

Laughland, John. Travesty: The Trial of Slobodan Milošević and the Corruption of International Justice. (Foreword by Ramsey Clark). Pluto Press, London and Ann Arbor, MI, 2007. xiii + 240 pp. Index. £14.99: \$24.95: 44: E22 (paperback).

RAMSEY CLARK, former United States Attorney-General, encapsulates the importance of this book, and the judicial process it analyses, in his foreword. He argues that the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) by the UN Security Council was a fundamental corruption of international law, an ad hoc executive order which undermined the primary purpose of the UN – preventing war – instead, the language of international law became a tool to legitimise the aggressive interventionist policy of the US and its allies in the Balkans in the late 1990s.

This was nowhere more starkly highlighted than in the indictment of Slobodan Milošević on 27 May 1999, two months into NATO's bombing campaign against Yugoslavia, undertaken without UN Security Council authorisation. International law was not just corrupted but used to legitimise and justify an illegal war of aggression. From the start, the ICTY and the indictment of Milošević were driven by partial political concerns, the interest-driven, instrumental use and abuse of international law, was given full autonomy in the powers given to the judges to rule on their own powers and procedures.

The lack of oversight of the court, a reflection of its ad hoc establishment by executive decision, rather than multi-national treaty, led to its assertion of directly political powers. This politicised and arbitrary use of judicial power was most clearly apparent in the travesty of law that was the trial of Milošević. The first criminal trial against a head of state in a UN sanctioned international court, and the longest criminal trial ever recorded, lasting four years from February 2002 to Milošević's untimely death in custody on 11 March 2006.

Travesty is the essential book of this trial for those concerned with both the theory and practice of international law and international relations, and the inter-relationship between the two. John Laughland, who commented on the tribunal for the Guardian and the Spectator and was one of the last Western journalists to interview Milošević in his Hague cell, provides an excellent, in-depth and highly readable account of the background of the establishment of the ICTY and the Milošević indictment within the context of the changing nature of international law in the 'New World Order' of the 1990s.

Laughland challenges the idea that the ICTY can claim the legacy of Nuremberg and clearly reveals the ad hoc and arbitrary nature of the court's powers. This was highlighted in the post-hoc amendments of the indictments against Milošević as new legal precedents were established by the court. The final charge against Milošević was that of participation in a Joint Criminal Enterprise (JCE), the broadest interpretation of command responsibility ever made by any court and one which would find Bush and Blair responsible not just for the acts of British and US soldiers in Iraq, but for the actions of the Iraqi police and Iraqi government agents and supporters, if it was ever to be applied in a similar judicial setting.

The JCE charge against Milošević did not appear in the ICTY statute, nor is it accepted anywhere else as international criminal law; his guilt for the crime of genocide could have been established without any evidence of either control over the perpetrators, any shared intent or knowledge of their actions. Laughland details the prosecution case, and their desire to tie the indictments for Kosovo with the later post-hoc indictments for Croatia and Bosnia, under the political charge that Milošević was

responsible for war crimes committed in the wars of Yugoslavia's disintegration on the basis of his leadership role in the 'joint criminal enterprise' of attempting to establish a Greater Serbia based on the ethnic cleansing of non-Serbs.

With no more evidence of such an enterprise than there was of the 'smoking gun' of command orders or instructions which breached international legal principles, the prosecution tried to establish a plan working backwards from the consequences of war, pushing three trials in to one and amassing more evidence than anyone could read in a lifetime. While the horrors of war were documented, the tribunal's attempt to rewrite the history of Yugoslavia's fragmentation as the result of the actions of Milošević failed in judicial terms, with his death. However, the political battle to whitewash the role of international meddling and legitimise the war of aggression against Yugoslavia has been won by those who intervened and those who sympathised with the 'war for values' over Kosovo. If you wish to read the legal reflection of that political victory in the arbitrary procedures of the ad hoc tribunal of the ICTY and the corruption of international law, Laughland's book is a shocking, depressing, yet wonderfully enlightening place to start.

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