

Book Review: Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror by Eric Stover, Victor Peskin and Alexa Koenig

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Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror gives a historical account of how states and international courts have attempted to find and capture those suspected of war crimes and 'crimes against humanity'. **Eric Stover, Victor Peskin and Alexa Koenig** present meticulous and legal research that covers the flight of Nazi war criminals, the recent Balkan wars, the Rwandan genocide and the pursuit of suspected terrorists post-9/11. This book will ensure that readers learn exactly who still evades indictment for such crimes and the obstacles that face the international community in the struggle to uphold human rights, writes **Esther Adaire**.

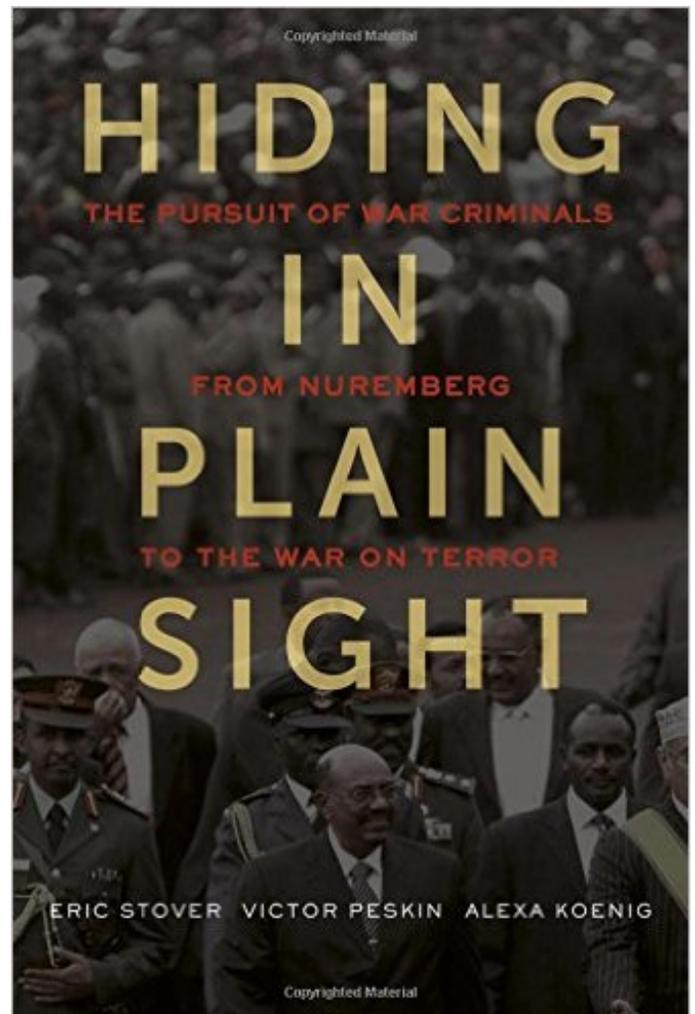
Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror. Eric Stover, Victor Peskin and Alexa Koenig. University of California Press. 2016.

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In 1919, in the wake of World War I and in particular reference to what is now known as the Armenian genocide, Britain, France and Russia sought to legally define the notion of 'crimes against humanity' – crimes so disgraceful that by being committed against one person or group, they disgraced all of humanity. The US, however, rejected the formation of an international court to punish such crimes, opposing 'any attempt to assign criminal responsibility for such a vague notion as the "laws of humanity"' (22). Not until the 1945 trials of Nazi war criminals in Nuremberg would the US join the Allies in support of core principles of international criminal law still in force today, and not until 1948 would the term 'genocide' become legally defined by the United Nations General Assembly.

In *Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror*, Eric Stover, Victor Peskin and Alexa Koenig combine meticulous historical and legal research to trace the global search for war criminals from Adolf Eichmann to Ratko Mladić, Saddam Hussein to Osama bin Laden. Beginning by detailing the legal and humanitarian precedents set by the Nuremberg Trials and the Geneva Convention, and ending with a critique of the United States' moral negation during the so-called 'War on Terror', this book is essential for readers looking to understand why crimes against humanity so frequently go unpunished.

Part One covers the 1945-46 Nuremberg Trials and the hunt for major Nazi war criminals Adolf Eichmann, Josef Mengele and Klaus Barbie. Whilst the Tokyo trials and their



failings are also touched upon, it is the ethical hypocrisy of the Allies and the US regarding the use of ex-Nazis as informants against Soviet Communism that is given detailed analysis. The Allies and the US created prototype war crimes programmes before the Nuremberg Trials, including the United Nations War Crimes Commission, which initially did not refer to Holocaust-related crimes, and the Central Registry of War Criminals and Security Suspects (CROWCASS).



Image Credit: Chief US prosecutor Justice Robert Jackson delivers the opening speech of the US prosecution at the International Military Tribunal trial of war criminals at Nuremberg, 1945-46 (Harry S. Truman Library, Wikipedia Public Domain)

Whilst providing an extensive database of Nazi war criminals, CROWCASS also served the 'surreptitious' function of creating a 'pool of possible candidates from within the Nazi ranks for Allied police and intelligence work' (30). Those ex-Nazis, used to provide information on Germany and to infiltrate Communist circles, were rewarded by having their files purged of incriminating information. These informants would also be used to trace German and Austrian scientists to be sent to Britain and the US 'to bolster their science and technology efforts' (30):

Congressional inquiries in the 1980s and 1990s [...] revealed that between 1945 and 1955 alone, 765 scientists, engineers and technicians were brought to the United States. At least half, and perhaps as many as 80 percent, of these specialists were former Nazi Party members, including some who were responsible for war crimes (38).

The Nuremberg Trials would be, in the words of historian Richard Bressel, 'the most important expression of the Allied campaign to impose morality through legal proceedings, and simultaneously to establish a record of what the Nazi regime had done' (41). However, the extent to which the US employed ex-Nazis in their anti-Communist agenda suggests a stain on that morality. Most notably, in 1947 the US Army Counter Intelligence Corps (CIC) recruited Barbie, known to have tortured French prisoners in Lyon in his position as *SS-Hauptsturmführer*. Having also served from 1965 as an informant for the West German intelligence agency *Bundesnachrichtendienst*, Barbie was not tried and imprisoned until 1987, having openly enjoyed a lucrative career since his days as the 'Butcher of

Lyon’.

As Stover, Peskin and Koenig point out: ‘Holocaust memorialisations have become commonplace, but the political will of states to consistently pursue criminal trials for the full range of World War II-era atrocities in Europe as well as in Asia and the Pacific has not followed suit’ (137). The second part of the book demonstrates how international courts still struggle to hold societies accountable for their involvement in crimes against humanity. The International Criminal Tribunal for the Former Yugoslavia, for example, sought to provide ‘a reservoir of moral authority, deriving from its status as an international criminal court mandated to adjudicate some of the world’s gravest atrocities’ (151). Designed to be impartial, the UN Yugoslavia tribunals have upheld principal rules of law by allowing defendants extensive due process before delivering their verdicts. The tribunals were successful in ‘substantiating legal responsibility and historical truth for many of the atrocities that occurred in Bosnia, Croatia, and Kosovo’, and establishing that the slaughter of 8,000 Bosnian Muslim men and boys in Srebrenica, July 1995, constituted genocide (182).

Yet there are disappointments. Most significant is ‘the prosecution’s difficulty in linking atrocities on the ground to those in the highest echelons of power alleged to be the masterminds’ (182). This is the case with Milorad Pelemić and Dragomir Pećanac, purported to have directed mass killings at Branjevo. Similar problems arose in the tracking of Rwanda’s *Génocidaires* – the Hutu extremists who slaughtered an estimated 800,000 Tutsi minorities and Hutus accused of dissidence in 1994. Amid the ensuing humanitarian aid crisis and Rwanda’s political turmoil, international prosecutors struggled to negotiate with local politicians in bringing those responsible to justice. Without ‘in-depth knowledge of Rwandan politics, history, and the genocide itself’ (202), the UN decided to work strategically with insiders, which came with ‘the ethical disadvantage of giving them favourable treatment, such as immunity from prosecution’ (212). While these tribunals delivered a few successes, many suspects have never been indicted. ‘Officially senior RPF officials, including Rwandan President Paul Kagame, may not be classed as fugitives. But in another sense, these men are hiding in plain sight’ (230).

Given international agreement as per the United Nations General Assembly on what constitutes genocide and war crimes and the establishment of the International Criminal Court (ICC) in the early 1990s, the task of indicting suspects for war crimes seems straightforward. Under international law, states are obligated to arrest and extradite anyone indicted by the ICC, and victims are assumed to have unprecedented procedural rights. US exceptionalism, however, has undermined the ICC’s work, particularly since September 11 2001 and the ensuing ‘War on Terror’. The final chapter details indefensible atrocities that have occurred as a result of the US response to 9/11 on their own terms, according to their own definition of ‘justice’. For those interested in understanding how the US often escapes justice for the torture of suspected terrorists, the deaths of hundreds of innocent civilians per targeted drone strike and the political chaos across the Middle East, this chapter is essential reading.

Owing to the George W. Bush administration’s immunisation of US soldiers from prosecution by the ICC and its manipulations of the law in order ‘to discourage potential investigations into American activities related to the “war on terror”’ (285), those responsible for the torture of prisoners at Abu Ghraib, as well as at little-talked-about ‘black sites’ around the world, have not been held to account. While a handful of people were sanctioned for the tortures at Abu Ghraib, they received minor sentences, and to this day those who occupied the highest levels of command at the prison remain ‘shockingly immune from legal scrutiny’ (354). Meanwhile, in the search for Osama bin Laden and other members of al-Qaeda and the Taliban, the US used mercenaries acting in anticipation of monetary rewards, detainment and ‘enhanced interrogation’ (torture) of innocent civilians with little or no connection to terrorist organisations, and granted the CIA power to use drones in the targeted assassination of members of suspected terrorist groups.

‘State manipulation and outright obstruction’, deduce Stover, Peskin and Koenig, ‘are likely to threaten the effectiveness and legitimacy of the ICC for years to come’ (385-86). While human rights remain inalienable, and while an international legal system is in place to apprehend those who debase those rights, the willingness of states to confront their own complicity in crimes against humanity remains elusive. *Hiding in Plain Sight* ensures that

readers learn exactly who still evades indictment for such crimes, and the obstacles that face the international community in the struggle to uphold human rights.

Esther Adaire has recently obtained an MA in History from Goldsmiths, University of London, for which she wrote about symbolism and spectacle in Nazi violence against Jews. Her other research areas include sociological theories of anti-Semitism and the origins of National Socialist ideology. She also maintains a personal interest in Jewish philosophy and theology, and avant-garde art movements of the twentieth century. She can be followed on twitter: @esthermaschine. [Read more reviews by Esther Adaire.](#)

Note: This review gives the views of the author, and not the position of the LSE Review of Books blog, or of the London School of Economics.

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