

2013

All the Missing Souls: A Personal History of the War Crimes Tribunals by David Sheffer

Jennifer Laws

University of New Mexico - School of Law

Follow this and additional works at: https://digitalrepository.unm.edu/law_facultyscholarship

 Part of the [Human Rights Law Commons](#), [International Law Commons](#), and the [Library and Information Science Commons](#)

Recommended Citation

Jennifer L. Laws, David Sheffer's All the Missing Souls: A Personal History of the War Crimes Tribunals, 105 Law Libr. J. 381 (2013) (book review).

This Article is brought to you for free and open access by the School of Law at UNM Digital Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.



SCHOOL
OF LAW

SMALL SCHOOL.
BIG VALUE.

however, the contributions do not present a new twist on the existing rhetoric of the state of legal education. While the authors endeavor to provide concrete solutions to tackling legal education in the digital age, they fall a bit short of offering any novel or uniquely innovative approaches for actually processing and managing the impact of the digital revolution. The general conversation throughout the book is the same one that the legal education community has been having and continues to have about the impending changes that are coming to legal education.

¶46 This book is most appropriate for an academic law library that does not already have an extensive collection of books on the current and future state of legal education. It provides a good introduction and some thought-provoking ideas for those who may be unfamiliar with the shifting trends in legal education in the context of technology and the digital age.

Scheffer, David. *All the Missing Souls: A Personal History of the War Crimes Tribunals*. Princeton, N.J.: Princeton University Press, 2012. 533p. \$35.

*Reviewed by Jennifer Laws**

¶47 David Scheffer's memoir records his firsthand experiences as the primary U.S. representative in the processes of building five war crimes tribunals between 1993 and 2006: the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Court of Cambodia, and the International Criminal Court. Scheffer was a senior advisor to Madeleine Albright (then U.S. ambassador to the United Nations) from 1993 to 1996. In 1997, when Albright became Secretary of State, Scheffer became the first U.S. Ambassador-at-Large for War Crimes Issues. He frames "the tribunal era, launched in 1993" as a unique time of developing an infrastructure to "end the presumption of impunity for atrocity crimes" (p.4).

¶48 Because the author relies on his personal notebooks as well as declassified State Department cables, he is able to describe in extensive (at times, even tedious) detail the roles played by specific individuals, organizations, and governments involved with the five tribunals, providing a remarkable historical record for the researcher. The combination of detailed, firsthand accounts of the negotiations for the tribunals with Scheffer's unflinching descriptions of atrocity crimes makes for compelling reading. That he bore witness to the suffering, mutilation, and destruction caused by these atrocity crimes lends tremendous credibility to his perspective and retelling of events.

¶49 The detailed descriptions of negotiations and strategy, especially in part 2 concerning the Rome Statute and the establishment of the International Criminal Court, are slow reading. Scheffer is not afraid to use diplomatic jargon, which could be a problem for a reader new to the subject. Scheffer's firsthand narratives, however, are not always about the challenges of his war crimes work. He sprinkles the text with fascinating accounts of other diplomatic experiences, such as Albright's

* © Jennifer Laws, 2013. Law Librarian, University of New Mexico School of Law, Albuquerque, New Mexico.

seizing control of meetings with all-male groups of diplomats with “her theater of misperceptions”: serving coffee herself and reminding the “anointed” men that she used to be a “housewife” (pp.8–9).

¶50 Scheffer writes to preserve his own record of events, to make clear his role in both successes and failures, and to answer his critics, past, present, and future. He discusses some fairly minor points, such as the difference between *indicators* of genocide and *precursors* of genocide, in more detail than they may warrant. Scheffer’s focus on the lexicon can be excused when the book is viewed in its entirety as a historical document created by someone with a truly unique perspective. Chapter 14, his “Postscript on Law, Crimes, and Impunity,” delves into substantive discussion of the law of war, international criminal law, humanitarian law, and (his term) *atrocities law*. Scheffer argues very convincingly that “the lexicon matters” (p.431) because the obsession with labeling atrocity crimes with an exact legal label (such as genocide or war crimes) can slow or stop the implementation of an effective response to the crime being committed. His faith in the power of accountability to deter atrocity crimes is striking, in the face of the many frustrations and disappointments he recounts. No one, including Scheffer, has been able to supply a definitive answer to the question, “Do the tribunals work?” His memoir, however, is an essential historical record that will help others to arrive at an answer.

¶51 The main body of the text is divided into four parts, grouping chapters roughly chronologically. The appendix contains a comparison table of the five tribunals discussed in the book. For each tribunal, the table summarizes personal jurisdiction, subject-matter jurisdiction, temporal jurisdiction, and territorial jurisdiction. The appendix would be useful for the researcher wishing to compare two or more of the tribunals and particularly for one attempting to put the International Criminal Court into context.

¶52 The endnotes for each chapter are extensive and, combined with Scheffer’s bibliography, provide an excellent starting point for students of the war crimes tribunals. His list for further reading, updated with a search for newer monographs and articles, could quickly yield bibliographies for histories of the atrocities prosecuted by these tribunals; the structure, practice, and jurisprudence of the tribunals themselves; atrocities law; atrocities and the quest for justice; and other memoirs from the Clinton era that contain additional perspectives on the atrocities and the tribunals. The indexing is comprehensive and enhances the book’s value to the researcher.

¶53 Academic law libraries that collect in the areas of human rights and international law should include Scheffer’s memoir in their collections. Any library that owns Carla Del Ponte’s *Madame Prosecutor*⁸ or Richard Goldstone’s *For Humanity*⁹ should consider this title for purchase as well. *All the Missing Souls* would also be a valuable addition to libraries that collect other notable memoirs from the Clinton era, such as Albright’s *Madam Secretary*¹⁰ or Richard Holbrooke’s *To End a War*.¹¹

8. CARLA DEL PONTE, *MADAME PROSECUTOR: CONFRONTATIONS WITH HUMANITY’S WORST CRIMINALS AND THE CULTURE OF IMPUNITY* (2008).

9. RICHARD J. GOLDSTONE, *FOR HUMANITY: REFLECTIONS OF A WAR CRIMES INVESTIGATOR* (2000).

10. MADELEINE ALBRIGHT, *MADAM SECRETARY* (2003).

11. RICHARD HOLBROOKE, *TO END A WAR* (1998).