‘Crush! Crush! Crush!': Towards a Finished Story of Pol Pot's Trial and Death?

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Abstract

To this day, the trial of Pol Pot in July 1997 in Anlong Veng remains an underexplored topic, possibly because it is seen as a parody of justice organised by a rival Khmer Rouge faction. Images of the event show an old and fragile man who has to be supported by guards to the meeting hall. Drawing on anthropologist Ashley Thompson's study of the 'substitute body of the king', the paper examines the corporeal strategies at play in the trial and in the display and cremation of Pol Pot's body in April 1998. Using a range of materials (articles in media, pictures, videos, and artworks), it brings into conversation 'forensic aesthetics', performance theory, and contemporary visual arts to investigate the role of Pol Pot's body as a political tool in the troubled context of post-transition Cambodia.

Keywords

Pol Pot – body – Khmer Rouge – Cambodia – trial – death – image – forensic aesthetics – performance

1 Introduction

The images of Pol Pot's 'mock trial' in Anlong Veng in July 1997 show an elderly, weak man unable to walk alone. This display of powerlessness and so-called justice in the troubled landscape of late 1990s Cambodia, shaped by a rocky political transition and early debates on the legal frameworks for the prosecution of Khmer Rouge leaders, prompts the question of Pol Pot's aged and diminished

body being used as a political tool. To discuss this issue, my paper draws on anthropologist Ashley Thompson's analysis of the 'king as substitute body'.¹ Referring to Kantorowicz and Freud, Thompson sees this practice as universal (the 'scapegoating king'); yet she underlines that it is also a culturally and historically situated practice with its own Khmer genealogy. Taking my cue from Thompson, I argue that Pol Pot's corporeality became a means for the Khmer Rouge movement, then on the verge of collapse, to recreate its own image. In other words, Pol Pot's 'body natural' was to be sacrificed if the Khmer Rouge 'body politic' was to survive in a transformed political environment. Historian Michael Vickery has pointed out on several occasions the media and academia's focus on 'personalities' when it comes to the Khmer Rouge and the Democratic Kampuchea period.² Pol Pot's trial and his death and cremation in April 1998 follow the same logic. How is this translated discursively and visually? To what extent does the 'figure' of Pol Pot hide the more complex 'ground' of factional politics, shifting alliances, and trade-offs? Can images and texts help us unpack this obfuscation and recover other relations of substitution? To answer these questions, my paper brings 'forensic aesthetics'³ into conversation with performance theory⁴ and contemporary visual arts. Using a range of materials (media articles, videos, photos, and artworks), it seeks to understand the kind of substitution produced through the display of Pol Pot's body and to assess the extent to which we might talk of the Khmer Rouge leader's 'finished story'.

2 Pol Pot's Trial and the 'Performance of Law'

2.1 *Two Forums*

In the article 'In the land of the Khmer Rouge' published by *The New York Times Magazine* in December 1981, independent journalist Christopher Jones describes the journey he made in Khmer Rouge-controlled enclaves in the summer.⁵ He had a scoop. One day on the frontline, as Jones was peering

1 A. Thompson, 'The Suffering of Kings: Substitute Bodies, Healing, and Justice in Cambodia', in J. Marston and E. Guthrie (eds.), *History, Buddhism, and New Religious Movements in Cambodia* (University of Hawai'i Press, Honolulu, HI, 2004), pp. 91–112.

2 M. Vickery, 'A Non-Standard View of the Coup', *The Phnom Penh Post*, 29 August 1997, and *Cambodia 1975–1982* (South End Press, Boston, MA, 1984).

3 E. Weizman (ed.), *Forensis: The Architecture of Public Truth* (Sternberg Press, Berlin, 2014).

4 J. Roach, *Cities of the Dead: Circum-Atlantic Performance* (Columbia University Press, New York, NY, 1996).

5 C. Jones, 'In the Land of the Khmer Rouge', *The New York Times Magazine* (20 December 1981), section 6, p. 70.

through his binoculars after the fire died, he noticed on a distant hillside 'a pudgy Cambodian [whose] eyes in the head looked dead and stony' and whom he immediately identified as Pol Pot. The article, it turns out, was a fake. Jones had concocted it from the safety of his parents' villa in Spain. He had invented some things, mixed dispatches from newspapers and his materials from two previous visits in Cambodia and, on top of that, lifted an entire paragraph from André Malraux's book *La Voie Royale* (1930) to add 'a piece of color'.⁶ Being possibly 'blinded' by the scoop, the *Times* editors did not fact-check the article. The *Washington Post* had a field day revealing that, according to a Bangkok-based Khmer Rouge official, Jones had not set foot in Cambodia that summer. The first who spotted the forgery, however, was Alexander Cockburn from *Village Voice*, alerted by the plagiarism of Malraux and the part on Pol Pot's eyes.⁷ This (forgotten) story of sighting left unverified is far from being anecdotal. Journalist William Shawcross once asked an Oxfam official why the humanitarian crisis Cambodia after the fall of the Khmer Rouge regime had become such a cause célèbre. The man replied: 'It had everything... temples, starving brown babies, and an Asian Hitler figure. It was like sex on a tiger skin.'⁸ It was a media logic that Jones (and *The New York Times Magazine*) had fully integrated. In the early 1980s, representations of Cambodia in the international press tended to favor figures (Pol Pot the 'mad and evil' genocidal killer, skeleton-like children fighting for their survival) over the ground, that is, the set of longstanding factors that gave a more complex view of the situation in Cambodia. The failure of *The New York Times Magazine* to identify a fake article, thus, points to the broader issue of evidence, manipulation, and sensationalism in the circulation of accounts about Cambodia from one forum to another at the time. Unsurprisingly, this was also the case in the late 1990s when Pol Pot was brought to trial. Once more, the old leader found himself occupying the front stage while the media communication about the circumstances that had led to his prosecution were often simplified. Forensic aesthetics defines the 'forum' as the site where the results of the investigation conducted in the 'field' are presented and contested. The forum is not necessarily the courtroom. When the jurisdictions do not exist, new kinds of forums might emerge. It is even the evidence produced by forensic aesthetics itself that sometimes generates

6 J.M. Markham, 'Writer Admits that He Fabricated an Article in Times Magazine', *The New York Times* (22 February 1982), p. 1.

7 A. Cockburn, 'Now, Gods, Stand up for Fakers!' *The Nation* (22 May 2003).

8 W. Shawcross, *The Quality of Mercy: Cambodia, Holocaust, and Modern Conscience* (Simon & Schuster, New York, NY, 1985), p. 423.

a novel version of the event or situation investigated.⁹ Images of Pol Pot's trial might be considered as evidence of the 'tribunal-forum' established by the Khmer Rouge, regardless of how we might disagree with the idea that any form of justice was carried out in Anlong Veng. At the same time, the contentious circulation of this visual material in international media has produced a second forum that reshapes the relationship between the figure and the ground.

There was at least one thing Jones got right: catching sight of Pol Pot was in itself an achievement. The man had made himself invisible for decades.¹⁰ His first 'real' reappearance occurred on 25 July 1997, when he was tried by fellow Khmer Rouge for the murder of his former Deputy Prime Minister and Defence Minister Son Sen (and fourteen members of his family) and for attempted murder on Anlong Veng 'chief' Ta Mok and Khmer Rouge ideologist Nuon Chea. After the assassination of Son Sen in June 1997, Ta Mok and other commanders under threat had fled to the jungle. From there, they led a counterattack that ended with the arrest of Pol Pot. The latter was put under house arrest. Bangkok-based American journalist Nate Thayer, a regular contributor to the weekly *Far Eastern Economic Review* (thereafter, FEER), heard of Son Sen's murder on the Khmer Rouge radio.¹¹ He understood at once the importance of the news. Thayer had good contacts with some Khmer Rouge and soon, his efforts at traveling to Anlong Veng paid off. When Ta Mok decided to organise the 'public' prosecution of Pol Pot, Thayer and Asiaworks cameraman David McKaige were the only Westerners allowed to cover the event. Their recordings were the first public images of Pol Pot after eighteen years of invisibility.

Today, there is little footage available of the trial, mostly short excerpts that show the crowded open-air meeting hall where the event took place. People segregated by sex lift the fist in unison, clap, and chant on cue 'Long, long, long live the national strategy!' and 'Crush, crush, crush Pol Pot and his clique!' By turn, speakers stand at a desk equipped with a microphone to denounce Pol Pot for his crimes. The defendant himself sits a bit further on a stool, his back against a pillar.¹² His face, in close-up, remains impenetrable. These images usually come with an 'ABC News exclusive' logo. This 'branding' turns them into something else. They do not belong only in the makeshift courtroom in

9 E. Weizman, 'Introduction: Forensis', in Weizman, *supra* note 3, pp. 9 and 12.

10 He does feature on the pictures taken by the movement's photographers but remained out of sight for international observers and journalists.

11 Initially based in Cambodia, Thayer was forced to relocate in Bangkok after he published an article exposing connections between co-Prime Minister Hun Sen and heroin traffickers.

12 Pol Pot was prosecuted with his 'clique', three loyalists who were involved in the killing of Son Sen and his family (So Saroeun, Nhem San, Phok Khan). On the available footage, they can be seen sitting a bit behind him. They were killed in March 1998.

Anlong Veng anymore, but become evidence for another courtroom, in New York this one, a forum that bears witness to the unethical dimension of corporate media practices, especially when a 'scoop' is involved.

Upon his return to Bangkok, Thayer received about 5000 phone calls within a couple of days for his videotape and photos of Pol Pot's trial. Disney-owned network ABC Nightline managing editor Ted Koppel flew out to Thailand and convinced Thayer to entrust him with the footage. The two men shook hands (a written contract was to be sent later). ABC obtained the North American video rights for seven days. Thayer was to be credited for the footage and paid a sum of USD 350 000. After the one-week exclusive, he was free to sell the remaining world broadcast rights and retained the print-media exclusive to the story for FEER.¹³ The agreement also stipulated that ABC was not allowed to create frame grabs of the video. It is easy to imagine Thayer's shock and anger when he discovered that ABC had made a frame grab, put its logo on it, and forwarded it to news services. Moreover, the network had organised previews of the video and distributed the transcript before Thayer even had his story out. The journalist filed a lawsuit for copyright infringement, breach of contract, fraud, and unjust enrichment.¹⁴

In May 1998, Thayer won, together with Koppel, the prestigious George Foster Peabody Award for the ABC three-part series *The Trial of Pol Pot*. Thayer sent the Peabody Award committee a refusal letter in which he accused Koppel and ABC of having stolen his work.¹⁵ On the phone, he threatened Koppel to go to the ceremony in New York and to denounce ABC to the public. As a result, he was banned from the ceremony.¹⁶ Koppel received the award alone. In his acceptance speech, he did not shy away from the issue and referred to the 'disagreement' between ABC and Thayer. He acknowledged Thayer's 'enormous contribution' in bringing the trial's story to the world. He also explained that the journalist had been 'living his own heart of darkness' in Cambodia for over a decade (his way of hinting that Thayer was a 'loose cannon'?). Finally, Koppel

13 P. Gourevitch, 'Dept. of Scoops', *The New Yorker* (25 May 1998), p. 50.

14 The court case ended in 2003. D. Milmo, 'Koppel Sued over Pol Pot Interview', *The Guardian* (18 November 2002).

15 Gourevitch, *supra* note 13.

16 Thayer was escorted out of the banquet room by security guards. N. Thayer, 'How Ted Koppel and ABC TV tried to steal my life work' (8 December 2013), available online at <https://natethayer.wordpress.com/2013/12/08/how-ted-koppel-and-abc-tv-tried-to-steal-my-life-work/> (accessed 19 January 2021). 'War correspondent Nate Thayer tells off Ted Koppel and refuses prestigious Peabody Award', TDL Podcast 32, Radio Barang, uploaded on YouTube on 19 July 2017, available online at https://www.youtube.com/watch?v=XihIL6dn_28 (accessed 13 January 2021).

argued that professional ‘differences’ should pale in comparison to the ‘importance of stories like this... [stories that perhaps] will cause us to prevent the events for which Pol Pot was responsible from ever happening again’.¹⁷ With such a claim, Koppel made the first step towards altering the meaning and function of Thayer’s evidentiary recording of the trial.

2.2 *Non-Images of a Trial*

Pol Pot’s trial generated a third and unexpected forum, that of contemporary art. In November 1998, the exhibition *Le Procès de Pol Pot* (Pol Pot’s trial) opened at the art center Le Magasin in Grenoble, France. The project was coordinated by artists Liam Gillick and Philippe Parreno, two famous representatives of ‘relational aesthetics’.¹⁸ It involved fourteen other artists and was conceived of as a single work which addressed ‘one of the major events of this century’.¹⁹ Gillick and Parreno did not intend to display the existing press materials about Pol Pot’s trial nor to create new artistic images about it. Rather, they tried to avoid the two obvious aesthetic ways of dealing with the topic, that is, either documenting the trial or turning the exhibition itself into a form of trial.²⁰ Both were struck by what they interpreted as the lack of legibility of the event in Anlong Veng. They thought that their role as artists was to reflect on the conditions and effects of this opacity, not to provide the public with didactic tools. Therefore, they decided to create an installation that would raise questions but would not propose the means to answer them in a simple and linear way.

At the venue’s entrance, there were a pile of posters with unreadable fragments of texts and a large blue banner (the colour of the backdrop screen used for chroma keying in cinema). On the banner, one could see a black abstract drawing of arborescent forms and a white circle that evoked a spotlight. The motifs suggested a connection to the exhibition’s main elements. The first one

17 ‘T. Koppel, The Trial of Pol Pot. Peabody Award Acceptance Speech’, uploaded on YouTube on 25 August 2015, available online at <https://www.youtube.com/watch?v=s9QfA4gG5Qo> (accessed 9 January 2021).

18 This contentious artistic trend, conceptualised by French art theorist and curator Nicolas Bourriaud in the 1990s, gathered a set of artistic practices that aimed to produce temporary environments and social events erasing the divide between spectators and works of art; N. Bourriaud, *Esthétique Relationnelle* (Presses du Réel, Dijon, 1998).

19 The artists were Thomas Mulcaire, Pierre Huyghe, Rebecca Gordon-Nesbitt, Douglas Gordon, Gabriel Kuri, Jeremy Millar, Josephine Pryde, Carsten Höller, Rikrit Tiravanija, Ronald Jones, Pierre Joseph, Zigam Azizov, Adrian Schiesser, and Terry Atkinson. *Le Procès de Pol Pot*, 8 November 1998–3 January 1999, exhibition booklet (Bordeaux, Le Magasin, 1998), translation mine.

20 P. Ardenne, ‘Le Procès de Pol Pot selon Gillick and Parreno: Vademecum de la Non-Esthétisation de l’Horreur’, 7/8 *Visuel(s)* (1999) 11–15.

was an empty film or television set waiting for actors and technicians to arrive. The second element was the 'forest of signs', a metaphor for both the jungle where Pol Pot's trial had taken place and the forest of interpretations of the event itself. It consisted of five walls covered with numbers, texts, questions, and words in French and English. Of thirty fragments, only one was descriptive: 'Lights go off, the character collapses, saliva comes out of his mouth as his face touches the ground'.²¹ Some referred directly to Cambodian history ('Khmer Rouge,' '1979 1979 1979'). Others read things such as 'xjfkdsllksajfj', '1,056,783210,392', 'dayindayoutdayindaydayindayout', 'question no. 35668', and 'what do I care about the stupid things I did yesterday?'

What this non- or rather anti-figurative display tried to challenge is the viewer's faculty of judgment (in both the legal and cognitive sense) when confronted with an event as opaque as Pol Pot's trial. The role of art, in this context, was 'to trace a path through complex ideas', not to attempt any kind of explanation.²² Gillick and Parreno produced a critical information-scape that did not have any familiar media landmark. In this respect, the exhibition was an 'anti-spectacle' for an 'anti-event', as art critic and historian Paul Ardenne argued, reminding that Pol Pot had escaped international justice for twenty years (helped by the convenient amnesia of the powers involved) and that his trial in Anlong Veng had not attracted much public attention. The latter point is obviously debatable. Indeed, the exhibition (and reviews) contained several approximations, but, to their credit, the artists (and reviewers) had never pretended that they were experts on Cambodian history and politics. Nonetheless, *Le Procès de Pol Pot* raised important questions about the relationship between the trial and the images the event had (not) produced. What did we see when we looked at the photos or videos of Pol Pot's trial in the media? What is it that the trial of Pol Pot represented? Was it justice? If the trial (that is, the one that a criminal such as Pol Pot should have had) never happened, as Ardenne claimed, then what did take place in Anlong Veng?

2.3 *Images of a Non-Trial*

Koppel's speech at the Peabody Award ceremony might give an answer. Before the editor addressed the public, the trailer of the ABC series was shown. It presented Pol Pot's trial as the prosecution of a genocidal murderer. Koppel even declared that the people at the meeting hall in Anlong Veng had not been aware that they were participating in a historical event. One of the trailer's first images was a split screen with the photo of a pile of skulls on the

21 D. Inkster, "Défense de la Lecture: Le Procès de Pol Pot", *Art Press* 21 (2000) 64–69, p. 68.

22 *Le Procès de Pol Pot*, translation mine.

left and a photo of Pol Pot at his trial on the right. This shortcut suggested that the charges for which Pol Pot was being tried in July 1997 were related to the Democratic Kampuchea period. This editorial choice (possibly aimed at making the program 'catchier') was confusing for the viewers who had little knowledge of the situation in Cambodia. Ta Mok had of course no intention to prosecute Pol Pot for the crimes perpetrated in the period 1975–1979 (crimes for which he would have had to answer too), but for more recent ones, namely the attempt against his life and Pol Pot's opposition to his strategy of negotiating a political and military alliance with the FUNCINPEC (the French acronym for Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif).

Pol Pot's trial cannot be understood outside the thick context of transitional Cambodia. Following the first free and United Nations-monitored elections in 1993, a dual system had been established in the country. The main and rival political parties—the Cambodian People's Party (CPP) of Hun Sen and the royalist FUNCINPEC of Prince Ranariddh—shared positions at all governmental and administrative levels.²³ The coexistence was far from peaceful, and the Khmer Rouge came to play a critical role in Hun Sen and Ranariddh's competition for power. The co-Prime Ministers vied for the defection of their former enemies, more particularly the troops, equipment, and money the defectors brought with them. While former Democratic Kampuchea Foreign Minister Ieng Sary had rallied Hun Sen in August 1996, it was with royalist military commander general Nhiek Bun Chhay that Ta Mok loyalists came to an agreement in May 1997.²⁴ This development certainly was a factor in Pol Pot's order to kill Son Sen and Ta Mok. What happened in Anlong Veng in July 1997, thus, was a purge and not a trial. Pol Pot's line had been defeated and the man himself had to be eliminated from political life. Thayer made this point clear, as he described the 'carefully orchestrated performance [that] evoked the image of a grainy, black-and-white film clip from China's Cultural Revolution'.²⁵ If the trial was a 'scam', as most observers concurred, it was in the sense that 'judging' Pol Pot had less to do with any kind of legal proceeding than with a barely disguised settling of scores.

However, some ambiguity about the trial's meaning seemed to linger. The director of the Khmer Institute of Democracy Lao Mong Hay, for example, declared that the trial was 'not valid'. People interviewed in the street said that

23 The CPP has been the ruling party in Cambodia since 1979. The FUNCINPEC was founded by Prince (and then King again after 1993) Norodom Sihanouk in 1981.

24 N. Thayer, 'Pol Pot: The End', *Far Eastern Economic Review* (7 August 1997).

25 *Ibid.*

they favored an international court abroad with international standards.²⁶ The idea that the trial—the first, and the last, Pol Pot ever had to face in person—was in some way connected to the past could not be brushed aside. Its persistence indicates a disjunction between the two ‘forums’ that emerged in 1997: the imagined or desired forum, that of (international) justice whereby Pol Pot would be prosecuted for the crimes he had perpetrated in Democratic Kampuchea, and the actual forum, the ‘performance of law’ organised by the Khmer Rouge in Anlong Veng.²⁷ This disjunction reflects the fluid context of that period, as the project of prosecuting the Khmer Rouge (with the questions which ones, under what system, and how) began to make its way in Cambodian society. The trial of Pol Pot occurred a month after Hun Sen and Ranariddh sent a request to the United Nations for assistance in bringing to justice those responsible for the Cambodian genocide (21 June). One might see how, in this context, the two events could be conflated in some people’s mind and the trial in Anlong Veng become part of the sequence that led to the establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Another connection between the two forums is their shared imagery of the ‘substitute body of the king’. The iconic image of Pol Pot’s trial in Anlong Veng—Thayer’s picture for *FEER* and the ABC frame grab—is the old leader being helped by two fatigue-clad Khmer Rouge guards as he is unable to walk without assistance. Similarly, the ECCC media communication includes pictures of Ieng Sary, his wife Ieng Thirith, and Nuon Chea being assisted by courtroom guards when they sit down or stand up.²⁸ This representation is neither a call for sympathising with the defendants, nor the sign that the Khmer Rouge ‘body politic’ survives. On the contrary, it is an imagery that underlines the end of the latter too, through the act of justice carried out in the courtroom.²⁹ What

26 H. Scroggins and C. Sotheacheath, ‘Pol Pot in Trial—The Reactions’, *The Phnom Penh Post* (15 August 1997).

27 For the ‘performance of law’, see Roach, *supra* note 4, p. 55.

28 For a further discussion of Nuon Chea at the ECCC, see S. Fyfe, ‘Negative Aesthetic Experiences of Prosecuting the Barely Alive’, in this issue, 23–42.

29 In this respect, the Tribunal’s imagery differs from the rhetoric analysed by Lior Zylberman and Adriana Taboada in this issue. Their paper ‘The Age-Impunity Rhetoric in Trials for Crimes Committed during the Argentinian Genocide (1975–1983)’ discusses the attempt to create a discourse of empathy for deteriorating ‘grandfathers’ and to efface crimes by substituting the notion of ‘old age’. Of course, the defendants themselves (and more particularly their defence counsels) probably played on their feeble appearance in an attempt to attract sympathy from the public in the courtroom and beyond. As James Burnham (‘An Age-Old Question: Optical (A)llusions, (In)Decency, and (In)Justice in the Trial of Japanese War Criminals’) and Kirsten Fisher (‘The Expressive Value of Prosecuting Aged Defendants: A Rebuke of Ageism’) argue in this issue, the prosecution of aged, less able

does this say, in hindsight, about Pol Pot's trial and the role of his aged body in it? To some extent, what took place in Anlong Veng was a spectacle of transformation. Pol Pot's physical powerlessness embodied his political irrelevance. As Thayer writes, he was an 'anguished old man, frail, and struggling to maintain his dignity [and] watching his life vision crumble in utter, final defeat'.³⁰ The non-person Pol Pot had become politically was thus signified and magnified through the *mise-en-scène* of his weakness.

In this corporeal form, what Brother Number One represented could be 'sacrificed' so that a new Khmer Rouge 'body politic' could emerge and continue the movement's reincorporation into the national community. Yet, in the wake of Hun Sen's coup against Ranariddh and the FUNCINPEC earlier in July, this was a complicated process.³¹ The royalist party had been crushed in Phnom Penh, but pockets of resistance had appeared in the north of the country. For the Khmer Rouge, this was a good opportunity to enter the fray again and, in alliance with FUNCINPEC loyalists, to try to dislodge Hun Sen. Ta Mok might have thought that, for 'outsiders', the 'trial-as-spectacle' would give his push for legitimacy a more palatable form than a direct purge.³² However, this entailed a set of practices with which the Khmer Rouge were not familiar. As the director of the Documentation Center of Cambodia Youk Chhang reminded it, the language of law was alien to the Khmer Rouge. 'They sentence their own cadre to execution, not arrest'.³³ The trial, thus, could only be an imitation of justice and not justice itself, since its main function was to enact, for the public, a transfer of power. In the end, Pol Pot was given a life sentence. The first act of the play was over, and the second one could begin.

defendants raises numerous issues in terms of agency and impact. Indeed, one cannot rule out that some Cambodians felt some kind of 'indulgence' for the old Khmer Rouge. I thank the anonymous reviewer who brought this important point to my attention. Yet, since the aged and weak bodies of the defendants symbolized the long period of impunity the Khmer Rouge leaders had enjoyed, I would argue that the Tribunal's visual communication aimed rather to stress that impunity had finally come to an end, although a belated one—which in Cambodia's troubled and authoritarian political context has an additional meaning.

30 Thayer, *supra* note 24.

31 Hun Sen accused the FUNCINPEC of planning a take-over with the Khmer Rouge.

32 Possibly, the trial did signal for some Khmer Rouge (perhaps a younger generation) a genuine change in the movement leading to their reintegration into Cambodian society. The idea that the trial might have represented for them a form of 'auto-transitional justice'—in the sense it had a transformative dimension and pushed for a political transition—cannot be dismissed, although it must be used with great caution. I thank the anonymous reviewer who suggested this view of the trial.

33 Scroggins and Chea, *supra* note 26.

3 Pol Pot's Autopsy and the 'Performance of Death'

3.1 *Deathbed Pixelisation*

Shortly after Pol Pot's death in April 1998, Lithuanian artist Redas Diržys began to collect the deathbed pictures that were published in international media. Many were close-ups of Pol Pot's face, with one eye shut, the other half open, and cotton balls in his nostrils (Figure 1). Over the years, Diržys has used the photos in several site-specific installations worldwide under the title *Pol Pot Series*. The artist always follows the same protocol. He does research at the local archives and selects a picture of Pol Pot in a local newspaper. He glues an enlarged reproduction of the image on a board, which he hangs in the exhibition venue. The rule for the photo's enlargement is that each dot reaches at least 0,5 millimetres. Then, Diržys drills every dot with a bit that fits the size of

FIGURE 1 Redas Diržys, *Pol Pot series* (1998-ongoing), courtesy of the artist.

FIGURE 2 Redas Diržys, installation at the Turkish Baths, Iasi, Romania, for the exhibition *The Way the World Is* (2004), courtesy of the artist.

the dot.³⁴ Lastly, he covers the surface with black ink and washes the coating away by spitting on it the water he drinks from a bottle. The resulting portrait is, from afar, too vague to enable any recognition, and from close, it remains blurry and unidentifiable (Figure 2).

Diržys does not seek to perform any kind of *damnatio memoriae*. His act of disfiguration aims to draw the viewer's attention to the visual archetypes used in mainstream media to represent dead dictators. The image's function in the press is often iconic rather than informative. It delivers a commodified representation of 'evil men' in the form of a harmless face which was once alive and revered and is now dead and desecrated. Being enmeshed in the Western iconography of death and vanity, this image is a familiar sight for many viewers. As such, it is an opportune shortcut that conveys an inexact and grossly simplified view of the 'substitute body'. The dictator's perishable 'body natural' hides the far more resistant 'body politic' which often survives through power systems and forms of structural violence. In other words, in the mainstream media's iconic environment, the 'body natural' as 'figure' tends to obscure the 'body politic' as 'ground'. It is this aspect that Diržys tries to challenge. The

34 R. Diržys, *Drilling Manifesto*, 5 April 2001.

portrait's extreme pixelisation precludes immediate interpretations of it. It de-familiarises both the visual archetype and the political understanding behind it. Instead, the excess of visibility brings to the fore the failure of the dead dictator's portrait to function as a means of indexing political violence. The face, which is supposedly the key to the leader's psychology, does not offer any clarification here. Not only does the focus on the 'mastermind' give no insight into the events, Diržys suggests. It also keeps them in the blur, unknowable, because it denies the collective dimension of what happened.

What Diržys targets is the 'effigy-becoming' of Pol Pot, the actual death turned into a 'performance of death', that is, into a set of rites through which social—in this case, political—renewal is carried out.³⁵ This 'performance of death' was first enacted in the early 1980s, when Cambodians burned paper effigies of Pol Pot on the Day of Anger, the state-sanctioned commemoration held yearly on 20 May across the country.³⁶ Effigy making was an integral part of the policy that the People's Republic of Kampuchea applied to the Khmer Rouge. The new regime, established with Vietnam's backing after the overthrow of Democratic Kampuchea in January 1979, was a socialist republic that counted several Khmer Rouge defectors in its ranks, some at high-level power positions even. This made the task of the new government twice more difficult when it came to convince people that the People's Republic of Kampuchea had nothing to do with the predecessor regime. By scapegoating Pol Pot and painting him as a 'deviant' mastermind who had perverted Marxism-Leninism under the influence of revisionist China, the authorities found a way to mark a break while safeguarding the political system.

Without being familiar with Cambodian politics, Diržys, who lived under Soviet rule, has a good understanding of the communist practices of effigy making, and how faces added to or erased from official imagery often reflect the political struggles, reshufflings, and purges that happen behind-the-scenes. While this experience informs the *Pol Pot Series*, Diržys also addresses the amnesia of international governments. The People's Republic of Kampuchea was not the only one to hide behind the Pol Pot-effigy. In the media, the Khmer Rouge leader's dead body proved an expedient prop to make people forget the

35 Roach, *supra* note 4, pp. 36–37.

36 UPI, 'Cambodian Day of Hate marks Pol Pot's victims', *The New York Times* (21 May 1984). *Tivea Chang Kamheng* ('day to remain tied in anger') took place for the first time in 1984. Organised at commemorative sites, the ceremony included speeches by officials, survivor testimonies, the carrying of banners, prayers, and wreath laying. The Day of Anger was halted for several years during the United Nations Transitional Authority in Cambodia (UNTAC) period. It resumed in the late 1990s, and in 2001 was re-christened National Day of Remembrance.

twenty years of inaction of the international community (and the complicity of major powers in keeping the Khmer Rouge movement alive). The clichéd idea that through death Pol Pot had escaped justice—as some journalists put it—conveniently pushed to the background the fact that, until the mid-1990s, no government had really tried to bring him to court.

3.2 *The Ice is Melting*

Pol Pot's death and cremation in Anlong Veng provide another version of the 'performance of death'. Again, it was Thayer who was the chosen witness. The night Pol Pot died (on 15 April 1998 around 10 pm), the journalist was at the Thai border town of Surin, at the request of Khem Nuon, Ta Mok's trusted aide who had been Thayer's contact for several years. Pol Pot was still under house arrest in Sangam. There were talks of handing him over to the Americans for prosecution. Thayer thought that the Khmer Rouge saw him as a potential intermediary in the transaction. Pol Pot's second wife Mea Son discovered her husband's body when she came to the hut to put a mosquito net on the old man.³⁷ Ta Mok told Thayer that she 'heard a gasp of air. It was the sound of dying. When she touched [Pol Pot], he had passed away already'.³⁸ Khem Nuon called Thayer shortly after the discovery. With the help of an American intelligence officer who wanted to confirm the rumours, the journalist secured the permissions he needed to cross over to the Anlong Veng area. Everything happened in extreme secrecy, Thayer claims, because the United States and the Thai governments did not want to be seen as involved.³⁹

Pol Pot's death was first met with incredulity. Was the body really Brother Number One's? Was Pol Pot really dead? If so, what was the cause of his death? The Khmer Rouge claimed it was a heart failure.⁴⁰ Khem Nuon even declared that hearing on Voice of America that he was soon to be delivered to an international tribunal gave Pol Pot such a shock that it killed him.⁴¹ Did he commit suicide with 'a lethal dose of valium and chloroquine'?⁴² Was he murdered?⁴³

37 P. Sainsbury, 'Burned like Old Rubbish', *The Phnom Penh Post* (24 April 1998).

38 N. Thayer, 'Dying Breath: The Inside Story of Pol Pot's Last Days and the Disintegration of the Movement He Created', *Far Eastern Economic Review* (30 April 1998).

39 Based on Thayer's unpublished manuscript 'Sympathy for the devil: a journalist's memoir inside Pol Pot's Khmer Rouge', <https://natethayer.wordpress.com/tag/sympathy-for-the-devil-a-journalists-memoir-from-inisde-pol-pots-khmer-rouge-by-nate-thayer/> accessed 17 January 2021.

40 Seth Mydans, 'Death of Pol Pot: Pol Pot, Brutal Dictator who Forced Cambodians to Killing Fields Dies at 73', *The New York Times*, 17 April 1998, p. 14.

41 Thayer, *supra* note 38.

42 J. Gittings and M. Tran, 'Pol Pot "Killed Himself with Drugs"', *The Guardian* (21 January 1999).

43 M.S. Shivakumar, 'Pol Pot: Death Deprives Justice', 33(17) *Economic and Political Weekly* (25 April–1 May 1998) 952–954.

In the improbable 'forum' of Anlong Veng, it fell to Thayer again to perform the task of the 'interpreter', the one who translates the language of the contested 'object', Pol Pot's body, and the 'assembly', the international public.⁴⁴

The journalist dismissed the idea of foul play. Pol Pot was weak, malaria stricken, under-nourished, and exhausted. Everything pointed to a natural death. Yet, Thayer was not a physician and his non-professional opinion offered little guarantee. The United States wanted a full autopsy. The Thai authorities, however, were reluctant to bringing Pol Pot's body to Thailand. Instead, they sent a five men military team (but no doctor) to Sangam to take samples. So began the 'performance of death'. Pol Pot's corpse provided support for the transformation of a media representation of evidence making (video) into the evidence itself. An Associated Press video shows the Thais at work.⁴⁵ Equipped with gloves, they cut a strand of hair from Pol Pot's head. They make a print of his thumb in a notebook and display the sheet to the camera. They take close-up pictures of his face, ears, and teeth. They open his shirt to photograph the scars of old cancer surgeries on his torso. For the Cambodians and the international audience who would never have any access to the results of the forensic analysis, this video was the only 'proof' that a process of identification had been carried out and that (the real) Pol Pot was dead.

The Khmer Rouge took the 'performance of death' further. Alive, Pol Pot had been 'a political bargaining chip' for Ta Mok.⁴⁶ In March, Khmer Rouge representatives had traveled to Bangkok for secret peace talks with Cambodian Defense Minister Tea Banh. The dismembering of the Khmer Rouge movement, which had started with Ieng Sary's defection two years earlier, had reached its final phase. Ta Mok tried to negotiate a political settlement. Lately, the United States had expressed interest in prosecuting Pol Pot.⁴⁷ By trading the latter, Ta Mok hoped he could secure American support in his negotiations with Hun Sen's government. However, the White House was not eager to deal with the 'Butcher' (as Ta Mok was called). The United States turned the proposal

44 Weizman, *supra* note 3, p. 9.

45 AP Video, 'Cambodia: body of Pol Pot examined to confirm his identity', uploaded on YouTube on 21 July 2015, available online at <https://www.youtube.com/watch?v=RopobDRdQD8> (accessed 3 January 2021).

46 Sainsbury, *supra* note 37.

47 Following the UNTAC-monitored political transition in Cambodia, the relations between the United States and Cambodia improved. In 1994, President Bill Clinton signed the Cambodian Genocide Justice Act, in which the United States committed to '[providing] encouragement and support for the ratification, establishment, and financing of a tribunal for the prosecution of surviving leaders of the Khmer Rouge regime' (Congressional bill, 108th Congress).

down and tried to find another way to arrange a trial.⁴⁸ In death, then, Pol Pot became 'a devaluing public relations prop for the "revamped" hardline Khmer Rouge'.⁴⁹ Yet, his body could be still be useful, as a means to 'wipe the slate clean'.⁵⁰ Treated as an ordinary, unimportant, and worthless body, the dead Pol Pot could help Ta Mok reinforce the message that the old Khmer Rouge ways were gone for good and that the movement was acceptable again, even worthy of an amnesty in Cambodia.

This meant playing by the book. If the Cambodian authorities and the international community needed a confirmation of the body's identity, then the Khmer Rouge had to keep Pol Pot's corpse in a stable state so that the Thai forensic team and representatives of the international press could perform the identification. This was not an easy task in the jungle. Thayer describes 'the sickly-sweet stench of death [that] fills the wooden hut. Fourteen hours have passed since Pol Pot's demise, and his body is decomposing in the tropical heat. His face and fingers are covered with purple blotches'.⁵¹ *The Phnom Penh Post* journalist Peter Sainsbury, allowed in Sangam shortly after Thayer, explains that Pol Pot's body had been soaked in formalin 'in a hasty and unsuccessful do-it-yourself attempt at embalming'. Since this was not enough to preserve the corpse, two Khmer Rouge guards tried to delay the body's putrefaction with ice. Big blocks were put below the green tarpaulin on which Pol Pot lied, with disastrous effects as the melted ice soaked into the corpse, 'bleaching and puckering the underside milky white and puffy'. At some point, the two men placed ice blocks on Pol Pot's chest. 'There was a brief pause as people wondered if the weight could crush or burst the frail body'.⁵² Fortunately, the body

48 Gittings and Tran, *supra* note 42. According to journalist Elizabeth Becker, Secretary of State Madeleine Albright asked Canadian Foreign Minister Lloyd Axworthy to request Pol Pot's extradition under Canada's law against genocide. If Canada agreed, the US was prepared to coordinate a military extraction of Pol Pot; E. Becker, 'US Spearheading Effort to Bring Pol Pot to Trial', *The New York Times* (23 June 1997).

49 Sainsbury, *supra* note 37.

50 Thayer, *supra* note 38.

51 *Ibid.* Interestingly, Thayer is keen to emphasise the squalid conditions in which Pol Pot spent the last months of his life. This echoed his interview of the old Khmer Rouge in October 1997, in which he writes about the 'bleak days' of Pol Pot, 'virtually bedridden' in a 'wood-and-thatch hut' and deprived from any access to books; N. Thayer, 'Pol Pot: Unrepentant: An Exclusive Interview by Nate Thayer', *Far Eastern Economic Review* (30 October 1997). This idea of the war criminals as 'poor old men' and the question of detention facilities in which they are kept is a topic addressed in this issue by Adriana Taboada and Lior Zylberman (*supra* note 24), as well as Caroline Davidson in her paper 'Of Old Men, Country Clubs, and Atrocities: Visualities and Externalities of Detaining Elderly Human Rights Violators in Chile'.

52 Sainsbury, *supra* note 42.

resisted the weight. Undeniably, this 'performance of death' had a practical side. In a country as hot as Cambodia (and as little equipped with refrigerated morgues), the treatment of Pol Pot's body was nothing particular.⁵³ Yet, Thayer, attuned as always to the Khmer Rouge sub-message, described it as a 'spectacle of humiliation'.⁵⁴ Try as he might, Ta Mok miscalculated the effect of the performance. The degrading display of the man who, for so many people, had embodied the Khmer Rouge, did not point to the rebirth of the movement in a more acceptable version but to its death. What Pol Pot's melting ice-covered body said was that the Khmer Rouge movement itself was a rotting corpse that nothing could preserve any longer.

4 Bonfire of Vanities, Bonfire of Garbage: the Conclusion?

'Pol Pot has died like a ripe papaya... Now he's finished... he is no more than cow shit. Cow shit is more important than him. We can use it for fertiliser,' Ta Mok declared to a Cambodian reporter from Radio Free Asia after Pol Pot's death.⁵⁵ Until the end, Ta Mok expressed the will to defeat and annihilate Pol Pot beyond death. The cremation of his rival was exactly that, getting rid of something embarrassing, despised, and toxic. The Khmer Rouge guards erected a funeral pyre, with eight tires forming the basis, and threw Pol Pot's mattress, chair, and blanket on it to burn with him. A young man used his own plastic lighter to ignite the gas-soaked pyre. 'It was a rubbish fire, not a cremation'.⁵⁶ There was no ritual, no ceremony. Only a dozen people were there: Pol Pot's personal jailer General Non Nou, the Khmer Rouge soldiers who had taken care of Pol Pot's body, a Thai military, and a small group of journalists invited to record the event. The other reporters could not go further than the checkpoint at the Thai border and had to observe through a fence the pyre smoke going up in the sky.⁵⁷ With this smoke, it was as if

53 I thank Anne-Laure Porée for pointing this to me.

54 Thayer, *supra* note 38.

55 Quoted by David Chandler in *Brother Number One. A Political Biography of Pol Pot* (Silkworm Books, Chiangmai, 1999), p. 186. See AP Video. "Cambodia: General Ta Mok Gives Reaction to Death of Pol Pot", 17 April 1998 (story 77136), available online at <http://www.aparchive.com/metadata/youtube/oe35238cfdfo37b5f7fbc5foaiofa093> (accessed 18 January 2021).

56 Sainsbury, *supra* note 42.

57 AP Video 'Cambodia: Chong Sa-Ngam: Pol Pot is cremated', 18 April 1998 (story 77160), available online at <http://www.aparchive.com/metadata/youtube/fd1834053b70b86e74c6cof83bd2c86f> (accessed 18 January 2021).

everything was gone. Non Nou told the journalists, 'there is no more Khmer Rouge, no more bad reputation'.⁵⁸ The cremation marked the end of the second act. Pol Pot was now fully a non-person. His role as 'substitute body' was over. Yet, the two acts of the play showed that the attempt to kill Pol Pot's 'body natural' to preserve the Khmer Rouge 'body politic' was doomed to symbolical and political failure. By the late 1990s, the Khmer Rouge was a 'dead man walking' and Pol Pot, barely able to make a step by himself, had been the movement's pathfinder into nothingness. Non-persons, however, tend to come back in all kinds of unexpected and shapeshifting ways, and Pol Pot is no exception. In the past years, he has resurfaced as an object of tourist fascination, a supernatural divinity that brings luck, a 'master of the land' and 'quasi-tutelary spirit of the territory' for the Cambodians who settled in the area.⁵⁹ Pol Pot's story, it turns out, is far from being finished.

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58 S. Mydans, 'At Cremation of Pol Pot, No Tears Shed', *The New York Times* (19 April 1998), p. 13.
 59 G. Wright, 'Patriot, Lucky Spirit, Villain: Pol Pot Remembered', *The Diplomat* (13 April 2018); A.-Y. Guillou, 'The 'Master of the Land': Cult Activities around Pol Pot's Tomb', 20(2) *Journal of Genocide Research* (2018) 275–289, pp. 287–288.