

PATHBREAKER IN THE DEVELOPMENT OF INTERNATIONAL CRIMINAL LAW AND MENTOR A TRIBUTE TO PROFESSOR LEILA NADYA SADAT

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It is my great honor and pleasure to contribute to this special volume of the *Washington University Global Studies Review* celebrating Professor Leila Nadya Sadat. My contribution will be both professional and personal. Professor Sadat has made pathbreaking contributions to international criminal law. She is a leading scholar who has also had a practical impact on the practice of international law. She has also made a difference in the development of international scholars through her mentoring, and I have a debt of gratitude to Professor Sadat for providing me with critically needed mentorship and sponsorship at an early stage of my career.

Professor Sadat is a prolific scholar whose over sixty books and articles have made an important impact on our understanding of international and comparative law, and particularly international criminal law, for over a quarter of a century. Five of her publications across different areas of international and comparative criminal law have received awards from the International Association of Penal Law (American Branch) as outstanding book or article of the year, including *Crimes Against Humanity in the Modern Age* (2014),¹ *Forging a Convention for Crimes Against Humanity* (2011),² *The Nuremberg Paradox* (2010),³ *Exile, Amnesty and International Law* (2006),⁴ and *The International Criminal Court and the Transformation of International Law* (2003).⁵ She is admitted to the French bar as an *avocat* and has a deep understanding of both U.S. and French law, allowing her to make to major contributions in the field of comparative law and comparative international law.⁶

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1 Leila Nadya Sadat, *Crimes Against Humanity in the Modern Age*, 107 AM. J. INT'L L. 334 (2013).

2 FORGING A CONVENTION FOR CRIMES AGAINST HUMANITY (Leila Nadya Sadat ed., 2011).

3 Leila Nadya Sadat, *The Nuremberg Paradox*, 58 THE AM. J. COMPAR. L. 151 (2010).

4 Leila Nadya Sadat, *Exile, Amnesty and International Law*, 81 NOTRE DAME L. REV. 955 (2006).

5 LEILA SADAT, *THE INTERNATIONAL CRIMINAL COURT AND THE TRANSFORMATION OF INTERNATIONAL LAW: JUSTICE FOR THE NEW MILLENNIUM* (2002).

6 Sadat, *supra* note 10.

Professor Sadat is not simply a leading scholar of international criminal law. She also translates her scholarly insights into making a public policy impact. Professor Sadat has played foundational role in helping to develop international law on crimes against humanity. She founded the Crimes Against Humanity Initiative in 2008, which drafted the world's first global convention on the prevention and punishment of crimes against humanity.⁷ She also has served since 2012 as a Special Adviser on Crimes Against Humanity to the ICC Prosecutor, advising the ICC Prosecutor on legal issues relating to the commission of crimes against humanity at all stages of ICC prosecutorial procedure, including Preliminary Examinations, Investigations, Trial, and Appeals. Her extensive scholarship on crimes against humanity, which provided the groundwork for this public policy work, includes the 2013 book *Forging a Convention for Crimes Against Humanity*, as well as numerous articles: *An Analysis of State Reactions to the ILC's Work on Crimes Against Humanity: A Pattern of Growing Support* (with Madaline George), *A Contextual & Historical Analysis of the International Law Commission's 2017 Draft Articles for a New Global Treaty on Crimes Against Humanity*, *Putting Peacetime First: Crimes Against Humanity and the Civilian Population Requirement* (which was cited by the Extraordinary Chambers in the Courts of Cambodia), and *Crimes Against Humanity in the Modern Age*.⁸ In addition to her impactful work on crimes against humanity, she started an important project on gun violence and human rights, which builds upon the scholarly work that she does in this area.⁹

Professor Sadat also has provided extensive insights into international criminal tribunals¹⁰ and legal issues surrounding the *War on Terror* and

⁷ *About the Initiative*, WASH. U. IN ST. LOUIS, <https://sites.wustl.edu/crimesagainsthumanity/about/> (last visited Mar. 8, 2022).

⁸ FORGING A CONVENTION FOR CRIMES AGAINST HUMANITY, *supra* note 2; Leila Nadya Sadat & Madaline George, *An Analysis of State Reactions to the ILC's Work on Crimes Against Humanity: A Pattern of Growing Support*, 6 AFRICAN J. INT'L CRIM. J. 189 (2020) (Special Issue); Leila Nadya Sadat, *A Contextual & Historical Analysis of the International Law Commission's 2017 Draft Articles for a New Global Treaty on Crimes Against Humanity*, 16 J. INT'L CRIM. JUST. 683 (2018); Leila Nadya Sadat, *Putting Peacetime First: Crimes Against Humanity and the Civilian Population Requirement*, 31 EMORY INT'L L. REV. 197 (2017) (cited by the Extraordinary Chambers in the Courts of Cambodia); Sadat, *supra* note 1.

⁹ Leila Nadya Sadat, *Torture in our Schools?*, Harv. L. Rev. F. (forthcoming 2022); Leila Nadya Sadat & Madaline George, *Gun Violence and Human Rights*, 60 WASH. U. J. L. & POL'Y 1 (2019).

¹⁰ SADAT, *supra* note 5; Leila Nadya Sadat, *Reforming the International Criminal Court: "Lean in" or "Leave,"* 62 WASH. U. J. L. & POL'Y. 51 (2020); Leila Nadya Sadat, *Prosecutor v. Jean-Pierre Bemba Gombo*, 113 AM. J. INT'L L. 353 (2019); Leila N. Sadat, *Can the International Criminal Tribunal for the former Yugoslavia Šainović and Perišić Cases Be Reconciled?*, 108 AM. J. INT'L L. 475 (2014); Leila Nadya Sadat, *Avoiding the Creation of a Gender Ghetto in International Criminal Law*, 11 INT'L CRIM. L. REV. 655 (2011) (symposium in honor of Judge Patricia Wald); *Beyond Kampala: Complementarity and the International Criminal Court: The Next Steps for U.S. Engagement*, AM.

extraordinary rendition.¹¹ She was the first U.S. author to write a major article, *The New International Criminal Court: An Uneasy Revolution*, and an award winning monograph, *The International Criminal Court and the Transformation of International Law: Justice for the New Millennium*, on the international criminal court.¹² Her scholarship extensively analyzed and critiqued the U.S. approach to the *War on Terror* in the aftermath of the 9/11 attacks, including the U.S. decision to not to seek U.N. Security Council authorization,¹³ racialized aspects of response,¹⁴ and use of drones.¹⁵

Professor Sadat made tremendous contributions to the field of international law as Director of Washington University School of Law's Whitney R. Harris World Law Institute from 2007 to 2020. The Harris Institute, under her leadership, hosted at least two major conferences, leading speakers, and multiple colloquia a year. I, and so many others, learned greatly and from the conferences and works-in-progress sessions that she organized; my scholarship improved greatly from the needed feedback in a generative environment. The Harris Institute also produced a number of scholarly and public policy publications and provided programming for law students.¹⁶

SOC'Y INT'L. L. (Nov. 2010), <https://www.asil-us-icc-task-force.org/uploads/beyond-kampala.pdf>; Leila Nadya Sadat, *A Rawlsian Approach to International Criminal Justice and the International Criminal Court*, 19 TUL. J. INT'L. & COMP. L. 261 (2010); Leila N. Sadat, *On the Shores of Lake Victoria: Africa and the Review Conference for the International Criminal Court*, AFR. LEGAL AID Q. 10 (Mar. 2010); Leila Nadya Sadat, *The Least Dangerous Branch: Six Letters from Publius to Cato in Support of the International Criminal Court*, 35 CASE W. RES. J. INT'L. L. 339 (2003); Leila Nadya Sadat & S. Richard Carden, *The New International Criminal Court: An Uneasy Revolution*, 88 GEO. L. J. 381 (2000) (reprinted in part in MARK JANIS & JOHN NOYES, INTERNATIONAL LAW, CASES AND COMMENTARY 418 (3d-6th eds., 2006-20)); Leila Sadat Wexler, *The Proposed Permanent International Criminal Court: An Appraisal*, 29 CORNELL INT'L. L. J. 665 (1996).

11 Leila Nadya Sadat, *America's Drone Wars*, 45 CASE WES. RES. J. INT'L. L. 215 (2012); Leila Nadya & Jing Geng, Sadat, *On Legal Subterfuge and the So-Called "Lawfare" Debate*, 43 CASE WES. RES. J. INT'L. L. 153 (2010); Leila Nadya Sadat, *Extraordinary Rendition, Torture and Other Nightmares from the War on Terror*, 75 GEO. WASH. U. L. REV. 1200 (2007); Leila Nadya Sadat, *Ghost Prisoners and Black Sites: Extraordinary Rendition under International Law*, 37 CASE WES. RES. J. INT'L L. 309 (2007), reprinted in part in 15 ILSA L. Q. 9 (2007); Leila Nadya Sadat, *Do All Arabs Really Look Alike?* 50 WAYNE STATE L. REV. 69 (2004) (symposium honoring Edward M. Wise); Leila N. Sadat, *Terrorism and the Rule of Law*, 3 WASH. U. GLOB. STUD. L. REV. 135 (2004) (reprinted with updates in THE INTERNATIONAL HUMANITARIAN LAW DIALOGS, August 29, 2007: Celebrating the 100th Anniversary of The Hague Rules of 1907 (American Society of International Law 2008)).

12 See SADAT, *supra* note 5; *The New International Criminal Court: An Uneasy Revolution*, *supra* note 10.

13 *Terrorism and the Rule of Law*, *supra* note 11.

14 *Do All Arabs Really Look Alike?*, *supra* note 11; *Ghost Prisoners and Black Sites: Extraordinary Rendition under International Law*, *supra* note 11.

15 *America's Drone Wars*, *supra* note 11.

16 *Student Opportunities*, WASH. U. IN ST. LOUIS SCH. OF L., <https://law.wustl.edu/faculty-and-research/whitney-r-harris-world-law-institute/student-opportunities/> (last visited Mar. 8, 2022).

As much as I value Professor Sadat's scholarly and public policy contributions, on a personal level, I most appreciate her as an important mentor and friend. She saw potential in me and nurtured me when I most needed it and has been a constant source of wise counsel and support since. Professor Sadat took the time to reach out and help me with concrete strategies around having opportunities to present my work and develop it for publication. She also included me in gatherings of more senior scholars, which allowed me to build relationships that improved my scholarship and impact. When we are early in our academic careers, mentorship and sponsorship like Professor Sadat so generously provided me with is particularly critical. I try to pay forward the impact that she made in my life and career.