

Prologue

The Human Selection

DON'T WANT to play Doctor Mengele," said Beat.

All wars are absurd; this one was particularly absurd. It was autumn 1993. A few kilometers away, the Muslims and Croats of Bosnia fought as allies against the Serbs. Here, in Mostar, they fought each other.

I was in Bosnia-Herzegovina with delegates of the International Committee of the Red Cross (ICRC), on a mission for which they were ill prepared: select and free five hundred prisoners out of some fifteen hundred being held in a cave formerly used as an arms depot by the Yugoslav army.

Some Western governments, through political pressures (that is, the United States, Germany, Austria, and the Vatican), had obtained permission from the Bosno-Croatian authorities to free some of the prisoners of this camp. Beat, a doctor in his mid-fifties who had recently retired from a career in the Basle chemical industry, was on his first mission for the Red Cross. This decent, ordinary man found himself in charge of this life-or-death selection process.

The obvious choice was to free the most desperately ill. To identify the weakest men, Beat opted for a quantitative approach based on body mass index.¹ The ICRC delegates wondered how the prisoners would react: Would they understand why they were being weighed and measured? Would they rebel, sensing that a selection was under way? No, the prisoners did not react at all. For two or three mornings, after breakfast, we entered this sinister camp, with our scales and our yardsticks, where we spent the day conscientiously weighing and measuring the prisoners. The front line was a dozen kilometers away; distant shelling formed the backdrop of our work. Drunken soldiers arrived from the front in broken-down Yugos and insulted our interpreters. Impassively,

we carried out our administrative and physical task of selection, man by man. We had managed to find a few small wooden tables: one of us could sit to write while a second measured and a third weighed the prisoners. In that way, we would be more comfortable at our task.

When we had determined the five hundred men who were to go free, the head of the ten-person delegation took the list to the camp. It was at this moment that I understood civil war. Guards and prisoners had grown up together: everyone knew almost everything about everybody else—at least, they knew the all-important fact of who (through personal fortune, or from family members with jobs in Switzerland, Austria, or Germany, and so on) would be able to get together a few thousand deutschmarks to buy freedom. The camp commander, a plump, unpleasant little man, refused to free those who were “worth anything.” Should we accept his terms, or should we continue to demand freedom for the weakest, risking that no prisoners would be freed and that they would all die? Standing in the middle of the camp, the ICRC delegates debated, while the guns thundered in the distance. The head of the delegation argued that we had to save the lives we could, even if it meant taking liberties with principles; the delegation’s lawyer insisted that we had to stick to our principles, because to yield would compromise any future possibility of freeing the weakest prisoners. Finally, the camp commander himself put an end to the debate: none of the prisoners, whether they were “worth anything” or not, would go free. The ICRC buses left the camp, empty.

In about two hours I was in Split, a peaceful seaside town on the Adriatic coast. In Split, people drank wine; girls laughed; the war seemed a world away. But I could not forget the starving men whom I had weighed and measured for the past three days or the insane futility of this exercise: a chair, a table, a scale, a yardstick, the men filing past, the lives that hung in the balance. I felt unclean. Who was I to choose among men? Questions jumbled up in my mind. When faced with extreme circumstances, what decisions were the least unjust? Have I, who had weighed so many prisoners, any idea of the “weight” of international law that was supposed to protect them? Would it ever be possible for these men—prisoners and their guards—to live together again? What account must we—humanitarians, diplomats, or journalists—give of our personal responsibility? Can society rebuild after such a disaster?

These questions were still in my mind a year later when I went to Rwanda after the genocide there.² I met survivors who seemed to float in the air and

converse with ghosts, priests whose faith was forever shaken, and men who had become murderers by an accident of history that taught them to deny their crimes forever. I heard the word *reconciliation* repeated ad infinitum, the mantra of the new Rwandan authorities, the UN agencies, the International Criminal Tribunal Rwanda (ICTR), and the nongovernmental organizations (NGOs). But, above all, I assessed the crushing task of reconstructing any kind of social fabric in a nation whose prisons overflowed with more than 120,000 men accused of being the cogs of this appalling killing machine and whose institutions were devastated, resources exhausted, security compromised, and population traumatized and divided; it was a place where democracy was still to be born.

And yet, there was a ray of hope. On 16 October 1998, a Spanish judge filed charges against former Chilean dictator Augusto Pinochet and, suddenly, the impunity of dictators no longer seemed a foregone conclusion. Even in Chad, Pinochet's house arrest in faraway England sent out a shock wave. At considerable risk, the victims of former dictator Hissène Habré had covertly recorded the testimonies of hundreds of victims in the improbable hope that one day their former dictator, now known as the "African Pinochet," would also be brought to judgment.³ I was struck by the determination of these victims to take charge of their own destinies, to see justice rendered.

Like many of my generation, I was fascinated by the resurgence of moral rhetoric in politics and international relations; by the debate on the comparable merits of pardon versus punishment; by the oxymoron of international justice delivered not after the crimes, but during the time of war; and by the presumed morality of the new Truth and Reconciliation Commissions. However, slowly but surely, my enthusiasm for these mechanisms of justice became tempered. I saw their constructive potential, for both victims and society, but also their limits. As Julie Mertus puts it: "No charges can be filed for the destruction of souls, the loss of childhood and the breaking of dreams."⁴

Of course, I knew, as we all do, that governments do not always live up to their own laws. The politicizing and manipulation of justice are not in themselves surprising, but they take on a stronger dimension now that the courts can intervene almost immediately after the crime is committed. This intervention raises the immediate political stakes for establishing the "truth" about a massacre and organizing a response even before the judges can decide the case. I happened to witness the first attempt at international justice in real time

following the massacre of Racak in Kosovo in January 1999. Each of the four principal protagonists—Serbs, Albanian Kosovars, Americans, and French—tried to impose their own versions of the facts, according to their respective interests for blocking, speeding, or justifying intervention by the prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), as well as NATO military intervention against Serbia. History was now expected to render justice, even as the events unfolded before our eyes. I was disturbed by this and by certain side effects of this new politics of punishment and pardon. Yes, the victims had been given a central role, and it would be difficult not to rejoice that people who had been so humiliated and cast aside should at last receive public recognition. But this inversion of roles also had its perverse side.

Commenting on the trial of Klaus Barbie, which began in 1987, Jean-Michel Chaumont put his finger on the “competition for victimhood” that seeks to differentiate those deported for racial reasons from those deported as Resistants.⁵ The question was put crudely during the trial of the former head of the Gestapo in Lyon: Were we, decades later, to sort through those unfortunate passengers who traveled in the same cattle cars toward the death camps? Were we to separate the victims of war crimes—crimes for which the statute of limitations had expired—from the victims of imprescriptible crimes against humanity? If so, in which category should we put Jewish Resistants? The French Court of Cassation settled the matter by widening the definition of crimes against humanity. But this rivalry among victims had revealed both the desire for recognition on the part of people who have been profoundly humiliated and the symbolic stakes involved in establishing a “hierarchy of victims.”

This hierarchy, appearing in its first form during the Klaus Barbie trial, would take on a disturbing global dimension. It was as if even victimhood could not escape the rules of capitalism and neoliberal globalization: a spotlight on the suffering of some, oblivion for others. I would see for myself this competition at the Third UN Conference Against Racism, about which I will say more later. The victim’s suffering contributes to the dehumanization of his adversary. There is nothing new in this, of course, but in the context of the ethnic conflicts of the end of the twentieth century and beginning of the twenty-first, it holds a singularly alarming resonance.

So, with experiences stretching over fifteen years and with hopes tempered by concern, I began my research into the evolution of the values and norms of societies confronted with mass crimes. I took on this work because I was con-

vinced that today, more than ever, the politics of memory determine the construction of our common destiny. I also hoped that it would be a way to stay true to the voices and faces who shared with me their suffering and their hopes, a way of showing respect to the unknown destinies of men and women dragged into the torment of war.