

BOOK REVIEW

LA MORT DU BOURREAU. RÉFLEXIONS INTERDISCIPLINAIRES SUR LE CADAVRE DES CRIMINELS DE MASSE [DEATH OF THE EXECUTIONER. INTERDISCIPLINARY REFLECTIONS ON THE CORPSES OF PERPETRATORS OF MASS CRIME]

Sévane Garibian (ed)
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1. INTRODUCTION

Massive violations of human rights have been the subject of much research and many publications. Nevertheless, few studies have been carried out with regard to corpses, especially those of perpetrators of mass crimes. An interdisciplinary research programme entitled ‘Bodies of Mass Violence and Genocide’,¹ funded by the European Research Council, was set up to explore this ‘taboo’. Authors and researchers analyse the treatment of these bodies, their destruction, disappearance, roles and legacies in order to understand the mechanisms of implementation of mass violence and their consequences. This research has already led to the publication of two books by Pétra.² The subject of this review is the third publication in the series,³ its subject matter being the study of the corpses of perpetrators of mass crime.

The nature of its subject alone marks this book as innovative. According to the editor, Sévane Garibian, the subject of perpetrators’ corpses is a ‘taboo in the taboo’. While the subject of mass murderers is familiar, given the many works devoted to their lives and ideologies, there persist many unknown issues related to the modalities of their deaths or their killings, the post-mortem treatment of their bodies and the legacies of their corpses. This book shows that such issues raise many challenges.

¹ <http://www.corpsesofmassviolence.eu>.

² Elisabeth Ansett and Jean-Marc Dreyfus, *Cadavres impensables, cadavres impensé. Approches méthodologiques du traitement des corps dans les violences de masse et les génocides* (Pétra 2012); Anne-Marie Losonczy and Valérie Robin Azevedo, *Retour des corps, parcours des âmes. Exhumations et deuils collectifs dans le monde hispanophone* (Pétra 2016).

³ This book was published simultaneously in its Spanish translation by Editions Miño y Dávila de Buenos Aires, under the title *La muerte del verdugo. Reflexiones interdisciplinarias sobre el cadáver de los criminales de masa* (Preface by Juan Ernesto Méndez).

The editor, Sévane Garibian (Professor of Law, University of Geneva), takes a dual interdisciplinary and qualitative approach to this work. The book contains ten contributions, each focusing on the death of a particular mass murderer and treated according to the author's qualifications in history, law, anthropology, sociology, literature or psychology. These contributions are divided into three parts: (i) natural death and suspicious death; (ii) judicial executions; and (iii) extrajudicial executions.

The book begins with a prologue by Élodie Tranchez (PhD in law) entitled 'Tyranicide et droit international: une coexistence possible?' ['Tyranicide and International Law: A Possible Coexistence?'] (pp 39–61). The author demonstrates the difficulty of setting a universal definition of the term 'tyrant'. She examines many principles of international law: neutrality, the immunity of heads of state and the right to life. She concludes that international law prohibits tyrannicide. However, she develops an argument based on the right to life as a supreme value and explains that tyrannicide could be admissible when no other remedy is possible. Tranchez considers that while international law does not recognise an individual right to tyrannicide, there may be a collective right to it, despite its risks.

2. NATURAL DEATH, SUSPICIOUS DEATH

In the first contribution to this section, entitled 'Le "maître de la terre". Les cultes rendus au cénotaphe de Pol Pot' ["Lord of the Land". The Cults Rendered at the Cenotaph of Pol Pot'] (pp 65–86), anthropologist Anne Yvonne Guillou examines the ambiguity surrounding the cenotaph to Pol Pot, who led the Maoist regime of Democratic Kampuchea between 1975 and 1979. During this period, 1.7 million Cambodians were killed. Pol Pot died on 15 April 1998 in controversial circumstances but without having been prosecuted. The author notes the hasty treatment of his body, without prestige and without ritual, and the very modest character of the cenotaph. She points out that the government of Cambodia seems to be torn between the desire to take advantage of the tourism in mass crimes and aversion from turning the place into a sanctuary for the former Khmer Rouge. The result is that the cenotaph is somewhat abandoned. The author discovers that the place is still invested with meaning, on the one hand by Pol Pot's faithful followers, and on the other hand by newcomers to the region, who have seized this tomb in their own worship of the earth, with the result that Pol Pot has turned into an incorporeal being who continues to reign over the place.

In the second contribution, entitled "'Ubus africains": de l'hubris à la "belle mort", l'exceptionnalité africaine?' ["African Ubus": from Hubris to "Fine Death", the African Exceptionality?'] (pp 87–109), historian Karine Ramondy studies Idi Amin Dada and Jean-Bedel Bokassa post-death. Their stories are similar in many respects: born into poverty and belonging to ethnic minorities, they joined the military and came to power through coups d'état at the age of 45, ultimately being overthrown in October 1979 and falling into oblivion after their deaths. The body of Bokassa rests in his country, but his funerary monument is damaged. In contrast, Dada's body is not in Uganda but in Saudi Arabia. With regard to their legacies, the author differentiates between the Western view that perceives the two men as

suffering from manic-depressive pathology, and the African vision in which Idi Amin and Bokassa remain popular despite their crimes. The author explains this difference in light of African conceptions of power and legitimacy, which draw their sources from various traditional myths.

In the third contribution, entitled ‘Le chemin inextricable, entre le lit de mort et la lutte contre l’impunité: les cas de Franco et de Pinochet’ [‘The Inextricable Road, between the Death Bed and the Fight against Impunity: The Cases of Franco and Pinochet’] (pp 111–32), Rosa Ana Alija Fernández (PhD in law) analyses the differences in the treatment of the bodies of Franco and Pinochet, both of whom died of natural causes and with impunity. Franco’s corpse rests in a gigantic architectural complex called the Valley of the Dead. This public monument was built by Republican prisoners with the intent to have buried there soldiers fallen during the civil war, but it became a gathering place for people nostalgic for Francoism. Many requests and initiatives to transfer Franco’s body to the family grave in order to reconvert the Valley of the Dead into a space for memory and reconciliation, have failed. The author states that Franco’s grave prevents the fight against impunity and the realisation of the duty to remember. The story is totally different in Chile: the fight against impunity and the right to justice have had an impact on Pinochet’s grave. The author shows how the international arrest warrant issued by Spain (and the trials in Chile) prevented Pinochet from having a funeral with state honours; instead, he was buried in the family chapel. The difference in treatment of the two bodies is linked to the evolution of the fight against impunity: between the death of Franco in 1975 and the death of Pinochet in 2006 the protection of human rights has evolved significantly at the international level.

In the fourth contribution, entitled ‘La revanche posthume de Slobodan Milošević’ [‘The Posthumous Revenge of Slobodan Milošević’] (pp 133–55), journalist Florence Hartmann studies the circumstances of the death of Milošević, indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) while he was still President. She describes the doubts surrounding the circumstances of his death and the suspicions of suicide. She points out that the fact that he died innocent, before the end of his trial – thus depriving Yugoslav societies of judicial truth – is a missing and essential ingredient for reconciliation, which continues to affect the judicial narrative. In this regard, the author shows the negative impact of the absence of condemnation of Milošević on the jurisprudence of the ICTY.

3. JUDICIAL EXECUTIONS

The fifth contribution is entitled ‘Expier le meurtre de millions d’hommes? L’exécution des hauts dignitaires nazis après la Deuxième Guerre mondiale’ [‘Atoning for the Murder of Millions? The Execution of High-Level Nazi Officials Following the Second World War’] (pp 159–81). Nicolas Patin (PhD in history) compares the Nazi subordinates who performed executions and were executed at regional levels and the high commanders who were tried in Nuremberg. Although public executions had otherwise disappeared in almost all countries of Europe, the subordinates were executed publicly, the majority by hanging. Executions of Nazi officials were not public, but

photographs of the bodies were taken for the medical archives and then sent to the press for publication in order to silence certain rumours that they were not dead. The bodies were incinerated and the ashes scattered in order to avoid worship of the dead and mass pilgrimages around Nazi graves. The author notes that the destruction of bodies carries the risk of virtualisation and doubt: without the materiality of the remains, the threat of worship is transformed into the threat of the ghost. The author concludes that the Allies nevertheless reached an effective solution: the photographs made it possible to certify the deaths while the absence of burial has avoided a collective cult.

The next contribution is entitled ‘Saddam Hussein. De la politique de la cruauté à une dramaturgie de l’enterrement’ [‘Saddam Hussein. From the Politics of Cruelty to a Dramaturgy of Burial’] (pp 183–203). Writer and jurist Ana Arzoumanian describes the process of establishing the Iraqi High Court and trials against Saddam Hussein for his responsibility in the repression of Shiites and Kurds. The former President was sentenced to death by hanging and the execution took place on 30 December 2006, the day of the celebration of Eid al-Kabir, resulting in a sacralisation of the killing. In the same vein, the author takes the opportunity to describe the photographic series ‘Saddam is Here’ by Jamal Penjweny. The series shows eleven Iraqis, in the present day, covering their faces with a black-and-white portrait of Saddam Hussein, thus allowing Iraqis themselves to kill Saddam Hussein.

4. EXTRAJUDICIAL EXECUTIONS

A section on extrajudicial executions closes the book. Sévane Garibian’s article is entitled ‘*Ordonné par le cadavre de ma mère. Talaat Pacha, ou l’assassinat vengeur d’un condamné à mort*’ [‘*Ordered by my Mother’s Body. Talaat Pacha, or the Vengeful Assassination by a Person Condemned to Die*’] (pp 207–31). She analyses the unusual trial of Soghomon Tehlirian and the political context in which it took place. Tehlirian, in 1921, killed Mehmet Talaat Pasha, a perpetrator of the Armenian Genocide. In June 1921, a German court acquitted Tehlirian of the crime, considering him to have been acting involuntarily at the time of the events because of the horrors he had seen and experienced before escaping from the genocide and taking refuge in Berlin. For the author, in acquitting the killer of Talaat Pasha, the ‘third-party tribunal’ plays a role in the recognition of the crimes committed against Armenians, and this recognition by a third party makes space for the status of the Armenian victim. Meanwhile, in Turkey the death of Talaat Pasha led to national mourning and a monument built in his memory. It seems that despite the denialist policy in relation to the genocide, this trial contributed to the evolution of international criminal law, especially as it inspired Raphaël Lemkin in his conception of the notion of genocide.

In another contribution, entitled ‘Les métamorphoses du corps de Mussolini’ [‘The Metamorphoses of the Body of Mussolini’] (pp 233–48), Didier Musiedlak (Professor of History, University of Paris-Ouest-Nanterre-La Défense) explains why Mussolini’s death made it impossible to close the story of fascism in Italy. The official narrative of the circumstances

in which Mussolini and his mistress were executed was questioned, following various autopsies and expert reports that revealed the inconsistencies of this official narrative (mostly regarding the perpetrators of the murders). The mystery that still surrounds the circumstances of Mussolini's death reinforced his image of martyrdom, an image exploited by fascists. After the execution, the body continued to be the subject of major stakes: young neo-fascists managed to extract it from the cemetery in 1946, a feat that allowed the creation of the Movimento Sociale Italiano (a neo-fascist political party). The corpse was then conserved in secrecy, before being returned to the widow in 1957 for its final destination in the family crypt, which has become a place of neo-fascist pilgrimage and gatherings.

In the ninth contribution, entitled 'Ben Laden, chronique juridique d'une mort annoncée' ['Bin Laden, a Juridical Chronical of a Death Foretold'] (pp 249–72), Frédéric Mégret (Professor of Law, McGill University) highlights the American authorities' throwing of Bin Laden's body into the ocean, motivated by a desire that he be forgotten so that there would be no legacy and no memory of his body. Forgetting is imperative, with an ambiguity: Bin Laden must be forgotten, but his death must remain in memory in order to serve American greatness, successful revenge and the restoration of order.

Finally, Muriel Montagut (psychologist and doctor of sociology), in a contribution entitled 'La mort de Mouammar Kadhafi: contexte, traitement médiatique et signification' ['The Death of Muammar Gaddafi: Context, Media Treatment and Significance'] (pp 273–91), studies the killing of Gaddafi in order to question the justification of torture. After his capture, Gaddafi was beaten and tortured, the scene being filmed by onlookers using mobile phones. The author explains the psychological mechanisms at work in the process leading to the violence, noting that the use of torture is intrinsically based on the principles of retaliation and vengeance. She analyses the fact that the images of extreme violence did not give rise to any political or media condemnation: it was either ignored in a silence that could be understood as implicit agreement, evoked but only in order to show regret for the absence of lawsuits, or sometimes openly justified in view of the violence used by the former dictator himself. She shows what the media treatment of the violence against Gaddafi tells us about our representation of torture: the trivialisation of the violence suffered by Gaddafi may be explained by the legitimacy of the revenge of a people who had suffered 42 years of oppression.

The book *La mort du bourreau. Réflexions interdisciplinaires sur le cadavre des criminels de masse* is innovative and captivating. It raises fundamental questions and gives answers to face this 'taboo' (the bodies of perpetrators) in proposing a categorisation of the various forms of the death or killing of perpetrators: the *natural death* (which avoids personal vengeance and justice and 'humanises' the perpetrator, but brings neither judicial truth nor reparation); the *death sentence* (through which the perpetrator is condemned but not demystified); and the *extrajudicial execution* (which appeases vengeance at the risk of promoting the martyr figure).

We see here the opposition between the perpetrator confronted by the (collective) memory and the perpetrator confronted by justice. Indeed, in analysing the fate of the perpetrators'

corpses, the book finally interrogates the place of justice in the construction of the collective memory, and brings a new element to this perpetual debate.

OLIVIA NEDERLANDT

PhD Student FRS, FNRS, University Saint-Louis Bruxelles
olivia.nederlandt@usaintlouis.be

DAMIEN SCALIA

Professor, Faculty of Law and Criminology,
University Libre de Bruxelles
damien.scalia@ulb.ac.be