HAVING RELEASED a proposed multilateral treaty on the prevention and punishment of crimes against humanity, the law school’s Crimes Against Humanity (CAH) Initiative is seeking international and United Nations support.

According to Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and director of the law school’s Whitney R. Harris World Law Institute, this is the first time that such a convention has been drafted.

“It represents a real opportunity for the international community to complete the Rome Statute system by imposing a clear obligation on States to prevent and punish crimes against humanity,” says Sadat, who launched the CAH Initiative and is chairing the seven-member Steering Committee. “Moreover, it offers mechanisms designed to help States cooperate with each other in the investigation and prosecution of such crimes.”

In addition to Sadat, CAH Steering Committee members are: M. Cherif Bassiouni, the Distinguished Research Professor of Law at DePaul University College of Law and founder and president emeritus of the International Human Rights Law Institute; Hans Corell, former Under-Secretary-General for Legal Affairs and legal counsel of the United Nations; Richard J. Goldstone, former chief prosecutor of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda; Juan E. Méndez, visiting professor, Washington College of Law, American University, Washington, D.C.; William A. Schabas, director of the Irish Centre for Human Rights, National University of Ireland, Galway; and Christine Van den Wyngaert, judge for the International Criminal Court. The CAH Initiative has been generously supported by alumnus Steven Cash Nickerson, JD ’85, MBA ’93; The United States Institute of Peace; and Humanity United.

The text of the Proposed International Convention on the Prevention and Punishment of Crimes Against Humanity can be found in English and in French at the CAH Initiative’s website: law.wustl.edu/harris/crimesagainsthumanity. It also appears in the book, Forging a Convention on Crimes Against Humanity, published by Cambridge University Press this spring.

In addition to the treaty, the book contains a comprehensive history chronicling the drafting process of the Proposed Convention, as well as essays from 15 distinguished experts in international criminal law. During the development of the Proposed Convention, the CAH Initiative convened multiple conferences and technical advisory sessions. As part of this three-year process, nearly 250 experts from around the world gathered to discuss the problem of crimes against humanity and work on the draft convention.

Last fall, the CAH Initiative entered its fourth and final phase—focusing on publicity, lobbying, and educational activities to raise awareness of the pervasiveness of crimes against humanity, the plight of victims, the existing culture of impunity for perpetrators, and the great need for a specialized international convention to combat this problem.

Steering Committee member Goldstone notes that while treaties exist to address genocide and war crimes—the Genocide Convention of 1948 and the Geneva Conventions of 1949 together with their Optional Protocols of 1977—there is currently no treaty on “crimes against humanity.”

“This gap in the law was thrown into sharp relief in the decision of the International Court of Justice in the case between Bosnia and Serbia,” he observes. “The court was restricted to claims of genocide, and crimes against humanity fell between the cracks. The Crimes Against Humanity Initiative is designed to fill this important gap in international humanitarian law.”

Steering Committee member Schabas agrees that the CAH Initiative addresses a significant gap in international law. “Many obligations, such as the duty to cooperate in prosecution and extradition, and the responsibility to prevent the crime, are said to be enshrined in customary international law,” he says. “However, it is important to take such vague commitments a step further, and incorporate them in a binding treaty.”

The process of circulating the Proposed Convention is well under way. It is currently being brought before governments, U.N. decision-makers,
academics, and nongovernmental organizations for the purposes of promoting the CAH Initiative’s work and urging support for the adoption of a comprehensive international instrument on crimes against humanity. The next step will be for the CAH Initiative to convene and participate in meetings in Africa, the Middle East, Latin America, and Asia to further its objectives.

“It is hoped that by the end of Phase IV, the international community will have acquired a strong conviction that the elaboration of a comprehensive international instrument on crimes against humanity is both urgently required and eminently feasible,” Sadat says.