



A perfect book about imperfect justice

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Reporting on national criminal trials requires obvious skills: knowledge of the law, insight into the social background of the case, its possible resonance, connections with the actors and open-mindedness to the human components of the courtroom drama. But reporting on international trials is even more demanding for they are an extraordinary process.

Comparing

Compared to national criminal cases, international trials are indeed what 3D movies are to traditional productions: involving, in turn or simultaneously, history, politics, mass psychology, international and domestic laws, sociology, etc. They are multi-dimensional. To cover a trial before an international court thus is a multi-faceted exercise for which nuanced writing, narrative punch and observation talent are mere basic aptitudes.

That “international legal reporting” is a specific endeavor is eloquently illustrated by Thierry Cruvellier’s latest book, *Le maître des aveux*. After a 15 year-long experience in Arusha at the International Criminal Tribunal for Rwanda; in Freetown at the Special Court for Sierra-Leone and in Sarajevo in Bosnia and Herzegovina, the author decided to change continent again and to report on the trial of Kaing Guek Eav, better known as Duch before the ECCC, the so-called Cambodia Tribunal, in Phnom Penh.

Studying

[The author](#) settled down in Cambodia before the trial started, studied the country’s history and the Khmer Rouges’ system, immersed himself into the society, visited sites, talked to people of all ages and classes including former and present supporters of the Democratic Kampuchea, as well as the Tribunal’s staff. He then went to court. He sat for months in the public gallery; he listened carefully and watched with both fascination and distance the unfolding “human tragedy”.

Implicitly referring to the many proceedings he attended, Cruvellier notes that “a trial is like a dead-end street: when the accused denies his responsibility, victims suffer; when he admits, they suffer too. In either case, there is no way out.” On his own admission, he came out of the Duch trial “asphyxié” (suffocated). This may explain why his account of the ECCC’s Case N°1 takes the reader’s breath away!

The core

Cruvellier has authored a perfect book which I believe, goes to the core of international justice: it surely does vindicate its meaningfulness for the victims but it also questions its

finality in the bigger scheme of the condition humaine: how should we look at perpetrators of mass crimes? Can we punish them? How?

“The Duch case is the first international trial about communist crimes,” notes Cruvellier. Beyond the accused, what is in the dock is the ideology that Duch zealously served, meticulously documenting everything since 1975 and strangely destroying nothing when the time had come to flee in 1979. The author’s finding that many of the S-21 victims (if not most of them) were themselves Khmer Rouges who had to be purged only epitomizes the monstrous perversion of the Democratic Kampuchea system, systematically devouring its own flesh. It also raises a dramatic question: can any ideology based on the others’ hatred or differences lead scores of individuals to erase their own specificity, to lose their own humanity and to engage in literally senseless mass crimes?

Transcendental

Transcending the Duch case, Cruvellier also makes the accused’s trial a symbol of the functioning of the ECCC and one can hardly resist the temptation to apply his comments to all other international courts. He peppers his work with salted examples of the equivocal role played by NGOs, the blatant inexperience of some judges, the fatuity (to say the least) of some Prosecution and defence lawyers, the false hopes given to the so-called civil parties and the actual deception by the prosecutors of many victims - for reasons which are both “pragmatic and unacceptable, their prison, their cooperative, their dyke, their canal have not been selected as crime scenes,” and the author expertly concludes that “the selection among victims and the competition between them are the bitter fruits of these tribunals with a symbolic value”.

Thriving

However, Thierry Cruvellier’s book thrives on the best these “tribunals with a symbolic value” have to offer: the actual confrontation between an accused and the “witnesses” of his/her crimes, be they survivors (a handful at S-21!) or victims’ relatives. The clash is often explosive and its outcome is always unpredictable. *Le maître des aveux* offers many examples of these tense and uncontrollable encounters.

The brother of a young man who died under Duch’s supervision tells the accused that “a part of me” would like “you” to experience the same deadly ordeal but that “another part” tells him better: “Today, in this courtroom, I pass on to you my anger, my pain and my grief. I put this burden on your shoulders and you’ll carry it alone. As of today, I feel nothing more for you. To me, what you have done excludes you from the human community.”

Living

One of the only three living survivors of S-21 publicly confesses that he “had never imagined that [he] would sit one day in this courtroom. It is my privilege and my honour. There is nothing better I could wish. I ask no reparation. I want something intangible: justice for those who died. This is what I expect from the court.”

The only witness called by the Trial Chamber explains his philosophical dilemma to the judges: “I feel that Duch’s crimes were committed by a man; in order to properly gauge

their abomination, one should not make of Duch a one-of-its-kind monster but one should instead identify his ‘humanity’ (...) I am afraid, unfortunately, that it is impossible to grasp the horror without recognising the butcher’s human dimension.”

The sibling of yet another Duch’s victim has come from France to confront the accused with a 1974 photograph of her sister because she “wanted to show the accused what he has destroyed,” she explains, before going on to say that she does not buy into the accused’s confessed remorse and that she will never forgive him: “never, never, never!”

Cracking

Later, another victim’s relative will crack the accused: he, who had always been guarded and ‘in control’ throughout the court sessions, finally cries. Even going one step further than admitting to his crimes, he says that he will “accept any sentence, regardless of its harshness.” He maintained this position until the day of the final submission, when his Cambodian lawyer stunned everybody, including the prosecution and his own camp, by asking for... an acquittal!

Meanwhile, Me François Roux, the French lawyer assisting Duch (who would shortly after drop him), had presented the ECCC judges with a question going to the very *raison d’être* of international justice: “Shall we be able to give the victims their humanity back? Shall we also be able to allow the one [Duch] who has stepped out of humanity to return to it?”

Thierry Cruvellier’s book reproduces this essential if not existential question...but offers no answer. Fairly so: is there any, in spite of the work carried out by all international criminal courts over the past fifteen years?

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