Both liberal and realist oriented scholars should read Bosco’s sophisticated account of the ICC. The book lays bare an institution that is neither independent of politics nor entirely beholden to it. Decisions by prosecutors are not mere reflections of state interests. Nor are prosecutorial decisions above the political fray of international relations. Instead, Bosco presents a fluid realm in which the interests of states and the interests of the ICC are constantly (re)negotiated.

While producing many novel insights, Rough Justice inevitably suffers from some weaknesses. The most evident empirical strength of the book is Bosco’s treatment of the relationship between the United States and the ICC, an increasingly close relationship which some have described as a ‘lovefest’. Somewhat ironically, this relationship, between a non-member state and the ICC, has received privileged attention amongst scholars of international criminal justice, certainly more than any ICC member state or bloc of member states, including the volatile relations between the African Union and the Court. In comparison, Bosco’s exposition is noticeably light on the relationship between the Court and other major powers, including Russia, China and India.

Readers expecting the book to offer a wide array of new empirical insights into particular cases and situations before the ICC are likely to be disappointed. Bosco admirably covers the key situations before the Court but with the intent to demonstrate how they relate to the overall relationship between major powers and the ICC. Other tantalizing issues raised are left for another day — or book. A sense of how major states calibrate their differing engagements with the ICC with respect to one another is not provided. For example, does the United States’ relationship with the ICC have any bearing on that of Russia or China? Is support for the ICC diplomatised or politicized between various actors? Will major powers leverage support for the ICC against their adversaries? Moreover, has the accommodation of major powers with the ICC undermined its legitimacy in the eyes of those who believe that the Court represents the promise to transcend rather than accommodate the politics of the powerful?

Rough Justice is a book that deserves a permanent home in the shelves of those interested in how the ICC operates in a world of power and politics. Bosco’s greatest contribution is ultimately the theoretical and conceptual lens he provides for assessing relations between states and the ICC. Little in the life of the Court has remained constant. As the Court matures and grows in confidence, its relationship with major powers will change. As new information and novel research into this living, breathing institution is conducted scholars will gain a deeper understanding of those relations. They would be wise to build their work on the shoulders of Bosco’s Rough Justice.

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To date, attention on fact-finding has been dominated by initiatives aimed at reviewing best practice to identify key methodological principles and common practical modalities. For example, the 2013 Siracusa Guidelines for International, Regional and National Fact-Finding Bodies sought to harmonize rules and principles for different types of fact-finding bodies. The recently published Guidance and Practice for Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law, spelled out the main standards and guidelines at each stage of fact-finding work within the limited ambit of United Nations

8 Ibid., at 175.
commissions of inquiry and fact-finding missions. Finally, with respect to fact-finding on a particular type of violations, the drafting process led by the United Kingdom’s Foreign and Commonwealth Office, resulted in the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. To complement these efforts, research projects are designed to integrate the practical aspects of fact-finding into legal and policy perspectives. Such projects include the work of the Harvard Group of Professionals on Monitoring, Reporting and Fact-finding, and The Hague Institute for Global Justice’s From Fact-Finding to Evidence: Harmonizing Multiple Investigations of International Crimes. These initiatives, coupled with increasing recourse to fact-finding bodies as a mechanism to address violations of human rights and international humanitarian law, contrast with the paucity of in-depth scholarly studies on the role, impact and quality of non-criminal justice fact-finding bodies as a mechanism to address initiatives, coupled with increasing recourse to fact-finding as a mechanism to address violations of human rights and international humanitarian law, contrast with the paucity of in-depth scholarly studies on the role, impact and modalities of fact-finding work and processes.

Above all, Quality Control in Fact-Finding should be commended as a contribution towards filling this gap in the literature by providing analysis of key aspects of this field, as correctly noted in a previous review of the book under discussion. As fact-finding work is a manifold process, the book’s other main value lies in its ‘quality control approach’, which is specific but still presents diverse perspectives on what quality means. This approach seeks to empower professional fact-finders as much as to regulate their work, by focusing specifically on quality awareness and quality improvement in non-criminal justice fact-work, and by laying out a common ground for reflection and discussion around technical and neutral terms such as quality control and professionalisation.

In light of the complex and challenging conditions, notably, sensitive political and security environments, under which fact-finding work occurs, one may wonder whether the book cover depicting Renzo Scarpelli, ‘one of the leading pietre dure craftsmen and artists in the world’ at work and who ‘in his field... epitomizes the idea of quality control’, accurately portrays the nature of this term of art in the production process when applied to fact-finding work. The picture caption, however, stresses that ‘[a]s such he symbolizes the craftsman-like sense of quality that should be exercised in the establishment and operation of non-criminal justice fact-finding mandates’. This illustration highlights the core of fact-finding work, in general, and of this book, in particular. Quality control is the prerequisite for any fact-finding process to be credible. As demonstrated by the richness of the contributions, quality takes various forms and is relevant at every functional aspect of fact-finding. This book offers insightful analysis on how to improve this quality in a wide range of ways and areas. Beyond the value of each topic covered, this collection raises two recurring fundamental questions informing contemporary debates around fact-finding. On the one hand, several contributions explicitly warn against generalizing procedures due to the differences in context, mandates and


8 Ibid., at viii.

9 Ibid., at ii.

10 Bergsmo (ed.), supra note 7, caption of the front cover picture.

11 Bergsmo, ‘Forward’, supra note 7, at viii.
modalities among various institutions. On the other hand, other contributions address the limits of expectations towards fact-finders in terms of quality standards and scarcity of resources.

The picture caption hints at the highest quality standards to be followed by fact-finders. In this respect, the quest for irrefutable methodology in fact-finding may explain this 'ambiguity of the international criminal law-focused fact-finding,' whereby international criminal law terminology finds its way in non-criminal fact-finding work, as a guarantee to reach credible findings. As a result, this book adopts a broad approach exploring the various aspects and meanings of quality in the context of 'fact-work,' a term used to capture work processes in fact-finding that exceed "finding facts" stricto sensu, such as analyzing, corroborating or reporting facts. Indeed, the notion of 'quality' in fact-finding is often associated with 'the quality of the evidence and information' in terms of accuracy and reliability. Conversely, this book has the merit of offering a dynamic understanding of quality, not only through scholarly research, but also in combining theoretical analysis with contributions based on the practical experiences of the authors. This covers a wide range of quality related topics from classical questions around mandate, evidence and witness protection, to emerging challenges, such as information technology and quality control. While the format of a book review could not do justice to each piece, it is worth mentioning some key aspects that bear particular resonance in current debates. It goes without saying that such choice does not question the value of the other contributions.

The book suggests what could and should be done to improve quality. In doing so, it calls for some caution. For example, while recognizing the contribution of a focus on international criminal law in fact-finding work within a strict 'procedural' and 'technical' definition of 'quality,' Dov Jacobs and Catherine Harwood warn that 'if "quality" is considered more as a holistic notion linked to normative and narrative agendas, an ICL-focus might in fact reduce quality by unnecessarily narrowing the focus and outcomes of fact-finding.'

This anthology is founded on an open approach, acknowledging the many potential bridges between the multiple mechanisms and disciplines relevant to fact-finding work. The interplay between non-criminal fact-finding and international criminal law is commonly conceived as a one-way interaction, that is, how the former can be conducted to serve the purpose of the latter. However, Serge Brammertz recommends that 'those of us who work in international criminal justice should be open to what other fact-finders have to offer' and calls for '[m]utual openness and respect.' Contributions investigate other institutions and regimes relevant to fact-finding work outside criminal justice for core international crimes, such as truth and reconciliation commissions and human rights treaty bodies and Human Rights Council special procedures, moving beyond the traditional United Nations created fact-finding bodies. Potential lessons learned are identified in improving fact-finding quality and the interaction with, inter alia, international criminal justice processes.

Given the proliferation of actors involved in fact-work over the past two decades, the contribution of Marina Aksenova and Morten Bergsmo provides a useful overview of the fact-finding landscape and allows for other

13 M. Aksenova and M. Bergsmo, 'Non-Criminal Justice Fact-Work in the Age of Accountability,' in Bergsmo (ed.), supra note 7, 1, at 18; Bergsmo, 'Forward, supra note 7, at ix; S. De Smet, 'Justified Belief in the Unbelievable,' in Bergsmo (ed.), ibid., 73, at 134.
14 Aksenova and Bergsmo, supra note 13, at 16.
15 Bergsmo, 'Forward, supra note 7, at iii-iv.
18 S. Brammertz, 'Preface,' in Bergsmo (ed.), supra note 7, i, at ii.
contributions to be put into perspective. More fundamentally, it also shows that fact-finding is not a new phenomenon. The editor's introductory remarks, and the analysis by David Re on the complexity of reconciling the fact-finding work of the Commission of Experts for the former Yugoslavia in 1993 and by other stakeholders, such as the Commission on Human Rights and international human rights non-governmental organizations, with the rules of procedures and other modalities of the International Criminal Tribunal for former Yugoslavia (ICTY), serve as a reminder that current debates between fact-finding outside the court room and international criminal proceedings should be better informed by past practices. Unsurprisingly, this book dedicates an important part to this area of fact-finding.

The anecdote recounted by Bergsmo on how 'tribunal investigators deconstructed the Commission of Expert's comprehensive paper archive prior to the arrival of the first Chief Prosecutor in the summer of 1994, thereby destroying the logic and drastically reducing the value of an archive' is painful to read from a fact-finder's point of view. In any case, as highlighted by Re, the ICTY made 'relatively minimal use of the [previous fact-finding] reports.' While this expert, who is currently serving as Judge at the Special Tribunal for Lebanon, notes that fact-finders' methodology has improved since the 1990s, his analysis demonstrates that the complementarity between fact-finding work and criminal investigators and judges cannot be taken for granted. Based on the recent case law of the International Criminal Court, he rightly warns that '[f]act-finding, even with a distinct and immediate mandate that differs from that of criminal justice institutions, must nonetheless embrace the importance of accuracy in sourcing findings and conclusions.' Jacobs and Harwood, for instance, provide a more conceptual typology of the various ways a focus on international criminal law may impact on the quality of fact-finding by international commissions of inquiry. In addition to offering interesting points on what one could call the fact-finders' 'international criminal law syndrome', these authors formulate critical conclusions in questioning whether international criminal law used by fact-finders truly contributes to improving the quality of their findings beyond the classical question of evidentiary standards. Broadening the spectrum, Lyal Sunga suggests that despite the challenges and issues related to the use of United Nations human rights sources by international criminal investigators and prosecutors, the latter cannot afford to ignore this type of information, partly due to limited resources.

The contribution by Simon De Smet on the epistemic interpretation of fact-finding work as a way to improve quality may constitute one of the most interesting chapters. It brings a novel perspective to some current issues in this field. Fact-finding methodology often relies on a common sense approach coupled with fundamental standards, such as the do no harm principle and the need to avoid re-traumatization of victims and witnesses. De Smet deconstructs the fact-finding process starting from a simple assumption: international fact-finders carry out their task 'intuitively', while they 'should be more aware of the basic epistemic principles that are at play.' He insists on the need for stronger theoretical knowledge and for a need to be more transparent about the strength and quality of particular findings and to be more precise about the evidentiary value of the available evidence and the inferences that are drawn from it. This latter point holds particular importance as a mental operation conducted by fact-finders with significant consequences. For example, the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in Syria did not have the mandate to

19 Aksenova and Bergsmo, supra note 13, at 5–13.
21 Ibid., at vii.
23 Ibid., at 281.
24 Ibid., at 327 et seq.
25 Ibid., at 356.
27 S. De Smet, 'Justified Belief in the Unbelievable,' in Bergsmo (ed.), supra note 7, 73, at 74.
28 Ibid., at 74.
identify which party to the conflict was responsible. However, based on the primary facts established by the United Nations inspectors on the actual use of chemical weapons, other stakeholders inferred facts regarding which party to the conflict was responsible for this use, taking into account information on the type of weapons used, their trajectory and the nature of chemical agents. De Smet also suggests a more comprehensive analysis of what is often oversimplified in fact-finding work through the notion of standard of proof.29

The contributions by Martin Scheinin and LIU Daqun — on fact-finding by United Nations human rights treaty bodies and special procedures as well as quality control in truth and reconciliations processes, respectively — provide original insights on practice by distinct institutions and some interesting lessons learned. In particular, LIU examines the engagement of individuals and the public in truth-seeking mechanisms.30 While this exercise needs to be carefully weighed against other considerations for more traditional fact-finding bodies, the recent example of public hearings by the Commission on the Gaza conflict and on North Korea deserve further analysis.

In conclusion, this anthology, despite its specific quality control approach, provides an invaluable contribution to the literature on fact-finding. It also suggests a series of substantive issues that warrant further research.31 The ‘intertwining of the factual conclusions and legal assessments’ deserves particular attention.32 A proper chapter on this issue, including the importance of getting the law right, could have been included in this collection, as it is closely related to improving the quality of fact-finding. Notably, the fundamental question remains on the extent to which fact-finding bodies dealing with alleged violations of international law can separate the factual dimension of their work from the exercise of legal determination. While, for the purpose of presenting a sound methodology, it may be desirable, as suggested in this book, to distinguish the two aspects,33 this is complicated to achieve when considering the fact-finding process as a whole. The specific content of the norms at stake shape the type of facts to be established. Another essential issue not being addressed in this anthology, and also overlooked in the literature on fact-finding as well as practice oriented manuals, is the extent to which fact-work should dedicate more attention to the active role victims and witnesses can play in the process, including in improving the quality of fact-finders’ conclusions. To date, victims are being considered in a passive way and through the lens of the fact-finders’ duty not to cause further harm. There is a need to better consider how fact-finding can contribute to the empowerment of victims coming into contact with fact-finders.

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In The Rights of Victims in Criminal Justice Proceedings for Serious Human Rights Violations, Juan Carlos Ochoa argues that criminal procedures at the national and international levels should be designed to satisfy the multiple needs of victims of serious human rights violations and those societies directly involved. While a considerable number of publications have been devoted to the topic of victims’ rights, this book is unique as it presents convincing arguments regarding victims’ access to, and participation in, criminal procedures. It proposes a series of rights for victims at the pre-trial and trial phases. An approach is taken which fulfills victims’ needs for access to criminal proceedings while taking into account the limited resources available and the requirement of expeditious proceedings. According to the

29 Ibid., at 76 et seq.
31 Aksenova and Bergsmo, supra note 13, at 18–19.
32 Ibid., at 18.