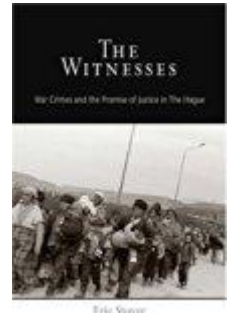


Eric Stover. *The Witnesses: War Crimes and the Promise of Justice in The Hague.* Philadelphia: University of Pennsylvania Press, 2005. ix + 220 pp. \$59.95, cloth, ISBN 978-0-8122-3890-7.



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Taking War Crimes Seriously: A Study of Witnesses at the United Nations Criminal Tribunal for the Former Yugoslavia

Eric Stover has written an outstanding book, giving witnesses at the International Criminal Tribunal for the former Yugoslavia (ICTY) the careful, balanced treatment they deserve. *The Witnesses* helps readers appraise the war crimes proceedings at The Hague, and consider how future war crimes tribunals can learn from the ICTY's experience. As stated in his preface, Stover's aim was modest: "This book provides the first systematic glimpse into the world of witnesses who have appeared before an international war crimes tribunal. But it is only a glimpse" (p. xii). He succeeded admirably.

A little later, Stover describes his three purposes: first, to probe "the 'meaning' if any, that witnesses of war crimes--essentially ordinary people who found themselves in extraordinary situations--derive from testifying before an international criminal tribunal" (p. 3); second, "to provide the judges, lawyers, and other staff members of the Hague tribunal and other international courts with insights into the process of 'bearing witness'

before a tribunal so that these institutions might meet the needs of witnesses better in the future" (p. 11); and third, "to move the debate about the benefits of justice away from the wishful and uncritical thinking that has prevailed in some political, therapeutic, and human rights circles since the Nuremberg and Tokyo trials and to ground it in the everyday lives of those most affected by violence" (p. 11).

Eric Stover directs the Human Rights Center at the University of California-Berkeley where he is Adjunct Professor of Public Health. He served as an "expert on mission" to the ICTY and conducted a survey of mass graves for the UN's Rwanda tribunal. Previously he was Executive Director of Physicians for Human Rights, and before that he served as the Executive Director of the American Academy for the Advancement of Science's Science and Human Rights program. Stover's publications on human rights reflect an expertise in many fields, including forensic anthropology. He recently co-edited (as well as contributed chapters

to) *My Neighbor, My Enemy: Justice and Aftermath in the Face of Mass Atrocity*.^[1] As Stover explains, *The Witnesses* "is part of the author's participation in the Communities in Crisis Project: Justice, Accountability, and Social Reconstruction in Rwanda and the Former Yugoslavia, an interdisciplinary, multi-institutional research project initiated in 1998 to examine the relationship between the pursuit of justice and local approaches to social reconstruction in the aftermath of genocide and ethnic cleansing" (p. 187 n. 4). The book *My Neighbor, My Enemy* resulted from that study.

Stover provides readers with background in his preface and in the first three chapters: "Introduction: The Pursuit of Justice," "Witnesses in the System," and "The Tribunal." Chapters 5 through 7 are based on extensive witness interviews from three areas: Vukovar (Croatia), the Lasva Valley, and Celebici (Bosnia). A final chapter offers comments on general themes deriving from Stover's study. Extensive, often detailed notes follow the text. Stover's interview questionnaire is in the first appendix. Its fifty-five items ranged from demographic questions to questions such as "Is there anything that could be changed that would have made the experience of traveling and staying in The Hague easier for you?" and "How has your family reacted to your having testified at the ICTY?"

Stover also provides a literary review relevant to the ICTY case (e.g., tribunals, reconciliation commissions, crime victims, psychological effects on witnesses). He offers cogent observations, for instance in agreeing with Gary Bass, the author of *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (2000) that "Although most people have a sense that prosecuting war criminals is a morally good thing to do, there is no reliable proof that so doing will always have good results" (p. 14), and later adds a caution based on his study that, "whether trials have actually deterred violence by 'staying the hand of vengeance' is hard

to measure in Croatia and Bosnia and Herzegovina as there are simply too many confounding variables" (p. 111).

In his third chapter, Stover familiarizes readers with the ICTY process. He clearly presents basic background on the Tribunal, starting with the UN Security Council Resolution 827 of May 25, 1993, creating the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

Stover demonstrates his facility with several disciplines and an ability to successfully convey information to the lay reader. He describes the imbalance resulting from investigators and prosecutors coming from civil law and common law traditions (p. 137). He shows an ability to draw on the Nuremberg precedent without romanticizing its application to other circumstances. He discusses psychologists' competing perspectives on post-traumatic stress disorder (PTSD). *The Witnesses* outlines well, with descriptive headings and sub-headings, and is a model of clear presentation,

The focus on witnesses is especially appropriate in the ICTY case. As Stover notes, "because the Balkan offenders did not keep meticulous records of their bloody deeds, prosecutors have needed a substantial number of eyewitnesses to make their charges stick" (p. 44). In contrast, the Nuremberg prosecutions offer little insight into the witnesses of genocide since the prosecution's case rested largely on documents. Also, since the legitimacy of the Nuremberg tribunal itself was at issue, very little was written about the witnesses.

Stover gathered valuable original material through 127 interviews conducted over four years. Sixty-two interviewees were Bosnian Muslim witnesses testifying to war crimes in the Lasva Valley. Twenty interviewees were Croats testifying in the trial of the former mayor of Vukovar. Five were Bosnian Serbs who testified in the trial of Celebici prison camp co-defendants. Thirty-three inter-

viewees were current or former ICTY staff members.

The speculations Stover offers in the last chapters are well grounded and appropriately qualified. The one minor peeve I have with Stover's book is that I wish he had gone further in discussing the International Criminal Court (ICC). The ICC's rules relevant to witnesses are the subject of a lengthy twenty-seven-page second appendix. In Stover's text, however, discussion of the ICC is limited to three pages. They are insightful, for instance, in the observation that "if the ICC is not thoughtful, prudent, and practical about how it manages ... expectations, it could end up digging its own grave with the spade of good intentions," but Stover's study offers the basis for going further. I hope that he and others will do so as the ICC develops (p.150).

This book will be a valuable acquisition for any library, and essential for libraries with collections on human rights and international law. It is very readable, and would be accessible to upper-division undergraduates. It contains new information that should interest scholars interested in the former Yugoslavia, human rights, or international law.

The Witnesses exemplifies what psychologist William James called a "tough-minded" approach, [2] recognizing flaws so that they may be addressed. It examines tribunal practice, which has often fallen short of what outsiders and witnesses have wanted. For Stover, and for most witnesses, the flaws are not a reason to reject the tribunal approach in the former Yugoslavia or elsewhere. They are a reason for limiting expectations, and for reforming procedures.

Notes

[1]. Eric Stover and Harvey M. Weinstein, eds., *My Neighbor, My Enemy: Justice and Aftermath in the Face of Mass Atrocity* (London: Cambridge University Press, 2004).

[2]. William James, *Pragmatism: A New Name for Some Old Ways of Thinking* (New York: Longmans, 1937).

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