

PREFACE

This book is the fruit of many years of work on the International Criminal Court. The impetus for its writing came from my dear and now departed friend Edward Wise, a great scholar in international criminal law and a wonderful man I miss very much. I wish he could have read and critiqued the manuscript, for it would have benefitted enormously from his wisdom. It is based upon my first-hand observations of the work of the Preparatory Committee, the Preparatory Commission and the Diplomatic Conference, as well as the innumerable conversations I had with delegates both during meetings and subsequently. It has been enriched by the many conferences on the ICC I have been privileged to attend, particularly those in Siracusa, Italy convened by Professor M. Cherif Bassiouni and the wonderful seminar organized by William Schabas at the National University of Ireland in Galway, the many interviews I have had with personnel of the ICTY and ICTR, and the keen insights and extraordinary knowledge of the members of the International Law Association (American Branch) International Criminal Court Committee I have had the honor to chair.

The work is not intended as a treatise, but as a synthesis and analysis of many major features of the Court's Statute, features that highlight its contribution to the transformation of international law. Many of the theoretical constructs in it are new—some are bold, and I hope they will inspire debate. It is intended for use as both a text and a reference work, and will hopefully assist and inspire the reader to learn more about this extraordinary new international institution. I do not hide my bias in favor of the Court's establishment and the principles of justice and peace its creation represents; but I have offered gentle critiques where the Statute's text falls short of the lofty goals stated in the Treaty's preamble. Being educated and trained in both the United States and France I have tried to bring a comparative law perspective to this study, but much more could of course be done in this regard, and readers from other national legal systems will have much to contribute to future editions of this work and to the literature on the Court generally.

The book could not have been completed without the help of family, friends, colleagues, students and institutional support, and there are many

to whom I owe a great deal. The work was directly supported by a generous grant from the United States Institute of Peace, as well as research assistance provided by the Washington University School of Law. Both Dorsey D. Ellis, Jr., the Law School's former Dean, and Joel Seligman, the current Dean, have been enthusiastic supporters, and I thank them greatly. Thanks also to the many research assistants I have had who have worked on this project over the years, and particularly to Scotty Allen, Micaela Ashe, Richard Carden, Theresa Clark, Mario Loyola, Sujeet Mehta, Kevin Ray, and Rachel Storch, as well as to my faculty assistants Josephine Hobbs, Beverly Owens and Pamela Williams who stoically endured what seemed like hundreds of re-writes and revisions. The NGO Coalition for an International Criminal Court rendered extraordinary assistance in obtaining documents and other information, and especially gracious were the many colleagues who took time out of their busy schedules to read and comment on drafts of this and earlier works, especially Kelly Askin, Kathy Brickey, Roger Clark, Frances Foster, George Edwards, Steve Legomsky, Lynn Lopucki, Darryl Robinson, Michael Scharf, Alfred Rubin, Edward Wise, and John Washburn. Finally, this book could never have been completed without the love and support of my family: my parents, my children, and most especially my husband, Andrew Ruben, who unselfishly and painstakingly read the entire manuscript and offered me encouragement when I faltered. Yet even with all this assistance the usual disclaimers, of course, apply—any mistakes or errors in the work are entirely my own.