

## OBITUARIES

# ***M. Cherif Bassiouni, War-Crimes Jurist and Human Rights Champion, Is Dead at 79***

By **MARLISE SIMONS**, OCT. 4, 2017



M. Cherif Bassiouni, left, during a news conference at the United Nations European headquarters in Geneva in June 2011. He was chairman of the U.N.'s International Commission of Inquiry on Libya at the time. At right is Sihasak Phuangketkeow, of Thailand, who was then president of the U.N. Human Rights Council. Credit: Martial Trezzini/European Pressphoto Agency

M. Cherif Bassiouni, a renowned Egyptian-American jurist who helped found two war-crimes tribunals and was widely regarded as a godfather of modern international criminal justice, died on Sept. 25 at his home in Chicago. He was 79.

The cause was complications of multiple myeloma, a form of cancer, his family said.

Mr. Bassiouni (pronounced bass-ee-YOU-nee), a descendant of a prominent Egyptian family, was a mix of quintessential intellectual, diplomat and human rights activist, as comfortable in the academy as he was investigating and denouncing crimes in conflict zones. He taught at universities, worked for the United Nations and advised governments.

In books, law journals, seminars and reports from conflict areas, Mr. Bassiouni elaborated on definitions of the gravest international crimes, including crimes against humanity and genocide. And he helped shape new ways to hold perpetrators accountable before the law.

In the early 1990s, long before trials were held, he denounced the large-scale sexual abuse of Muslim and Catholic women in Bosnia as war crimes and said that Bosnian Serbs were using rape as a tool of ethnic cleansing, to drive entire communities from their land.

With his erudition and ebullient presence, he trained a cohort of international lawyers and judges. While running institutes in the United States and Europe and teaching courses in many places, he was also a workaholic author whose writings cover several shelves: 35 books, close to 40 edited volumes and more than 270 essays and law review articles. And he never stopped.

"When I saw him, he was working on his memoirs, dictating to his assistants," said William Schabas, a longtime friend who teaches law at Middlesex University in London and visited him less than a week before his death.

With his direct knowledge of the Muslim world, Mr. Bassiouni wrote influential texts on interpretations of jihad and of Islamic law, running seminars on those subjects for lawyers and western military personnel as Islamist violence expanded.

He drew ire for his candor and passion, particularly when his opinions and fact-finding ran afoul of the intentions of diplomats.

Mahmoud Cherif Bassiouni was born in Cairo on Dec. 9, 1937. His father was a diplomat, his grandfather a president of the Egyptian senate. Lisa Capitanini, his stepdaughter, said that though his parents were Muslims, they sent Cherif, their unruly and precocious only son, to a Jesuit-run Catholic boarding school in Egypt.

"Cherif often told us that the rigorous Jesuit regime came as a shock to an aristocratic kid like him, but it introduced him to the disciplined and scholarly lifestyle he never lost," Ms. Capitanini said.

Mr. Bassiouni was studying law in Dijon, France, when he returned to Egypt to fight in the Suez conflict of 1956. He was wounded and decorated, but then put under house arrest for denouncing what he called the extreme torture and disappearances taking place under [President Gamal Abdel Nasser](#).

He was released after seven months, thanks to his family connections, but the government kept his passport.

Dan Swift, a lawyer in Mr. Bassiouni's office, said that when Mr. Bassiouni was threatened again for speaking out, he escaped from Egypt in 1961 by stowing away on a ship leaving for Italy.

Mr. Bassiouni emigrated to the United States in 1962 and became a naturalized citizen. He studied law in Egypt, France, Switzerland and the United States, collecting doctorates, including honorary ones, and a long list of medals and awards. He was a founder of the [International Human Rights Law Institute at DePaul University](#) in Chicago, where he taught for 45 years. He also created an influential perch in Europe when he helped found the Siracusa International Institute in Italy.

Veterans of [the institute](#) say it was a place where Mr. Bassiouni ran lively seminars for judges, prosecutors and defense lawyers, mixing people from different cultures and legal traditions.

"It was a place where he galvanized generations of doctoral students," said Christine van den Wyngaert, a judge at the International Criminal Court in The Hague and one of his early Siracusa students. "He had an essential impact on my thinking. He held brainstorm sessions in the '70s about a future worldwide criminal court, long before we could conceive it would happen."

Many who attended his seminars became lawyers and judges at international courts, she said.

Mr. Bassiouni worked on wide-ranging projects. He was co-chairman of the committee that drafted the United Nations Convention Against Torture. He helped draft the laws to prosecute apartheid. And he was sent as a United Nations expert to report on war crimes in Afghanistan, [Bahrain](#), Libya and Iraq.

The United Nations appointed him as an independent monitor in Afghanistan in 2004, but the next year, after [he issued critical reports](#) on extensive human rights abuses by American forces there, Washington successfully pressed the Human Rights Commission [to abolish the mission](#). A State Department spokesman at the time denied that Mr. Bassiouni had been targeted and said that American officials had simply concluded that a special human rights monitor was no longer necessary.

Mr. Bassiouni first made his name outside academia in 1992, when the United Nations Security Council appointed him chairman of a commission to document war crimes in the conflict then raging in Bosnia and other parts of Yugoslavia as the country was breaking up.

Finding his mission underfinanced by an ambivalent Security Council, "he defied senior bureaucrats in the United Nations by raising funds from private foundations," Professor Schabas said.

The Bassiouni report, a strongly worded document with voluminous details on torture, rape, prison camps and killings, described the largely Serbian-instigated violence as part of a systematic policy of ethnic cleansing. It irked diplomats and politicians, including the British and Russians, who wanted to shelve it rather than disrupt a possible peace process. But it created the political momentum that produced the [International Criminal Tribunal](#) for the former Yugoslavia in 1993, the first such institution in a half-century.

The report also opened the way for a similar tribunal to address the genocide in Rwanda. Both tribunals prepared the ground for the permanent International Criminal Court, which Mr. Bassiouni also helped shape. Having worked on a draft statute for such a court over the years, he was named chairman of the drafting committee of the 1998 Rome Treaty, which [created the court](#).

With his restless mind, Mr. Bassiouni liked to surprise his audiences. In 2007, when he received the Hague Prize for International Law from the [T.M.C. Asser Institute](#), a Dutch research center on international law, he was allowed to choose the topic of an accompanying colloquium. Mr. Bassiouni picked "Jihad" and gathered scholars from Islamic countries and the West to debate its many interpretations.

Despite their differences, the participants agreed that they should work urgently to prevent radical Muslim groups from monopolizing the interpretation of Islam.

In 2010, Mr. Bassiouni shocked a law conference in Washington when, after fighting long and hard to create the International Criminal Court — it opened in 2002 — he delivered a stinging speech saying that the court had become overly bureaucratic and that it was "doubtful" it could be successful as long as powerful countries did not want an independent international criminal justice system. China, Russia and the United States are not members.

Friends described Mr. Bassiouni as a magnetic speaker and a gregarious host and raconteur who loved wine and music. Others who worked closely with him said he was a demanding perfectionist.

"Cherif was a tough taskmaster," wrote Mohamed Helal, who teaches law at Ohio State. He said he regarded Mr. Bassiouni as an adoptive father. "He was an obsessive micromanager who paid close attention to every substantive and procedural detail of his work," Mr. Helal said, "but he also cared deeply about our lives."

Oddly enough, Mr. Bassiouni, a peacemonger, was a great admirer of Napoleon and had collected thousands of toy soldiers, his family said.

Besides his stepdaughter, he is survived by his wife, Elaine Klemen-Bassiouni, and two stepgrandchildren. He was widowed twice.

On the day he died, a farewell message went out from his email account that he had dictated days earlier. It included quotations from the Prophet Muhammad, Pope Paul VI and [Rabban Simeon ben Gamaliel](#).

Mr. Swift, who dispatched the message, said it was very reflective of its author.

"Cherif often quoted from the Quran, the Bible, the Talmud," he said. "He liked to build bridges and point to the similarities between the faiths instead of the differences."