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Gabriel H. Teninbaum Esq.
Cambridge, Massachusetts

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The Witnesses: War Crimes and the Promise of Justice in The Hague by Eric Stover. Philadelphia: University of Pennsylvania Press, 2005. 230 pp.

In The Witnesses, Eric Stover investigates the perceptions and attitudes of witnesses who testified at the International Criminal Tribunal for the Former Yugoslavia (ICTY). This book is an important advance in human rights studies and transnational law because it is the first ever study of witnesses testifying at an international war crimes tribunal. Stover is well qualified for the task: he is both the director of the Human Rights Center at the University of California at Berkeley and an author of numerous books on war crimes and related topics.

In writing this book, Stover interviewed 87 witnesses who testified at The Hague in connection with the ICTY proceedings, which began in 1991. The interviewees include Croats, Serbs and Muslims, all of whom were victimized during the conflict. The book's writing style has an academic bent with the feel of a dissertation-turned-book. However, this style lends itself well to those truly interested in the subject; the extensive citations (which, impressively, cross disciplines into law, psychology, sociology, and historical accounts of witnesses testifying at Nuremberg and elsewhere) provide a broad array of further reading for those who wish to learn more.

The book can be broken down into roughly three parts: first, background information about war crimes tribunals; second, the experiences of the witnesses before, during and after testifying as part of the ICTY prosecutions; and recommendations for improving future international war crimes tribunals. The first portion of the book provides an excellent primer on the history and procedural workings of ICTY and on the formation of war crimes tribunals in general. This background also gives the reader perspective for understanding the role the witnesses played when called to The Hague for the ICTY trials.

The second part of The Witnesses constitutes the best, and most important, part of the book. These chapters tell the personal stories of the witnesses, including how they came to testify at The Hague, what happened when they testified, and the aftermath they reported after giving testimony. Universally, the witnesses' stories are poignant and their personal courage inspiring. The witnesses report testifying as being largely a positive experience, but also describe a multitude of problems with the tribunal system. One issue, which repeats throughout the accounts, is that the witnesses were often testifying against neighbors with whom they had co-existed in relative peace before the war. Repeatedly, the ICTY prosecutors and judges are unable to protect the identity of the witnesses from the defendants' cronies (despite a procedural safeguard that purported to do just that), and the witnesses faced retribution upon returning home from The Hague. Another failing reported by the witnesses was that they were not fully aware of their options for being relocated after testifying, and often failed to take advantage of options that would allow them a fresh start away from those who had victimized them. Third, the witnesses reiterated their feeling that they were not properly informed about their role at the tribunal, nor kept informed about the outcomes of the tribunal after testifying.

In the final portion of the book, Stover attempts to synthesize the complaints raised by the witnesses into suggestions for improving the handling of witnesses at future tribunals. This portion of the book is uninspiring. Stover's recommendations can be boiled down to the following: that the UN and individual nations give more money to support war crimes tribunals;

that war crimes tribunals meet to promulgate new regulations for improving support services for witnesses; and that prosecutors show common courtesy by keeping witnesses better informed about the process and outcomes. Nowhere do concrete solutions to the reported problems materialize, despite Stover's insistence in his preface that they would be forthcoming. Furthermore, Stover seems to measure the success of ICTY based on the satisfaction of witnesses with their role, instead of properly recognizing the Tribunal's primary missions of convicting war criminals and obtaining justice for the victims as a whole. Nonetheless, the concerns raised by the witnesses are serious, particularly with regard to maintaining their safety, and Stover's recommendations seem reasonable despite their vagueness.

Overall, The Witnesses is a well-written book on an important topic, and the uninspiring conclusions do not sully its overall value. Those interested in human rights, the war in the former Yugoslavia and its fallout, or international criminal law would benefit from reading it. Overall, this book, much like the ICTY proceedings, has shortcomings, but in the final analysis is a worthy endeavor.

Gabriel H. Teninbaum, Esq.
Cambridge, Massachusetts
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