

OBITUARY

In Memoriam: **Antonio Cassese** **(1937–2011)**

It is with deep sadness that the *International Review of the Red Cross* notes the passing of the great jurist Antonio Cassese on 22 October 2011. A man of great intellect, vision, and determination, he made a considerable contribution to the development of international humanitarian law and international criminal law – as a scholar, as a jurist, and as an institutional architect.

Antonio Cassese began his career in academia, first in Pisa and later in Florence, at the University of Florence and the European University Institute. In 1993, he became the first President of the International Criminal Tribunal for the former Yugoslavia (ICTY), and later sat as a judge in the Trial and Appeals Chambers of the ICTY. The early judgments and decisions of the ICTY have not only provided a concrete mechanism for the implementation of international humanitarian law, but have also put forward a contemporary interpretation of certain rules and principles of this body of law. In the famous *Tadić* case, the ICTY set out a definition of armed conflict, expanded the prosecution of war crimes to non-international armed conflict, postulated that crimes against humanity can be committed in peacetime, and provided innovative reflections on the doctrines of command responsibility and joint criminal enterprise. Judge Cassese brought a decisive contribution to these normative developments.

Cassese strongly advocated the idea that the international community was capable of bringing to justice those accused of committing atrocities, regardless of their rank. Controversial at the time, this notion gave a strong impetus to the subsequent negotiations on the establishment of a permanent international court, the International Criminal Court. In 2004 Antonio Cassese was nominated to lead the United Nations Commission of Inquiry on Darfur. The report of the Commission resulted in the United Nations Security Council referring the Darfur situation to the International Criminal Court.

From March 2009 until two weeks before his death, Cassese served as President and Judge in the Appeals Chamber of the Special Tribunal for Lebanon

(STL). One of his final contributions was on the subject of terrorism in international law, an issue on which the Appeals Chamber of the STL delivered an important and hotly debated decision in February 2011, holding that terrorism is a crime under customary international law.

Besides being a judge and an institution builder, Antonio Cassese was also an outstanding academic. Over the course of his life, he produced numerous influential books and articles. He also helped found two important international law journals, which today host some of the most lively and informed debates in their respective disciplines – the *European Journal of International Law* and the *Journal of International Criminal Justice*. Cassese recognized the importance of discussion of contemporary developments in international law. In his contributions to the *International Review of the Red Cross*, as elsewhere, he managed to pose interesting questions and propose creative solutions to some of the most pressing challenges to international law.

Finally, Judge Cassese was no stranger to the work of the ICRC. He shared a genuine interest in the activities of the organization, nurtured lifelong friendships with ICRC staff members, and demonstrated his firm support for the organization's mandate on numerous occasions. Whether as a member of the Italian delegation during the negotiations of the Protocols Additional to the Geneva Conventions, or as President of the ICTY, Antonio Cassese strived to humanize war – an aspiration he shared with the ICRC. Numerous ICRC staff members have drawn inspiration and guidance from their interaction with him.

Beyond his many professional achievements, 'Nino' (as he wished to be called) was above all a warm and dedicated human being. He remained until his final days a tireless defender of the 'human dimension' of international law. He used to explain his drive with a simple Latin maxim: *Hominum causa omne jus constitutum est* ('Any rule of law is ultimately made on account of human beings').¹ This reflection illustrates perfectly his lifelong ambition – one invariably shared by the ICRC – to work through law towards the alleviation of human suffering. The rich heritage that Antonio Cassese has left behind will continue to guide all working towards this goal.

We join many others in the international community in offering our condolences to his family and honouring his memory.

1 Antonio Cassese, 'Soliloquy', in Antonio Cassese, Paola Gaeta, and Salvatore Zappalà, *The Human Dimension of International Law: Selected Papers of Antonio Cassese*, Oxford, Oxford University Press, 2008, pp. lx–lxv.