, which is under the
scientific auspices of the Association and whose achievements are discussed
below.

Finally, the scholarly publications of the Association have been of partic-
ular value and benefit to international organizations, particularly the United
Nations, as discussed below.

**E. International Congresses**

Since 1926, the Association has sponsored periodic international Con-
gresses; since 1964, at five-year intervals. These Congresses have been held
in: Brussels, Belgium (1926); Bucharest, Romania (1929); Palermo, Italy
(1933); Paris, France (1937); Geneva, Switzerland (1947); Rome, Italy (1953);
Athens, Greece (1957); Lisbon, Portugal (1961); The Hague, The Netherlands
(1964); Rome, Italy (1969); Budapest, Hungary (1974); Hamburg, Federal
Republic of Germany (1979); Cairo, Egypt (1984); and Vienna, Austria (to
be held 1-7 October 1989). The Congresses have been well attended, in some
instances by more than 1000 persons representing over fifty countries. Each
Congress lasts one week and covers four topics within the scope of the
following subject areas: 1) substantive criminal law; 2) criminal procedure;
3) special criminal law or procedure; and, 4) international criminal law.

---

18. 1 *Nouvelles Etudes Pénales*: Contemporary Developments in the Definition and
Punishment of Sex Offenses (Proceedings of the International Colloquium Organized and
Hosted by the Swedish National Section) (1981); 2 *Nouvelles Etudes Pénales: The Criminal
Justice System of the Federal Republic of Germany* (Proceedings of the Conference
sponsored by the American National Section, U.S.A) (1981); 3 *Nouvelles Etudes Pénales: The Protection of Persons Suffering from Mental Disorder* (Proceedings of Two Meetings
of Experts Held at the International Institute of Higher Studies in Criminal Sciences) (1981); 4
*Nouvelles Etudes Pénales: The Protection of Human Rights in the Criminal Process
under International Instruments and National Constitutions* (Study Project under the
direction of M. Cherif Bassiouni, Professor of Law, DePaul University; secretary-general,
AIDP; dean, ISISC) (1981); 5 *Nouvelles Etudes Pénales: Draft Principles on the Inde-
pendence of the Judiciary and on the Independence of the Legal Profession* (prepared
by a committee of experts at the International Institute of Higher Studies in Criminal Sciences)
(1982).
As briefly mentioned above, in 1989, the Fourteenth Congress will be held in Vienna, Austria. That Congress will commemorate the 100th anniversary of the Union and the Association.\textsuperscript{19}

Since 1960, to facilitate the work of each Congress, the Association has sponsored four preparatory colloquia, each attended by the national rapporteur of countries presenting national reports to the Congress. The rapporteur, who meet in small groups of twenty to forty participants, discuss the various national reports and the draft general report of the rapporteur général. They prepare a set of draft resolutions to be submitted to the ensuing Congress. Each of these proceedings is published in the \textit{Revue} by the host country. The draft resolutions are then discussed and voted on at the Congress. This preparatory work by the national experts on each Congress topic makes their scientific contribution more effective, and the results of their work then can be submitted to the larger number of persons attending the Congress, who debate the prepared draft resolutions. The resolutions, however, are adopted only by the voting members of the General Assembly.

Preparatory colloquia are organized and hosted by national sections. In addition, several local and regional conferences are sponsored each year by national sections on subjects related to the goals and objectives of the Association. In the last few years such conferences have taken place all over the world. The following are among these locations: Austria (Vienna); Brazil (Rio de Janeiro); Bulgaria (Varna); Czechoslovakia (Prague); Egypt (Cairo); the Federal Republic of Germany (Freiburg); France (Paris, Pau); German Democratic Republic (Potsdam); Hungary (Balaton, Budapest); India (New Delhi); Italy (Catania, Naples, Rome, Siracusa, Urbino); Ivory Coast (Abidjan); Japan (Tokyo); Poland (Warsaw, Popowo); Spain (Madrid); Sweden (Stockholm); Switzerland (Interlaken); Tunisia (Hammamet); U.S.S.R. (Moscow); United States (Chicago, Cincinnati, New Orleans, San Francisco, Washington, D.C.); and Yugoslavia (Zagreb).

\textbf{F. Cooperation with Other International Scientific Organizations}

The Association has established close institutional links with the International Society for Social Defense, the International Society of Criminology, and the International Penal and Penitentiary Foundation, all of which have United Nations consultative status. Many of the board members and members of these associations are board members and members of the Association, thus reinforcing institutional and interpersonal ties.

Since 1963, The Four Major Associations have met every five years in a joint colloquium in Bellagio, Italy to discuss and examine, from their different perspectives, one of the topics of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders (held every five years). The proceedings of these colloquia are published and distributed at the

\textsuperscript{19.} See supra section A.
United Nations Congress as the scientific contribution of The Four Major Associations in the field of criminal justice. These meetings and the publications which resulted from them have been organized and graciously hosted by the Centro Nazionale di Prevenzione e di Difesa Sociale, whose headquarters are in Milan, Italy.

In addition, since 1963, the presidents and secretaries-general of The Four Major Associations have met periodically to discuss matters of mutual interest to their organizations. In 1982, on the occasion of the tenth anniversary of the International Institute for Higher Studies in Criminal Sciences, Siracusa, the full boards of directors of The Four Major Associations met jointly for the first time and, in order to achieve better coordination of their activities, established an “International Coordination Committee,” consisting of the four presidents and secretaries-general. A second such meeting of the full boards was held in Milan in 1983 on the occasion of the thirty-fifth anniversary of the Centro Nazionale di Difesa Sociale. Since then annual meetings of the International Coordination Committee have been held. Such cooperation has given The Four Major Associations a special standing among international organizations, particularly within the United Nations.

Finally, the Association has established working relations with other international organizations such as the International Association of Military Law, the International Commission of Jurists, and the International Committee of the Red Cross, the goals and objectives of which relate at least in part to those of the Association.

G. Cooperation with United Nations Bodies

The Association, which cooperates with other inter-governmental and non-governmental organizations like those named above, is also a member of the United Nations alliance of NGOs on Crime Prevention and Criminal Justice in New York and Vienna, both of which have for years been chaired by an Association’s representative. It also cooperates with the Secretariat, the ECOSOC, the Crime Prevention and Criminal Justice Branch, the Division of Narcotic Drugs, the Center for Human Rights, the Commission on Human Rights, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Fund for Drug Abuse Control, the World Health Organization, and other specialized United Nations institutes, such as UNSDRI (Rome), MEUNI (Helsinki), UNAFEI (Tokyo), and ILANUD (San Jose).

Such cooperation includes Association attendance at the conferences and meetings of United Nations organizations and participation by their officials in Association activities. It also includes Association sponsorship of special meetings on topics of interest to these organizations, the preparation of draft international instruments, and the publication of special issues of the Revue and Nouvelles Etudes Pénales on the work of meetings and conferences of such a nature. In addition, the Revue publishes official materials prepared by these bodies, or reports about them. All these publications are then made available to interested officials. Thus, the scientific contribution of the
Association to these organizations constitutes a valuable service toward the
development of the criminal sciences and the work of bodies who rely on
the scientific expertise of the Association, in particular the United Nations.

H. Specific United Nations Related Activities

The Association has always been particularly active at the United Nations
Congresses on Crime Prevention and the Treatment of Offenders, on the
United Nations Committee on Crime Prevention and Control, and at the
meetings of the Crime Prevention and Criminal Justice Branch and the
Alliance of NGO’s on Crime Prevention and Criminal Justice. It participates
institutionally and through members in crime prevention and criminal justice
conferences sponsored by the United Nations, and provides studies and
research papers.

Many of the Association’s members have served or presently serve as
members of or experts to the Committee on Crime Prevention and Control,
the Commission on Human Rights and the Sub-Commission on the Preven-
tion of Discrimination and Protection of Minorities, as consultants to the
Secretariat, and specialized United Nations agencies and bodies.

The Association has been particularly active from the time of the First
United Nations Congress on the Prevention of Crime and the Treatment of
Offenders. Its efforts and those of its members were significant in the
development of the Standard Minimum Rules for the Treatment of Prison-
ers, and their adoption by ECOSOC and several countries. Furthermore,
their application in several penal systems or institutions was strongly en-
couraged by the Association.

In a similar way, the Association has contributed to the creation and
recognition of the “Rules of Implementation of the Standard Minimum
Rules on the Treatment of Offenders” and to the declaration on “torture”
adopted by the Fifth United Nations Congress on the Prevention of Crime
and the Treatment of Offenders, and later adopted by the General Assembly
in the form of a General Assembly resolution. In furtherance of the General
Assembly’s anti-torture resolution, the Association has sponsored a com-
mittee of experts to prepare a Draft Convention on the Prevention and
Suppression of Torture. This convention was the work of a group of

the United Nations Standard Minimum Rules for the Treatment of Prisoners, VIIIth United
Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas,
That report was predicated on a report prepared by this writer as a consultant to the United
Nations.
February 1978.
distinguished world experts who met at the International Institute of Higher Studies in Criminal Science in Siracusa (see section II below). It was submitted to the United Nations24 in February, 1978, along with related reports and documents on the subject of torture, which were published in the Revue and disseminated widely.25 In December of 1984, the United Nations adopted a convention whose text is substantially similar to the one prepared by the committee of experts.

In further support of United Nations activities, the Association holds conferences on subjects under consideration by the United Nations and its specialized agencies. United Nations staff and government officials participate in their official or personal capacities.

During such United Nations conferences as the Congresses on the Prevention of Crime and the Treatment of Offenders, the Association frequently sponsors a panel on a Congress topic and frequently provides published background papers for distribution to those in attendance. For example, at the Fifth Congress held in Geneva in 1975, the Association sponsored a panel on “International Cooperation in Penal Matters” and distributed a special issue of the Revue containing selected articles on the subject.26 It also sponsored, with the International Society of Criminology, the International Society of Social Defense, and the International Penal and Penitentiary Foundation, a panel on “The Future of Imprisonment.” As a result of this panel, the Committee on Crime Prevention and Control, at its fourth session, placed on the agenda of the Sixth Congress the topic “Deinstitutionalization of Corrections: Prospects for the Most Feared Offenders.” A special publication on the subject was also distributed to all those attending the Fifth United Nations Congress.27 In addition, the Association sponsored a panel on “Female Criminality.”28

Similarly, at the Sixth United Nations Congress in Caracas in 1980, the Association convened a panel to present a project prepared by its secretary-


28. The panel was chaired by Professor Freda Adler, a member of the Association. See, e.g., F. Adler, SISTERS IN CRIME (1975).
general on a Draft International Criminal Code, and also joined the International Commission of Jurists and Amnesty International in organizing a panel to discuss the Draft Convention on the Prevention and Suppression of Torture, which had been presented to the United Nations by the Association and the International Commission of Jurists.

The Association, in cooperation with UNICEF and the United Nations Secretariat during the International Year of the Child in 1979, held a conference at the Institute in Siracusa on "The Penal Protection of the Child," the proceedings of which later were published in the Revue. Among the recommendations of that meeting was one for the elaboration of a Convention on the Protection of the Rights of Children. The United Nations has since established a committee on that subject and a draft convention now in its third reading is almost ready for adoption.

Between 1978 and 1988, the Association sponsored a number of other meetings of committees of experts at the Institute in Siracusa, some in collaboration with the International Commission of Jurists, which produced various international instruments submitted to the United Nations. Those instruments and related studies were published in the Revue and Nouvelles Etudes Pénales. They are: a) Draft International Convention on the Suppression of Unlawful Human Experimentation; b) Draft Principles on the Rights of the Mentally Ill; and, C) Draft Principles on the Independence of the Judiciary and of the Legal Profession.

Earlier, in 1968, the Association had proposed a Convention on the Non-Applicability of Statutes of Limitation to War Crimes and Crimes Against Humanity. A special issue of the Revue was devoted to that subject and was distributed to Secretariat personnel and all accredited United Nations missions. Partly as a result of such efforts, the General Assembly approved the proposed convention, which since has been signed and ratified by several countries.


30. See supra notes 22-25.


33. See supra note 18.

34. Id.


37. See supra note 35. At least 600 countries have signed the convention. See M.C. BASSIOUNI, 1 INTERNATIONAL CRIME DIGEST (1985).
The record of achievements of the Association with respect to international criminal law is as old as the Association itself. The first noteworthy examples are the 1937 Conventions on the Prevention and Suppression of Terrorism and on the Creation of an International Criminal Court to enforce that Terrorism Convention. Since then, Association members frequently have contributed their expertise and the benefit of their interaction within the Association to various treaties, United Nations sponsored and others, on aspects of international criminal law. The more noteworthy include: the Tokyo, Hague and Montreal Conventions on Hijacking; the United Nations Convention on Kidnapping of Diplomatic Personnel; and the Geneva Conventions of August 12, 1949.

38. See supra note 14.
In his capacity as secretary-general of the Association, this writer, in 1980, prepared a Draft International Criminal Code which was presented at the Sixth United Nations Congress, and published in English, in French in the *Revue*, in Spanish, and in Hungarian. The Association, through the secretary-general, also played a major role in the elaboration and adoption of the United Nations Declaration on Principles of Justice for Victims of Crime and Abuse of Power. The secretary-general was the chair of the drafting committee at the inter-regional prefatory meeting of experts held in Ottawa, Canada (July, 1984), which adopted the Draft Declaration. The Seventh Congress adopted the Declaration and, subsequently, the General Assembly adopted it as well. Finally, in 1986, a committee of experts was convened at the Siracusa Institute under the chair of the secretary-general to prepare Draft Implementation Measures, which were submitted in 1988 to the United Nations Committee on Crime Prevention and Control.

In his personal capacity, the author has served as a consultant to the Fifth, Sixth and Seventh Congresses, was an expert consultant to the Ad Hoc committee of experts on Southern Africa, and prepared a Draft Convention on the Implementation of the Apartheid Convention, which proposed the establishment of an international criminal court. This Draft Convention was circulated to United Nations member-states. In 1982, the author served as chairman of a committee of experts that elaborated the United Nations Guidelines on Criminal Justice Policy Planning. The text was submitted and adopted by the Seventh Congress of 1984, and then by the General Assembly.

---

45. See supra note 29.
47. See *Proyecto de Código Penal Internacional* (J. de la Cuesta trans. 1983).
I. COOPERATION WITH THE COUNCIL OF EUROPE

The Association also has consultative status with the Council of Europe and has been active with its Committee on Crime Problems. Several Association board members have been chairmen of this important committee. The Association's contribution to the work of the Council of Europe has taken the same form and has had the same importance and value as its United Nations activities discussed above.

J. The Influence of the Association

Scholarly influence is difficult to assess or quantify, but the broad membership of the Association, its wide-ranging activities on every continent, the work of its Siracusa Institute, and the influence of its board of directors and members have had a marked effect on international criminal law, comparative criminal sciences, and the shaping of criminal justice policy all over the world. In the final analysis, an organization is only as influential and as effective as its members. In that respect, the Association enjoys a unique and enviable status throughout the world.

The humanization of society and its instruments of repression are as much a matter of concern to the Association today as they were in the past. The Association's concern with the protection of individual and collective victims, and of society, is as much a part of its goals as the purely scientific objectives to which it has always adhered. It intends to pursue that philosophy through its goals and programs in the years to come.

II. INTERNATIONAL INSTITUTE OF HIGHER STUDIES IN CRIMINAL SCIENCES: IN CONSULTATIVE STATUS WITH THE UNITED NATIONS AND THE COUNCIL OF EUROPE

A. Founding Entities and Legal Status

The International Institute of Higher Studies in Criminal Sciences ("Institute") was founded in Siracusa in 1972 by the Association and the City,
Province, and Chamber of Commerce of Siracusa. The original Convenzione between the Association and these three local entities was subsequently expanded to include the Sicilian region. A separate agreement was also entered into with the City of Noto. These local government entities are the principal funding sources of the Institute.

The Institute is a public foundation established by a decree of the president of Italy in accordance with Italian public law as a not-for-profit educational foundation. It enjoys the status of a NGO in consultative status with the United Nations and the Council of Europe.

The Institute, although a separate legal entity, is under the scientific auspices of the Association. The importance of this close relationship lies in the fact that the Association, which was founded in Paris in 1924 with origins in the Union, is the oldest scholarly association in the field of criminal justice and probably one of the oldest scholarly associations in the world. Because it has 3000 members and affiliates in sixty-eight countries and thirty-seven functioning national sections, there is a large pool from which the Institute can draw on for lecturers and participants.

To further the scientific objectives of the Institute and the Association, the two organizations frequently co-sponsor a number of activities and the Association allows the Institute to use the Revue Internationale de Droit Pénal and Nouvelles Études Pénales to publish Institute proceedings. The scientific activities of the Institute thus receive wide dissemination in the scholarly and professional communities of criminal justice throughout the world.

The governing body of the Institute is an independent board of directors with twenty-five members, sixteen of whom are elected by the Conseil de Direction of the Association from internationally respected scholars, including the presidents of The Four Major Associations in the field of criminal justice. The participation of the these associations further insures the international and scholarly character of the Institute’s board. The board of directors also includes ten ex-officio members: the president of the University of Catania, the president of the Italian National Section of the Association, the Mayor and one representative of the City of Siracusa, the president and one representative of the Province, the president and one representative of the Chamber of Commerce, and a representative of the Sicilian Region.

59. The Institute is located in a three story building in the historic city of Siracusa. It has an auditorium-like conference room equipped for simultaneous translation that can seat 105 people. There are three additional conferences that seat 25 persons each, also equipped for simultaneous translation.

60. The City of Noto, 30 kilometers from Siracusa, has provided the Institute with an additional seat in a seventeenth century historic monument, the Palazzo Trigona-Canicarrao, which is being readied for conferences with simultaneous translation.

61. The Institute has been fortunate to have the volunteer efforts of a number of academics and judges. The dean and administration are all volunteers and do not receive compensation. Additionally, all conference directors and speakers work on a volunteer basis.
B. Programs and Activities

Although the Institute started its activities gradually at its founding in 1972, since 1973 over 100 conferences, seminars, and meetings of committees of experts have been conducted. They were attended by over 5000 persons from seventy-one countries, among whom were over 3000 professors from 225 universities. Twenty-seven international, inter-governmental, and international non-governmental organizations have co-sponsored conferences, seminars, and meetings of committees of experts with the Institute.  

I. Activities with the United Nations and with the Council of Europe

The Institute has undertaken a number of international initiatives by hosting committees of experts of the United Nations and of the Council of Europe for the purpose of elaborating international instruments. Perhaps the most important of these activities was the preparation of the Draft Convention on the Prevention and Suppression of Torture by a committee of experts in 1977.  

A number of other international instruments have also been elaborated at the Institute. Those which the United Nations has adopted to date are: the United Nations Principles on the Independence of the Judiciary and the Legal Profession, the United Nations Draft Principles on the Protection of the Rights of the Mentally Ill, the United Nations Guiding Principles on Crime Prevention and Criminal Justice in the Context of Development, a
Model Convention for Transfer of Prisoners, and a Model Convention for Transfer of Criminal Proceedings. Some, such as the United Nations Draft Guidelines for States of Emergency and Derogations to the International Covenant on Civil and Political Rights, a Draft Convention on the Suppression of Unlawful Human Experimentation, and a Draft International Criminal Code, are still pending before the United Nations.

The Institute also has hosted a number of meetings of experts for the Council of Europe. Among these, two meetings were held on the Codification of the European Conventions on Interstate Cooperation in Penal Matters. In June 1986, the Council of Ministers of Justice of the Member-States of the Council of Europe supported that initiative and recommended a continuation of this effort by the official organs of the Council of Europe. In addition, a committee of experts convened at the Institute in 1987, under the auspices of the Council of Europe's Secretary General, in order to prepare a uniform curriculum for teaching penal sciences in European universities. Finally, in October of 1989, a special committee of experts will convene at the Institute under the auspices of the Council of Europe and the European Parliament to study problems concerning protection of works of arts in Europe.

2. International Conferences and Seminars

The international activities of the Institute include both international conferences of experts on a subject of contemporary interest to the international scholarly community, and international seminars in the form of continuing legal education programs. These programs are generally attended by academics, judges, government officials, and young law graduates.

The international activities described above demonstrate the capabilities of the Institute and evidence its international and scientific standing as a place in which important international and scientific work can be freely carried out.

67. A Model Agreement on the Transfer of Foreign Prisoners and Recommendations for the Treatment of Foreign Prisoners was adopted by the Seventh Congress, A/Conf.121/22/Rev.1. The Model Agreement is designed to assist member states in the development of guidelines to cope with the difficulties faced by foreigners detained abroad and arrangements which would facilitate the return of foreign prisoners to their home countries to serve their sentence.
69. See Bassiouni, Draft Code, supra note 13, at 31.
3. Inter-Regional Programs

a. The Arab human rights program

Since 1985, the Institute has embarked on a far-reaching human rights program for the Arab world. In December, 1985, a conference was held on Criminal Justice Reform and Human Rights Education, and was attended by sixty-seven jurists from twelve Arab countries and Palestine. As a result of that initiative, a committee of experts was convened in December, 1986 to prepare a draft Arab charter on human rights. It was attended by seventy-six distinguished Arab personalities from twelve Arab countries and Palestine. The Draft Arab Charter on Human and People’s Rights was adopted by unanimous consensus and submitted to the League of Arab States as well as to all heads of state in the Arab world. It received the support of the Arab Lawyers’ Union, which represents over 100,000 lawyers in the Arab world. Thereafter, a series of seminars on teaching human rights in Arab law schools was developed. By the end of 1989, five such seminars will have taken place with the participation of over 350 law professors, judicial training institute instructors, judges, and police academy instructors from eighteen Arab States. In addition, four volumes of material in Arabic will be produced, the first of which will contain all of the international and regional human rights instruments. One thousand copies of each of the four volumes will be distributed to educators and law libraries in the Arab world. By the end of 1990, it is expected that between seven and ten law schools will teach human rights courses, annually exposing no less than 10,000 students to that subject. Their initiatives, programs and publications are in the process of completion, and is probably the world’s most significant regional undertaking in the field of human rights education.

b. The African program

The Institute is developing plans for a Criminal Justice and Human Rights program for African jurists whose implementation in the next few years will depend on funding resources.

4. National and Local Activities

The Institute annually conducts a number of conferences and seminars for Italian judges and professors. Such conferences include:

73. Financial support for the Arab Human Rights Program has thus far come from the Ford Foundation. A small grant was also provided by the AMIDEAS Foundation. In 1989, the J. Roderick Mac Arthur Foundation provided a grant to DePaul University to cover part of the costs of publication and distribution of the four-volume series.
74. Grant applications are pending before the Italian and Norwegian Ministries of foreign affairs.
1) National Seminars for Italian judges co-sponsored with the Superior Council of the Judiciary, the National Association of Judges, or the Italian Ministry of Justice which funds some of these activities. The Superior Council of Judges has published five books of proceedings of such seminars which it has distributed to all judges in Italy. There is usually one seminar every year for Italian professors of criminal law, criminal procedure, criminology and legal psychology.

2) Regional Seminars for the benefit of the Sicilian region on a topic of interest to the Sicilian region. They are conducted twice a year and at least one of these is held in the city of Nicosia, which funds this activity.

The Italian program has not only provided a national forum for judges, professors, government officials, and practitioners, but has also been a catalyst for change. The new Italian Code of Criminal Procedure, which will enter into effect in 1989 and which has many features of the Anglo-American model of adversary-accusatorial justice, was conceived at an Institute seminar in 1977.\textsuperscript{75} The 1978 Law on Decriminalization\textsuperscript{6} also was drafted at the Institute by a committee of experts, parliamentarians and public officials. Other legislative initiatives saw their beginning at the Institute, or received their scholarly impetus through conferences and publications.\textsuperscript{77}

5. Range of Scientific Coverage

Conferences and seminars conducted by the Institute cover the entire range of criminal justice studies: international criminal law, comparative criminal law and procedure, criminal law and procedure of specific systems, international protection of human rights, criminology, comparative criminology, and criminal justice policy. Because of the scientific importance of a multidisciplinary approach, these disciplines are frequently integrated. The following are a few illustrations of the variety and diversity of programs offered: the codification of international criminal law; international protection of human rights in criminal justice systems; the future of violence in contemporary society; the philosophy of criminal justice; the role of judges in a modern society; the function of modern criminal justice education; comparative criminology in the Mediterranean Basin; criminal justice and human rights education and reform in the Arab world; the role of the criminological expert in the criminal trial; and comparative criminal procedure in the pre-trial and the post-trial phases. Even in seminars for Italian judges and

\textsuperscript{75} Prospettive Sul Nuovo Processo Penale (A. Stile ed. 1978).
\textsuperscript{76} Law No. 689 of Codice Penale (amending articles 669, 672, 687, 693, 694).
\textsuperscript{77} For the various initiatives leading to the reform of the Italian criminal law, see Metodo\,\,ologia\,\,e\,\,Problemi\,\,Fondamentali\,\,Della\,\,Riforma\,\,del\,\,Codice\,\,Penale (A. Stile ed. 1981); Beni Giuridico E Riforma Della Parte Speciale (A. Stile ed. 1985).

Professor Stile was associate dean of the Institute between 1976 and 1988, and became dean in 1988. He is the editor of a special publication series of the Institute on Italian criminal law and procedure.
professors, the subjects have included international and comparative dimensions, such as: international criminal law; extradition and judicial space in Europe; European economic penal law; monitoring of the criminal justice system; criminal justice and the mass-media; terrorism; and psychological aspects of the criminal trial.

Most conferences and seminars last one week with sessions running approximately seven working hours per day. The participants also continue their interaction at the hotel where they reside. Usually a seminar or conference will consist of thirty to forty hours of formal discussion and as many hours of informal discussion. This is roughly equivalent to the number of hours required for the study of a subject in most legal education institutions.

6. Graduate Instructional Programs

Since its inception, the Institute has sought to provide instructional courses at the post-graduate level as well as in-depth specialization courses. But, because of the administrative and financial commitment required by such programs as well as the need for expanded physical facilities, such programs previously have not been possible. However, the first graduate program will take place in the summer of 1990. It will be a seven week long instructional course in Human Rights and International Criminal Law for master’s and doctoral level candidates in Arab law schools and specialized legal institutes. The initial plans are to have three such consecutive annual programs with the cumulative participation of some 100 graduate students whose selection shall be on the basis of their career goals in legal education. During this three year program, the Institute will study the possibility of a one year post-graduate level program in European criminal law, as well as specialization courses in international and comparative criminal justice.

C. Publications

Some of the proceedings of the Institute’s activities are published in the Revue Internationale de Droit Pénal and Nouvelles Études Pénales. The Institute also has publishing agreements with two distinguished Italian publishers, Cedam (Pavia) and Jovene (Naples), for Italian language publica-
Cedam publishes a series entitled *Quaderni*, which the Institute had started in 1976. In addition, the Italian Superior Council for the Judiciary has published five books of proceedings of Conferences it co-sponsored with the Institute. Major book publishers in the United States, France, Italy, Lebanon, Egypt, and the Netherlands have also published the Institute's proceedings. By May 1989, fifty-eight books of Institute Proceedings had been published.81

**D. Financial Supervision**

Financial supervision is conducted by means of a board of supervisors (Revisori) presided over by a Judge of the Court of Accounts (Corte dei Conti), with the participation of an auditor from the Sicilian region as well as a specialist in corporate accounts from the private sector. The supervisory body produces an annual report submitted to the board which, along with the board's annual report, is submitted to the various financing public entities. All financial matters are handled by the Banco di Sicilia, which acts as the cashier of the Institute. This elaborate procedure is intended to insure maximum financial integrity.

**E. The Philosophy of the Institute**

The Institute has pursued a leadership role in developing norms and standards in the field of international and comparative criminal justice and human rights and in criminal justice and human rights education. It expects to continue its international conferences and seminars, bringing together jurists from all legal systems and all parts of the world in a politically neutral environment academically conducive to learning and the free exchange of ideas. The Institute will continue to emphasize the values of universality and humanism in the pursuit of the highest intellectual, scholarly, and academic goals.

In the course of its seventeen years of activity, the Institute has promoted the participation of young researchers, women and scholars from third world countries in the international community of scholars. Many who came to the Institute as young research assistants are now professors in different universities around the world.

Participants have ranged in age from the early twenties to the late eighties. All share on an equal footing the intense learning experience of the Institute's activities. Many enduring friendships and personal contacts have developed among the participants over the years. The network of Institute friendship extends worldwide and has had a significant effect on strengthening and supporting criminal justice reform and human rights in all regions of the world.

81. For a list of these publications, see 1989 Brochure of the International Institute of Higher Studies in Criminal Studies, at 41-48.
In addition to producing scientific work of the highest caliber, the Institute has also provided an environment that has promoted better understanding among the people of the world and has cultivated peace among nations. The Institute is deservedly proud of having been able to achieve this dual mission of humanistic influence and scholarly accomplishment in an environment which promotes friendly relations and cooperation among nations and individuals. It intends to continue to do so in the years to come.