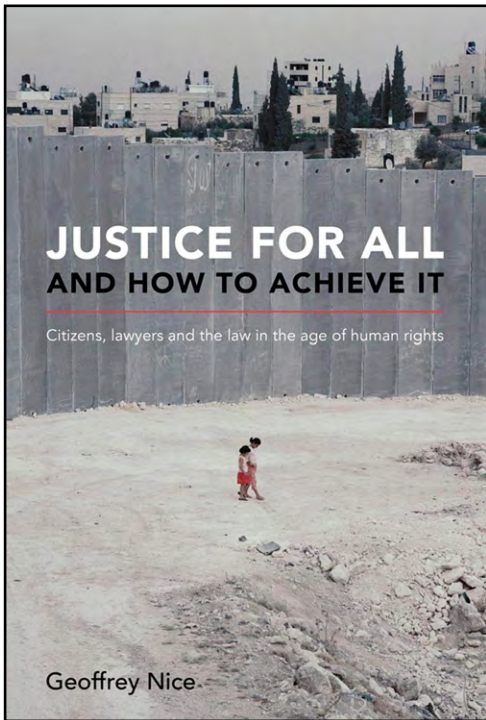




Justice for All and How to Achieve It:

Citizens, Lawyers and the Law in the Age of Human Rights

By Geoffrey Nice

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This is a very readable book by an author, Geoffrey Nice, with profound experience in the legal profession as a barrister and part-time judge in England, who also served as a prosecutor in the International Criminal Court for former Yugoslavia between 1998 and 2006. He also acted as a judge in several international tribunals. Nice has also been engaged in the works of various human rights groups seeking legal remedies before the permanent International Criminal Court (ICC), founded in 2002, as well as victims' groups whose cases are unlikely to reach any criminal court. A significant part of this book, comprising 17 chapters and 2 appendices, consists of lectures which Nice gave as Gresham Professor of Law from 2012 to 2016.

The author, atypical of a Western liberal, ought to be credited for his consistency, integrity and fairness in the way he discusses the problems of law enforcement in matters of war crimes and crimes against humanity. He endeavours to apply the same criteria and standards to all states, powerful and weak, Western and non-Western, in holding them responsible for war crimes, crimes against humanity, ethnic cleansing or genocide. In the book, the author draws on scores of heinous crimes committed by a host of states which they sought to conceal from their own people. This was, for instance, the case for the US in Vietnam (and generally in Indochina) in the 1960s and early 1970s and Britain in Kenya during the latter's anti-colonial struggle. Nice also draws on the dark history of massive human rights abuses which transpired after the Second World War in non-Western states, such as Indonesia and Myanmar (Burma). Finally, the author draws on similar abuses that occurred in the aftermath of the Cold War. He laments that, although egregious crimes were committed in the course of the Russian military intervention in Georgia in 2008 and the US-led invasion of Afghanistan (2001) and Iraq (2003), no criminal trial was ever envisaged for the culprits. However, apart from expressing, in passing, his hope for a reshuffling of the UN Security Council (p. 286), the author does not go far enough to question the power imbalance in international institutions and raise suspicions about the usefulness and fairness of the dominant 'liberal' international order.

One of the important findings of the book from an 'insider' who had first-hand knowledge of the trials and access to documents about the International Criminal Court for the former Yugoslavia, is his revelation that it is not only the Serbs that we should blame for the genocide in Srebrenica and for other barbaric crimes which were commonplace during the war in Bosnia from 1992 to 1995. Rather, he suggests, we should see "the major powers' complicity in those crimes." (p. 4) The book tells us, perhaps unsurprisingly, that the International Criminal Court for the former Yugoslavia was intended, by the main protagonists, namely the US and other leading Western states, to serve as a showcase behind which there were two goals: first, to create the impression that something was being done about Serbian crimes in Bosnia; second, to absolve Serbia of *direct involvement* in a host of heinous crimes, war crimes and crimes against humanity in Bosnia so that Serbia could, in the future, be admitted as a respectful member of the European 'club' through admission into various European organisations, including the European Union. Indeed, as is well known, Serbia was eventually exonerated of *direct responsibility* in the massive human rights violations, including genocide, in Bosnia at the hands of *ad hoc* ex-Yugoslavia trial (established in 1993) and of the International Criminal Court (*Bosnian Genocide Case*-concluded in 2007).

With regret, Nice states that, while the West is fond of preaching about diversity and the rule of law, in the case of the Balkan conflicts, leading Western governments unashamedly put forward segregationist solutions. According to Nice, "one of the great ironies of the Balkan conflicts was that all peace plans - even before a shot was fired - favoured ethnic separation, something specifically but ironically 'respectful' of anti-diversity emotions" (p. 288).

The author is disappointed about the ICC's dismissive treatment of the *Mavi Marmara* case, concerning the Israeli attack aboard a ship on 31 May 2010 carrying aid for Palestinians in Gaza, which resulted in the killing of ten Turkish nationals and the wounding of fifty others, due to the prosecutor's intransigence. Nice hints that this was the result of the pressure from the US and Israel. The mishandling of the *Mavi Marmara* incident was a fitting sequel to another case concern-

ing Israel's attack on Gaza more than a year before the *Mavi Marmara* case. He notes that, while the UN Human Rights Council was planning to submit its report on Israeli war crimes and crimes against humanity arising from its all-out assault on Gaza in December 2008-January 2009, this was aborted by "joint Israeli-American pressure on the Palestinian Authority and at the UN" (p. 205).

I have found this book appealing and easy to identify with for two main reasons. First, Nice is candid about himself, his views and about the court cases in which he was involved during his professional career. Secondly, in situations of conflicts resulting in war crimes and crimes against humanity, he takes sides with victims and aspires for justice to the victims. Although he has no qualms about liberal politics and liberal legality, he is not marred by 'liberal pomp' that tends to internalise a Eurocentric worldview. When inquiring into intra-ethnic/religious or international conflicts, he takes a clear moral stance against the perpetrators. This is quite different from the dominant Western liberal view which often blames all sides of a conflict or crime of aggression or war crimes, particularly if the victim is non-Western and the victimiser is either Western state or a protégé of a Western state. This allows the Western power to clean its hands of the burden of taking full responsibility for murderers, aggressors and oppressors. By maintaining some distance from both sides of a conflict ostensibly to show off their 'objectivity', Western states and international institutions, under the former's heavy influence, seek to protect their reputation as non-partisan champions of human rights and international law.

All in all, this is a thoughtful book and an enjoyable read that, in the context of human rights violations, discusses the main problems and dilemmas regarding the proper application of the law in court rulings and the form of treaties in the contemporary world. His whole endeavour seems to be to ensure that law is deployed, above all, in the service of justice. As such, the book could be of great interest to legal practitioners, as well as to scholars and students of law and international politics.