

## Madame Prosecutor

**Carla Del Ponte**

**Chuck Sudetic**

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Every law student learns quickly that neither the United States nor any other country has legal authority over foreign powers or their citizens. The United Nations is an institution deprived of the two standard tools of behavior motivation: rewards and punishments. International relations are a complex dance in which one party attempts to persuade the other of the rightness of their cause. Diplomacy is nothing more than persuasion without enforcement, while justice requires the ability to exercise at least the threatened power of coercion.

The International Criminal Court (ICC) was established in 2002 as a permanent tribunal with limited jurisdiction lacking total international support. The United States, China, Russia, and India, for example, are not signatories to the treaty that created the Court and are not bound to participate. Further, the Court itself is granted jurisdiction only where the nation involved is unable or unwilling to prosecute crimes committed within that nation's borders. Since its inception in 2002, the court has not conducted a trial of a single person.

Why, then, would a sophisticated lawyer like Switzerland's celebrated attorney general Carla Del Ponte and her well-informed co-author, Chuck Sudetic, assume that "Humanity's Worst Criminals" could or would be brought to any kind of justice in the ICC? Why do they describe the world criminal court's failure to succeed in prosecuting those criminals as the "Culture of Impunity," when impunity is precisely what all criminals have a right to expect from the international community? After all, it is the province of sovereign nations to bring their own criminals to justice, even though many nations are ill equipped to do so. This, Del Ponte and Sudetic argue, should be changed.

*Madame Prosecutor* is a lengthy discussion of the heinousness of crimes against humanity and a poignant plea for a better international criminal justice system. Using the imperfect system now in place, Del Ponte's efforts to bring war criminals to trial are nothing short of fascinating and heroic. Her work contributed to the indictment, arrest, or prosecution of Slobodan Milosevic and dozens more. Sudetic's experience as a *New York Times* reporter and author as well as his work as an analyst for the Yugoslavia tribunal and his current position as senior writer for the Open Society Institute, also inform the politics and scope of *Madame Prosecutor*.

This memoir is densely packed with information that will be of most use to researchers, scholars, or readers interested in international judicial systems and liberal political philosophy. (January) *M. Diane Vogt*

DIANE VOGT (December 15, 2008)

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