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**Book review: International justice in  
Rwanda and the Balkans: virtual trials and  
the struggle for state cooperation – by  
Victor Peskin**

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**Book Review** of 'International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation' by Victor Peskin. New York: Cambridge University Press. 2008. 272pp. £17.99. ISBN: 978 0 521 12912 1  
Published in *International Affairs*, 2010, 86(4) pp990-991.

Peskin approaches his study of the International Criminal Tribunals for the Former Yugoslavia (ICTY) and for Rwanda (ICTR) as a political scientist rather than as a lawyer, and as such has produced an invaluable guide to the politics of contemporary international justice. Many books have been written on the use and development of the law within the tribunals, but there has been little work to date on the relationships between tribunals and states. This book fills a significant gap in the literature, and does so by telling a compelling story backed up by information gleaned from eight months of fieldwork and hundreds of interviews. Peskin has put in the graft and it shows: this is a work of narrative detail rather than a sweeping analysis of the tribunals from on high, revealing the controversies, conflict, public shaming and private negotiating that have shaped and constrained the pursuit of international justice through the tribunals. He shows that states have enormous power over tribunals because of their roles in apprehending and transferring suspects, supplying evidence, and approving visas for witnesses to travel to give evidence – power that they (especially the Kagame regime in Rwanda) have learnt to exercise with some skill – but also that the tribunals have developed resources they can use to 'push back' against state coercion.

The book looks at the conditions under which states and state groups cooperate with tribunals – in particular those states in which the atrocities prosecuted by the tribunals took place, but also other key international players with reason to exert political power over the proceedings such as the US, the UK, the EU and NATO. The tribunals were established by the UN Security Council, and as such have the notional power to demand state cooperation and to override state sovereignty, but Peskin shows that the superior legal status of the tribunals matters not at all in their day-to-day effectiveness. What matters, he argues, is the ability of the tribunal staff, in particular Chief Prosecutors, to use diplomatic skills to coerce or elicit cooperation from recalcitrant states, and the domestic political landscapes within these states.

In examining the role of Chief Prosecutors (who play the role of diplomat as often as trial lawyer), Peskin demonstrates, *pace* realist IR theory, that tribunals have independent political power in the international system. This power may be 'soft' but it is not insignificant – in particular when exercised by the ICTY. Crucially, tribunals can determine whether or not states win the rhetorical battle for the status of victim, with the political and economic benefits this status now accrues. The story of Croatia's transition from victim to victimiser and (partially) back again illustrates this point well. Tribunals can also influence peace processes: Peskin tells a fascinating story of the political manoeuvring by Richard Goldstone, first Chief Prosecutor at the ICTY, which succeeded in preventing amnesties being offered at the Dayton peace talks to Mladic and Karadzic, two of those most responsible for atrocities during the Bosnian war. Finally, tribunals can influence domestic political prospects: the EU required cooperation with the ICTY from Serbia and Croatia before accession talks would begin.

The most important contribution made by this book is the comparative study of the politics of international justice within states. The great hope of liberal international institutions and NGOs is that the delivery of justice through courts or tribunals will bring about peace in war-torn regions. Peskin shows how justice mechanisms can instead bring conflict, describing how the ICTY has threatened domestic stability, causing crises within both Serbia and Croatia as political leaders tried to find ways to balance the demands of the tribunal for cooperation with the demands of many of their citizens to resist. This is a high stakes game for leaders of new or weak states: Serbian Prime Minister Zoran Zinzić was murdered in large part in protest at his plans to send suspected Serbian war criminals to The Hague for trial.

The architecture of the book – chronological accounts of tribunal-state relations, peppered with intriguing behind-the-scenes stories, and topped and tailed with analytical chapters – is logical, however the conceptual devise of the ‘virtual trial’ or ‘trial of cooperation’ feels artificial and confuses the analysis rather than complementing it. Tribunals cannot put states on trial, virtual or otherwise, and to suggest that they do obscures the power relations and imbalance between these bodies. That said, the book proves beyond reasonable doubt that the ICTY and the ICTR are not above or outside power politics, dispensing impartial justice to victims of atrocity, but political actors who bargain, negotiate and compromise with the states whose cooperation they require. It charts the ebb and flow in the relative power of the tribunals versus affected states since the early 1990s, documents the strategic games they play with each other and sets out the lessons that future international justice institutions should learn from these innovative bodies.

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