



the Harris Institute e-Newsletter

FALL 2012

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INTERNATIONAL

CRIMINAL

LAW

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The Harris Institute Congratulates Fatou Bensouda, Chief Prosecutor of the International Criminal Court

This year, the International Criminal Court (ICC) celebrates ten years since its creation, but there is another reason for celebration at the first-ever permanent court with jurisdiction to try the international crimes of war crimes, crimes against humanity and genocide. On June 15, 2012, the second Chief Prosecutor of the International Criminal Court, Madame Fatou Bensouda of The Gambia, was sworn in.

Mme. Bensouda's distinguished career in the field has equipped her with tools needed to fulfill the responsibilities of this critical role in international criminal law. Prior to her election to ICC Chief Prosecutor, Bensouda worked as Head of the Legal Advisory Unit, Senior Legal Advisor and Trial Attorney at the International Criminal Tribunal for Rwanda. Bensouda then served as ICC Deputy Prosecutor from November 1, 2004 until her election to Chief Prosecutor in December of 2011.

Chief Prosecutor Bensouda's visionary work in the field of international criminal law has been internationally recognized. She won the International Court of Justice International Jurist Award in 2009, and the Whitney R. Harris World Law Institute's World Peace Through Law Award in 2011. She was also unanimously elected by all 120 (then) member states of the International Criminal Court. This year, Chief Prosecutor Bensouda was



named one of *Time Magazine's* 100 most influential people.

At a time when the ICC has come under close scrutiny for limits on the charges it has brought against accused genocidaires and for appearing to target Africa – the region with the most members of the Court – in its investigations, Bensouda has emerged as a leader at the International Criminal Court. Chief Prosecutor Bensouda has responded to criticism, redirecting the focus to the Prosecutor's goal of seeking justice for the victims.

Chief Prosecutor Fatou Bensouda is the first woman to serve as chief prosecutor of the International Criminal Court.

For a personal account of the swearing-in ceremony by Special Advisor to the Prosecutor and Washington University School of Law Professor Leila Nadya Sadat, please visit [Windows on the World](#).

The Institute would like to publicly thank Oyinlola (Lola) Oguntebi, outgoing Harris Institute Fellow, for her wonderful service during the 2011-2012 academic year. The Harris Institute is also pleased to welcome Jing Geng as its fellow for the 2012-2013 academic year.

The Whitney R. Harris Institute Launches the Inaugural Benjamin B. Ferencz Essay Competition



“IN A VERY REAL SENSE, THE WORLD NO LONGER HAS A CHOICE BETWEEN FORCE AND LAW. IF CIVILIZATION IS TO SURVIVE IT MUST CHOOSE THE RULE OF LAW.”

— DWIGHT D. EISENHOWER



WHITNEY R. HARRIS
WORLD LAW INSTITUTE

WASHINGTON UNIVERSITY
SCHOOL OF LAW

The Harris World Law Institute, named for leading advocate of modern international criminal law and Nuremberg Prosecutor Whitney R. Harris, recognizes a colleague of its namesake with the launch of the Benjamin B. Ferencz Essay Competition. Benjamin B. Ferencz served as Chief Prosecutor in the *Einsatzgruppen Case*, a landmark case at Nuremberg, in which 22 defendants were convicted for the brutal murder of more than a million innocent men, women and children. He was 27 years old at the time.

Having seen the horrors of war first-hand, Ferencz agreed with the characterization of aggressive war-making as the “supreme international crime.” Ferencz has dedicated his life to seeking a more humane and just legal order. He has been

a passionate advocate for the international rule of law and for the International Criminal Court, and a firm believer in the philosophy of former U.S. President Dwight D. Eisenhower, that: “In a very real sense, the world no longer has a choice between force and law. If civilization is to survive it must choose the rule of law.”

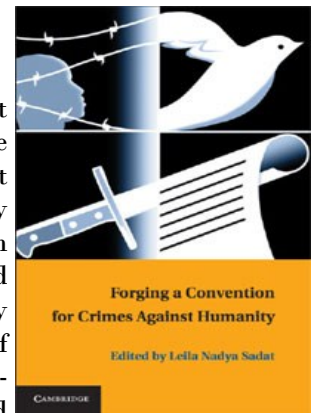
The competition asked writers to grapple with the tension between crimes against humanity and crimes of aggression, both jurisdictionally and in terms of subject matter. The winner of the essay competition will receive a prize of \$10,000.

Please visit the [competition's website](#) for more information on the Benjamin B. Ferencz Essay Competition and to read the winning essay in November 2012.

The Crimes Against Humanity Initiative Broadens its Reach

The Crimes Against Humanity Initiative, a groundbreaking rule of law project of the Whitney R. Harris World Law Initiative, has continued to make headway in raising awareness of the need for an international convention against crimes against humanity and garnering support for the Proposed Convention the Crimes Against Humanity Initiative has drafted.

In the four years since Professor Leila Nadya Sadat, Director of the Whitney R. Harris World Law Institute at Washington University School of Law, embarked upon a project to study the need for a comprehensive convention on crimes against humanity, the project has convened a Steering Committee of leading scholars and jurists in international criminal law, and drafted an award-winning book containing a *Proposed International Convention on the Prevention and Punishment of Crimes Against Humanity* in English and in French.



In the past year, the Crimes Against Humanity Convention has assembled an Advisory Council of regionally-

diverse and prominent figures in their respective governments and in international law, to aid in promoting the Proposed Convention. To further widen its reach, the Crimes Against Humanity Initiative has released translations of the Proposed Convention in Spanish and Arabic. German, Russian and Chinese translations are forthcoming.

The Crimes Against Humanity Initiative has received strong support from the international legal community. For more information on the Initiative, please visit <http://crimesagainsthumanity.wustl.edu/>.

ICC at Ten Conference at Washington University School of Law

The Whitney R. Harris World Law Institute will host a major conference in international criminal law to commemorate ten years since the coming into force of the Rome Statute for the International Criminal Court. The ICC at Ten conference, co-sponsored by the American Society of International Law, the American Branch of the International Law Association, and the International Association of Penal Law will feature leading scholars and practitioners

Sadat, a prolific scholar in international criminal law predicted that the ICC would permanently alter the course of international criminal law.

Since the entry into force of the Rome Statute of the International Criminal Court on July 1, 2002, the ICC has opened investigations into seven situations, three of which were referred to the Court by the state parties themselves. The ICC has publicly indicted 29 individuals for international crimes, and issued 20 warrants for arrest.

This year, the Court handed down its first judgment. In the case of *Prosecutor v. Thomas Dyilo-Lubanga*, the ICC found a military commander and minister of defense who had founded a rebel group, the Union of Congolese Patriots, guilty of massive human rights violations, including ethnic massacres, murder, torture, rape, mutilation, and forcibly conscripting child soldiers.

The symposium, which will be open to the public, will focus on the Court's achievements and challenges to date, including the *Lubanga* judgment, in addition to early jurisprudence, the U.S. position toward the Court, and the Court's future. The conference will also feature a special performance *Sustenazo (Lament IV)* by internationally acclaimed artist Monika Weiss, in collaboration with Sam Fox School of Design & Visual Arts.

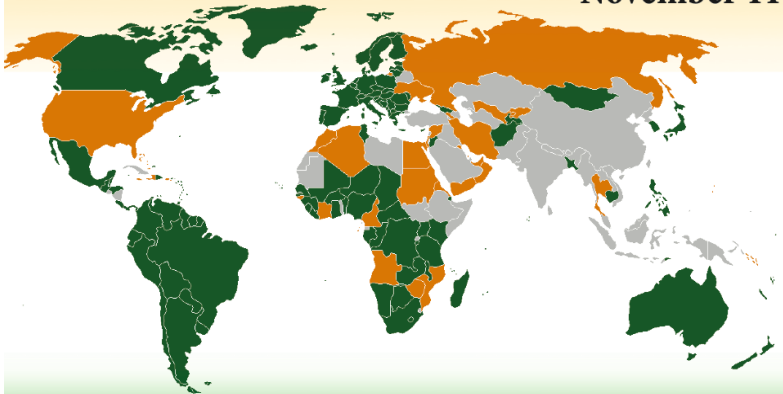
For more information and to register for the ICC at Ten Conference at Washington University School of Law, please visit the conference website at <http://law.wustl.edu/harris/iccat10/>.

Washington
University Law

Whitney R. Harris
World Law Institute

The International Criminal Court at Ten

November 11-12, 2012



Symposium

Building the Institution

The early jurisprudence
of the Court

The United States
and the ICC

Imagining future
directions

who have been instrumental in the development of international criminal law and the ICC. Confirmed speakers include ICC judges, ambassadors, current and former prosecutors of the ad-hoc international criminal tribunals, and several leading scholars whose research has shaped the field. For a list of confirmed speakers and conference agenda, visit the [conference website](#).

Professor Leila Nadya Sadat, Director of the Whitney R. Harris World Law Institute, has been a prominent proponent of the International Criminal Court from its inception. Before the Court was established,

WHITNEY R. HARRIS
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Sixth Annual International Humanitarian Law Dialogs

The Harris World Law Institute is a co-sponsor of the annual International Humanitarian Law Dialogs, held in late August at the Chautauqua Institution near Jamestown, New York. Honoring the Nuremberg legacy and the pursuit of international justice and peace, the Dialogs are a historic gathering of international prosecutors, learned scholars, and human rights activists. The conference is free and open to the public and allows participants to engage in meaningful discussion regarding the role of international criminal law in combating impunity for war crimes and crimes against humanity.

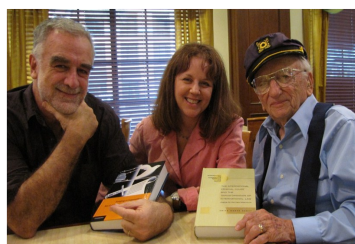
The theme of this year's Dialogs was "Hybrid International Courts: A Tenth Anniversary Retrospective on the Special Court for Sierra Leone." This year, the Special Court of Sierra Leone completed its tenth year of operations, culminating in the conviction of Charles Taylor, former President of Liberia. The Dialogs included a panel of former and current Chief Prosecutors who investigated and prosecuted Taylor.



Among the distinguished speakers at the Dialogs, Professor Leila Nadya Sadat delivered the Second Annual Katherine B. Fite Lecture with a thought-provoking examination titled "Drones and the Nuremberg Legacy." In addition, Washington University School of Law students had the unique opportunity to dialogue with practitioners from the various international courts and tribunals.

For more information regarding the annual International Humanitarian Law Dialogs, please visit [website](#).

Professor Sadat Invited to Join the Prestigious Council on Foreign Relations



Professor Leila Nadya Sadat was recently invited to become a member of the prestigious Council on Foreign Relations (CFR). An independent, nonpartisan membership organization, the Council on Foreign Relations specializes in international affairs and U.S. foreign policy.

"The Council is very influential, and it is a great honor to be selected," Sadat said. "I am looking forward to participating in Council activities, and bringing my expertise

in human rights and international criminal justice to CFR projects and activities."

CFR members have unparalleled access to world leaders, senior government officials, members of Congress, and prominent thinkers. The membership process is arduous, requiring four separate letters of nomination.

Sadat will be in distinguished company. CFR's ranks include top government officials, renowned scholars, business leaders, acclaimed journalists, prominent lawyers and distinguished non-profit professionals.

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WORLD LAW INSTITUTE

WASHINGTON UNIVERSITY
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One Brookings Drive
Phone: 314.935.3379
Fax: 314.935.7961

RSVPHarris@wulaw.wustl.edu

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visit us on the Web @
<http://law.wustl.edu/harris/>
and join our [Facebook](#) page