

Holding Evil to Account

Author **Steve Crawshaw** talks to **Fergus Byrne** about Trump, Putin, and the fragile battle for global justice

Despite writing a book that highlights some of the most horrific crimes against humanity in recent history, author Steve Crawshaw doesn't see the greatest threat to the world as an imminent climate disaster, a virus, Vladimir Putin or even AI. The biggest threat to the planet today, he says, is Donald Trump.

Talking to me in advance of his appearance at this year's Bridport Literary Festival, he describes Trump as someone who seems to 'prefer dictators and authoritarian leaders to democratic leaders'. Echoing the views of many who have noted that Trump appears in awe of Putin, Steve says that Vladimir Putin is 'massively helped' by the existence of Donald Trump. Seen as a catalyst for global destabilisation, Trump may be at the epicentre of a world spiralling out of control, but Steve Crawshaw's main concern is that 'Donald Trump has made absolutely no secret of his desire to destroy the International Criminal Court, and therefore, in a sense, to destroy the rule of law more generally.'

A Bridport resident through his youth, where his father was a well-known doctor and his mother a former member of the intelligence services, Steve Crawshaw went on to study Russian and German at Oxford and in St Petersburg, and worked for Granada Television before joining the Independent at its launch in 1986. There, his roles included Russia and Eastern Europe Editor during the Eastern European revolutions and the Balkan wars, then Germany bureau chief and chief foreign correspondent. He later joined Human Rights Watch as UK director and then as UN advocacy director in New York. In 2010, he joined Amnesty International as international advocacy director and Director of

the Office of the Secretary General. In 2018, he became policy and advocacy director at Freedom from Torture.

The International Criminal Court (ICC) and the International Court of Justice (ICJ) are at the heart of Steve's latest book, *Prosecuting the Powerful*, a fascinating analysis of the path to justice for war crimes. In the book, he revives memories of British suppression of the Mau Mau in Kenya; French torture in Algeria; German starvation tactics in Namibia; US carpet bombing in Vietnam; Serbian crimes in Bosnia; and the 1994 Rwandan genocide. These are just a selection of atrocities committed under various regimes, all set against the backdrop of the Nuremberg trials after Hitler's march across Europe. *Prosecuting the Powerful* is a shocking reminder of how ruthless the human race can be in the pursuit of power.

Despite delving into a litany of crimes against humanity and highlighting the hypocrisy and double standards practised by countries that supposedly adhere to humane principles and the Geneva Conventions, Steve Crawshaw maintains a sense of hope. 'There's just so much darkness crowding in, and a sense that the rule of law simply doesn't matter to many of the politicians in our current world,' he says. He points to 'extraordinary things which no one could ever quite expect to happen', such as the arrest and imprisonment of the Serb leader Slobodan Milosevic. He recalls a 1992 meeting in a London hotel with Milosevic, when the Serb leader was 'contemptuous' of the idea that he could ever be arrested for war crimes. 'His own Serb democratically elected government handed him over to a war crimes tribunal in The Hague, and



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he died behind bars.’ The same happened to Serb military leader Ratko Mladic, who also died behind bars despite his ‘absolute’ confidence that he would never be brought to account for his actions on the battlefield.

Steve skips to the present to talk about the president of the Philippines, Rodrigo Duterte, who is currently in jail awaiting trial in November. Duterte, he says, ‘mocked the idea that he might ever be held to account for the thousands or tens of thousands who were killed in what he called the war on drugs.’ He ‘mocked the International Criminal Court when it issued an arrest warrant for him’ but was arrested and taken to The Hague, where he now awaits his trial.

Closer to home and other recent atrocities: *Prosecuting the Powerful* highlights the ICC’s 2023 arrest warrants for Vladimir Putin and Maria Lvova-Belova, Russia’s Commissioner for Children’s Rights. Both are accused of the war crime of unlawful deportation and transfer of children from occupied areas of Ukraine to Russia. The following year, arrest warrants were issued for Israeli Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant, alongside those for the Hamas military leader Mohammed Deif. ‘It seemed unthinkable that the most powerful people would be brought to account,’ says Steve. ‘When I started writing the book, even then the idea that Vladimir Putin might end up with an arrest warrant seemed unthinkable.’ In the book, he recalls being in the queue to see the Vermeer exhibition at the Rijksmuseum in Amsterdam when he received a text saying Putin had been the subject of an arrest warrant. Despite the incongruous nature of the thought he recalled, ‘Putin and Vermeer will now always be intertwined.’

The chances of Putin or Netanyahu ever being brought to trial remain slim, especially in a climate of impunity for the powerful and their allies. Western states are still seen as pursuing ‘victor’s justice’, a tool wielded by the strong against the weak. However, self-exemption breeds deep-

seated cynicism, especially when successive US governments have sought to excuse themselves from criminal proceedings. While the four powers that administered the Nuremberg trials after World War 2—the United States, the United Kingdom, France, and the Soviet Union—have committed atrocities in other theatres, the US has played another Joker card. In 2002, under George W. Bush, the U.S. Congress passed the American Service-Members’ Protection Act (ASPA), known as the “Hague Invasion Act”, allowing it to use all means necessary to release any person detained or imprisoned “by, on behalf of, or at the request of the International Criminal Court.”

Bush’s bill was largely political rhetoric and subsequent American administrations have cooperated with the ICC on cases like Darfur and Ukraine, but Trump’s hostility represents a far darker turn. ‘Now we have somebody who, of course, hates accountability in every single form,’ says Steve. ‘He hates it for his allies, whether they’re abroad or at home... he just doesn’t think that rules matter; that it’s only his own rules that matter. And we see that in terms of blowing up fishermen in the Caribbean or killing schoolgirls in Iran; it’s the same thing for him.’

But despite a legacy of double standards, Steve still holds out hope that if Trump doesn’t manage to destroy the ICC, good things can happen. He sees the arrest warrants of Putin and Netanyahu as a profound shift and that the long-held narrative that the ICC would only ever target African warlords while ignoring Western leaders and their allies has completely collapsed.

‘That criticism was at least to some extent justified,’ he agrees. ‘But you really can’t say that in a context where the president of a permanent member of the Security Council is now on the docket—has an arrest warrant out for him, the prime minister of America’s closest ally has an arrest warrant out for him, and where you’re seeing movement happening in many different contexts.’

He believes the arrest warrants issued for Vladimir

Putin over war crimes in Ukraine, and Benjamin Netanyahu over actions in Gaza, represent a radical departure from historical impunity. They demonstrate an institution striving to fulfil its original, global mandate.

But that institution is still under attack. After Karim Khan, the former ICC Chief Prosecutor, issued the arrest warrants, Khan was dismissed following allegations of sexual harassment and coercive behaviour. While many will suggest a conspiracy, Steve is more pragmatic. He points out that the handling of the dismissal was a critical test of the court's integrity.

'I think it is a great relief for the court,' he says. 'It would have been terrible if the vote had gone: "Oh well, he's done such an important thing by issuing these important arrest warrants that we should protect him from these allegations, however well founded they may be." So I'm glad that he's gone. And the court was never about one person... You have an entire institution—the judges, the prosecutors, the officials—with so many checks and balances built in.' His main concern is that Khan's successor is not timid as a result.

In *Prosecuting the Powerful*, Steve highlights how digital advances have helped to disprove false narratives spun by those supporting war crimes. However, the same technology has also enabled the skewing of truth in ways we never would have dreamed possible. We are in a deluge of digital misinformation, deepfakes, and public cynicism, living in a world where reality itself can be manufactured; how can justice break through?

'We're all confronting this sense that you can create an event that never actually happened and make a video of it that looks completely plausible,' Steve says. 'That sense that nothing is quite real... I think that's one of the biggest challenges that we all face today, because it makes people just switch off... That's almost more insidious than people who believe in the wrong stuff. It's when so many people say, "Oh, well, you can't really tell. It's six of one and half a dozen of the other." Which, of course, it's not. There is a truth and an untruth, and I think we need to hold onto that.'

Despite cynicism, open hostility and state-sponsored intimidation of those supporting the ICC, Steve is using historical evidence rather than idealism to power his optimism. 'I've seen so many astonishing things change in my lifetime,' he says. From Eastern Europe to other parts of the world, he has seen 'incredible change.' Regime after regime, once deemed untouchable, has often been called out

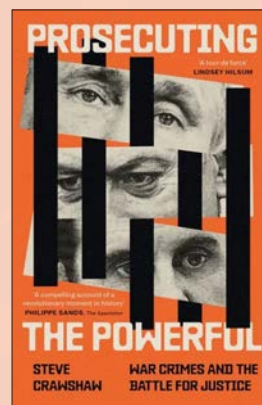
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by survivors. 'Survivors have found their voices as well,' he says. 'To start with, the lawyers were doing all the work, and the survivors were somewhere at the side... brought in as witnesses. But now survivors are making their voices heard very, very strongly.'

He compares the importance of the ICC and international law to the battle against climate change: 'What happens if you don't do anything about it? It's all very well talking about how complicated it is to do something, but what on earth does this mean if you don't address that? Self-evidently true of climate change... but I would argue equally true of the institutions of the rule of law.'

Prosecuting the Powerful is a fascinating journey through the development and implementation of a system of justice that is even more important today than ever before. The fight to hold evil to account will never be easy, but it is a battle that needs to be highlighted and embraced. Justice must be pursued if the world is ever to become less fractured and less manipulated by autocratic ideals.

'Things are achievable,' says Steve. 'But it does need governments to come together and say: "This does actually matter." Because it obviously does.'



*Prosecuting the Powerful:
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