

Bite Back

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Geoffrey Robertson

Crimes Against Humanity:

The Struggle for Global Justice (Second Edition)

Penguin, \$26pb, 658pp, 0 14 101014 2

Geoffrey Robertson's new edition of his magisterial *Crimes Against Humanity* demonstrates exactly why popular culture in the murderous twentieth century opted for a *Seven Samurai* (or *Magnificent Seven*) version of retribution for crimes inflicted on peoples. It was so much more exciting — and cathartic — to watch a charismatic band of ad hoc avengers wreak rough justice than to wait upon the grinding-small processes of the law. But it is the compensating virtue of Robertson's book that it makes the convincing case for those legal processes.

Crimes Against Humanity was first published in 1999. At that time, it was a major contribution to our understanding of the evolution of the complex idea of human rights. Robertson's opening chapter, 'The Human Rights Story', is an essential primer on the subject. It is succinct, philosophically informed and written with such narrative verve that a general, not just legal, readership will turn its pages for years to come. The major figures are all there, large as life: John Locke, Thomas Paine, Thomas Jefferson, Rousseau, Voltaire, H.G. Wells, the dissidents Jeremy Bentham and Karl Marx, and the arch villains Adolf Hitler, Joseph Stalin and (a lawyer's choice) Stalin's show-trial lawyer, Andrei Vyshinsky.

Robertson has so internalised the relevant history that he might have just stepped out from the trial of Charles I: 'When prosecutor John Cook began to read the indictment, the King tried to stop him with a poke of his cane: its ornate silver tip fell off, and Cook refused to pick it up. There was a dramatic pause, then the king stooped low to retrieve it himself — the portentous historical moment when divine majesty bowed, powerless, before the majesty of human law.'

Compulsively readable, this is also history with a very distinct focus. Robertson examines the causal connection between crimes against humanity and the legal remedies that human beings have devised, out of stark necessity (signally at Nuremberg), to prevent repetition of such monstrous inhumanity. That he found it necessary to bring out a new edition of this book only three years after its first publication indicates that such crimes persist (September 11). But the new edition also marks recent milestones in the struggle for justice. Among them: the arrest of General Pinochet, the Hague Tribunal's punishment of war crimes in the former Yugoslavia and in Rwanda, and the International Criminal Court Statute.

In Robertson's own words, the human rights movement has at last gone on the offensive. Its associated legal bodies now do not just bark — they bite. 'Nemesis', in the form of prosecution and conviction, is now more likely for genocidal tyrants and torturers who, previously, were able to wall themselves behind sovereign immunity.

Robertson, savagely indignant but even-handed, does many exemplary things in this book. But one thing is particularly notable, and something few Australian politicians seem able to do. In his telling of the human rights story, he criticises the major player, the United Nations — for its corruptions, derelictions and lethal slowness. But he does it in such dispassionate and sufficient detail, and with such a grasp of political context, that a general reader comes away informed without being alienated or pitched into despair. His critique is scathing — the QC will abide no humbug. But he is equally scathing about human rights humbug, or self-serving human rights fashion — the 'right to development', for example, 'solemnly identified' by the General Assembly in 1986.

He also has a view of the world that is usefully, though not obtrusively, antipodean. Australia figures in the spectrum of human rights defeats and victories. His acknowledgment of Sir Ninian Stephen's role as one of the three judges in the Hague's proceedings against Balkan war criminals brings that European horror much closer to home. Where Australia is deserving of international scorn, Robertson delivers: his terse, factual account of the *Tampa* episode makes shaming reading. His antipodean perspective (plus professional experience as counsel in human rights cases worldwide) means also that Africa, Asia and South America figure as often as Europe and the USA in his investigations and deliberations. As they should.

Crimes Against Humanity was controversial when it first appeared, provoking defenders of state sovereignty from both left and right. In this second edition, sovereignty is dismissed as a 'petty notion', so expect no smoothing of previously ruffled feathers. This is never a comforting book, and Robertson is always more avenging angel than reconciler, so truth and reconciliation proceedings, and diplomatic or *realpolitik* accommodations, get short shrift. He would, for example, see Cambodia's Hun Sen tried. Henry Kissinger, too.

His assessment of the rationale for the US war in Afghanistan will give no comfort to Washington (though none to Saddam Hussein either). And his predictions of the potential flow-on effects will alarm anyone concerned about peace in the long term: 'If it [the USA's war in Afghanistan] stands as an exercise in self-defence *simpliciter*, or anticipatory self-defence, then woe betide civilians and soldiers in many countries, punished by angry armed states for the transgressions of the extremists sheltering amongst them.'

If you believe that knowledge, even terrible knowledge, is preferable to reactive ignorance, then *Crimes Against Humanity* is essential reading. The pity is that we may need a third edition sooner than any of us could want.