

# Now Now



**Big Idea Super-size my Lebanese house of parliament**

**Books The legend of AR Rahman**

**Last Word Saddam Hussein slept here**

**Saloon My salary is low, my Lambo is rented by the hour**



For Jacques Vergès, no client is indefensible. But does his defence of a top Khmer Rouge leader undermine the principles he has spent his career proclaiming? Stéphanie Giry reports

Khieu Samphan and Jacques Vergès, two old men with thin-rimmed glasses and thickened waists, were sitting on a floor mat, shoeless, having tea. It was late August 2006, in a room at the Renakse hotel, a converted colonial mansion in central Phnom Penh. Khieu, the former president of Cambodia under the Khmer Rouge and a Pol Pot loyalist to the end, was still free. But he was growing nervous as a UN-backed tribunal was ramping up its efforts to indict the few surviving Khmer Rouge leaders for war crimes and crimes against humanity. So he had called on his old friend Vergès, defender of terrorists and tyrants. Khieu wore brown polyester pants, Vergès a beige linen suit. They called each other "Maître" and "Président" and reminisced about the time when they had no titles – their student days in Paris in the 1950s. And they strategised.

Vergès' first move was to present Khieu as neither a monster nor an ideologue but a reasonable man and a patriot. Vergès had already argued, in a preface to Khieu's 2004 memoir *The History of Cambodia and the Positions I Took*, that while Khieu had been Cambodia's president under the Khmer Rouge, he had only been their "fellow traveller". It was true, according to most accounts, that Khieu, a

well-respected populist economist and member of Cambodia's parliament in the early 1960s, had only joined Pol Pot's group after he was forced to flee to the jungle to avoid being assassinated by the regime of King Norodom Sihanouk. But Vergès was going further. "The Khmer Rouge leadership resorted not to persuasion but to coercion and eventually to crimes against the human person," he wrote, with deliberate vagueness, of the regime's 1.7 million victims, and "in these crimes, Khieu never took part directly."

Now Khieu was in my hotel room, across the street from the Silver Pagoda, where he and Pol Pot and other top Khmer Rouge had set up headquarters soon after marching into Phnom Penh in April 1975. He was explaining away some of the regime's fateful decisions: the evacuation of the cities, the abolition of money, forced collectivisation. "I am asked how I could have killed my own people. Please! Me, wanting to kill my people?" Khieu said, pounding his chest. On the other hand, he explained, "once engaged, one must go all the way. One cannot anticipate the costs. It's true, the costs turned out to be very high, but we had no choice."

A month earlier, in Paris, Vergès had asked me, "Do you know who was the Soviet head of state under Stalin? No? Well, that's Khieu Samphan's defence." Khieu's defence, in true Vergès style, would also argue that the United States, with its bombing campaigns in eastern Cambodia and its backing of the hapless government of General Lon Nol, had created the conditions for the Khmer Rouge's rise – namely, an impending famine and the risk of annexation by Vietnam.

At one point during the course of our week-long conversation, I asked about torture and executions under the Khmer Rouge. Khieu became agitated. "There are instances when one cannot both respect human rights and protect a country's independence," he said. Americans and Europeans don't understand this, he chided, because the survival of their nations is no longer in question. Vergès chimed in with a small smile and his clear, magisterial voice: "And when their independence is threatened, Western states also are capable of committing acts that the laws condemn." He recited a litany of atrocities committed by the Allies during the Second World War – from Dresden to Hiroshima – and added, "there was never any question of

prosecuting them". Yet today, Western governments were professing to judge the Khmer Rouge experiment before an international tribunal. Victors' justice then and now.

This was vintage Vergès. With Khieu, he was returning to his first political love – the anti-colonial struggle – and applying the tactics he had honed in half a century of polemical advocacy: politicising a legal matter, flipping the charges back against the accuser, appealing to public opinion. Vergès' list of clients includes two dozen members of the Front de Libération National (FLN), who bombed Algeria's way out from under French domination in the 1950s, and the extended clique of pro-Palestinian lefty radicals who bombed their way to nowhere in the 1970s and 1980s (chief among them Ilich Ramírez Sánchez, aka Carlos the Jackal). It includes despots the West has forcibly deposed (Slobodan Milosevic, Saddam Hussein) and African strongmen it has propped up (Idriss Déby, Omar Bongo, Gnassingbé Eyadéma, Gnassingbé Eyadéma, Félix Houphouët-Boigny, Denis Sassou-Nguesso). And it includes one-of-a-kind clients: the Nazi Klaus Barbie and Charles Sobhraj, the serial killer known as the Serpent.

→ Vergès, continued on 4



# review

# the 1.7m

Total number of French soldiers who fought in Algeria over course of the eight-year war

These people are deemed to be indefensible, and for defending them Vergès is often called the Devil's Advocate. He relishes both the moniker and the attention. Jean-Louis Simoën, his editor and friend, explained, "Some people take drugs. He gets high on television." His provocative arguments, legal showmanship, political radicalism and grand pronouncements suggest some combination of Alan Dershowitz, Noam Chomsky and Voltaire.

But this flamboyance easily misleads. Vergès may be a megalomaniac who is fascinated with the peculiar integrity of fanatics, but he's also a committed polemicist with a deep compassion for political underdogs. He has represented many sympathetic defendants and quirky causes: Muslim girls who want to wear headscarves in school, a prostitute seeking back pay from her pimp, Aids patients contaminated by tainted blood transfusions because the government skimped on screening procedures. What brings together all of Vergès' cases, the notorious and the anonymous, is a unified theory of law that is at once political, prudential, moral, and aesthetic. Crime isn't an aberration, he says; the capacity for transgression is what distinguishes humans from animals. This is why Vergès believes it is wrong and dangerous, not to mention inelegant, to treat criminals, terrorists and despots as if they were exceptional, to believe that the rest of us are impervious to the forces that shaped them. He adds a noblesse-oblige twist to this view by arguing that to properly defend a criminal a lawyer must restore his dignity and present "his" truth. "The profession of lawyer is not only the exercise of a certain technique," Vergès has said, "it is also – and first and foremost – a way of coming to terms with the humanity of all men, guilty or not."

These notions could be construed as a kind of radical humanism, but Vergès is so unrelenting and defiant in their application that the bien-pensants find it difficult to agree with him. Instead, they identify him with his clients and consider him immoral. Rather than deny the charges, Vergès plays along – and relishes the bravado. Of course he would have defended Hitler, he has told reporters many, many times. He'd even defend George W Bush, he always adds – so long as Bush pled guilty.

But behind this provocation, too, there are principles, including one that runs like a motto through Vergès' conversations and thirty-some books: "a lawyer must be capable of defending everyone so long as he remains coherent". There are no indefensible clients – just indefensible arguments. Khieu explained to me why he had turned to Vergès, "I couldn't accept to be defended by someone who would ask me to denounce Pol Pot to save my own skin. Only Vergès could do that for me." But can Vergès defend Khieu without jeopardising his own coherence? His work for the FLN at the beginning of his career helped midwife the independence of one country, but now he is defending a movement that turned another into a charnel. This poses a challenge for Vergès not so much because the Khmer Rouge ended up on the wrong side of history. It's a challenge because what brought them there – oppression, slavery and torture – are crimes that Vergès has spent his career denouncing.

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Born in Thailand in 1925, Jacques Vergès grew up in a quirky, brainy household in the far-flung French territory of La Réunion, raised largely by a doting great aunt and his father, a globe-trotting doctor and part-time consul. It was while serving in Indochina, before practising medicine in La Réunion – where he would found the local branch of the French communist party – that Vergès' father married his mother, a young Vietnamese. (She died when he was three.)

From this upbringing, Vergès absorbed an idiosyncratic mix of principles, including this defining combination: a keen sensitivity for the plight of the colonised alongside a full education in the soaring values of the French Enlightenment. He came of age fighting for independence: as a teenager during the Second World War, with Charles de Gaulle's forces; then, as a communist student activist in Paris and Prague; finally, in the mid-1950s, by joining a lawyers' collective to defend the FLN, the main group opposing France's occupation of Algeria.

Representing the FLN meant denouncing both colonialism and torture, and in Djamila Bouhired, an FLN runner facing the death penalty, Vergès found an uncannily perfect embodiment of the cause: a young woman of unshakeable commitment, stoic and eloquent, who had been tortured by French officers. But it was a hard case. A lynch-mob vibe dominated her trial. Paratroopers packed the courtroom daily; the pros-

ecutors and the judges took procedural shortcuts. Vergès was threatened; a colleague was assassinated. With Vergès effectively muzzled, Bouhired was sentenced to death.

Vergès immediately launched a massive public relations offensive. He published the closing argument he hadn't been allowed to deliver in court, prompting waves of petitions, letters of sympathy, and demonstrations clamouring for her pardon. "Djamila" became a cause célèbre. And soon, her death sentence was commuted to life in prison.

The "rupture" defence was born. Vergès had managed to exploit the irreconcilable gap between the French military tribunal, which considered the members of the FLN to be terrorists, and the defendants, who saw France as an illegal occupier and called themselves Algerians and freedom fighters. Facing a certain loss in court, Vergès thought that "the only way to change the power dynamic" was "to turn to public opinion" – and put the court and its patrons on trial. This was a simple notion but a bold departure from the conventional defence strategy adopted by Vergès' liberal colleagues – what he calls *la connivence*, or collusion – which sought leniency in sentencing by minimising the guilt of the accused.

Some say Vergès' approach flopped in Algeria: all of his clients were sentenced to death. He says it succeeded: none were executed. It was the defendants who played nice and pled extenuating circumstances that went to the guillotine. That's because, explains Vergès, "carrying out an execution is a political decision that takes public opinion into account." Vergès may have lost the legal case in court, but he won the political battle outside it. In fact, he won two political battles: he saved his clients' lives while publicising their struggle, and he exposed the French government's practices in Algeria.

Vergès' campaign continued after Algeria's independence, in 1962, but the golden years were over. He married Bouhired, who had been released from prison and was now a national heroine (he had separated from his first wife, with whom he had one son, a few years earlier). They had two children and a half-settled domestic life as he shuttled between Paris and Algiers. He failed to get the job he had hoped for working in the first Algerian government, and began to edit one, and then another, Maoist political magazine. He took on cases defending Palestinian terrorists – the big national liberation struggle of the time – but with limited success. Already, it seemed that Vergès' political, professional and personal interests might never converge as perfectly as they had in his work for the FLN.

Meanwhile he continued to theorise. In 1968, he published *La Stratégie Judiciaire*, which set out the main tenets of the rupture defence, tracing its roots to great historical trials (Socrates, Antigone) and literary classics (Dostoyevsky, Stendhal). The trials of Jesus and Joan of Arc were textbook rupture cases; that of Dreyfus, archetypal *connivence*. He also returned to the lessons of the Algerian War. It was important, he wrote, to remember who the real culprits were: to denounce torture "without referring to its political context, to treat the executioner as a criminal while feigning to believe in the conscience of the minister is to pretend that a colonial war can be pursued in white gloves and with the UN Charter in hand."

Grand thoughts for days tamer than he would have liked. The student riots of May 1968, even though they eventually helped bring down the French government, seemed "like a mockery" to Vergès, "a kind of happening for earnest bourgeois and prudent dissenters, like a huge ideological orgy". One evening in February 1970, after attending a political

rally in Paris, he vanished, leaving his family, his friends, and his career behind. He didn't reappear for almost nine years.

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Vergès lives and works in a private house near Pigalle, Paris's mouldy red-light district. It is white, with a grey slate roof and scarlet geraniums along the windows. Its shutters are always closed. He spends much of his time in a dark office on the second floor, past a vast antechamber with two big African statues lording over a collection of chessboards. The room is a picture of well worn opulence: a dark cerulean rug, champagne silk on the walls, the complete works of Balzac and Nietzsche. It was in this lair at the end of our first meeting, in 2004, that I asked him the obligatory question about his disappearance. Fat cigar in hand, head framed by a majestic peacock on the tapestry hanging behind him, he fed me one of the stock answers he routinely repeats to journalists: "Those were my sabbatical years." (Another favourite: "I stepped through the looking-glass.") Vergès' disclosures are as carefully curated as his decor.

He mangers mystery to spark speculation: although he volunteers no information about where he spent the 1970s, he denies almost no theory. He might have left to escape creditors, a life grown too mundane, or a shady affair involving the unexplained death of former Congolese prime minister Patrice Lumumba's presumed assassin. Or, struck by the revolutionary's midlife crisis, he might have gone off looking for a new cause. According to Henri Leclerc, the former head of the French League of Human Rights, "Vergès isn't the type to philosophize on a Greek island and watch birds fly. He is not a mystic. He is a man of action". A favoured hypothesis is that he rallied the Khmer Rouge in Cambodia – but Barbet Schroeder's documentary, *Terror's Advocate*, seems to disprove it, based on a private investigation and denials from Pol Pot's second-in-command. Stints at PLO bases in the Middle East appear more likely, if marginally so, as does, perhaps, an extended visit to China. (Vergès and Bouhired had met Mao on their honeymoon.) In his preface to Vergès' book *Je Défends Barbie*, the writer and publisher Jean-Ederm Hallier claims to have met Vergès "successively in the Bolivian maquis in 1973, with the Khmers Rouges, and in a warehouse of Tel Aviv". Carlos the Jackal says that Vergès travelled "here and there" until he was arrested, tortured and flipped by Western secret services. "The French had him by the balls," Carlos told me by phone, in 2006, from the maximum-security prison where he is serving a life sentence. Vergès won't talk about that time, according to Carlos, "because he cannot, because he broke down."

In saying so little, Vergès reveals a steely discipline, and a public persona both genuine and thoroughly constructed. He is flamboyant the better to be withholding. Vergès, now 84, is calm but sprightly, witty and irreverent – altogether charming company – but interactions with him have a hollow quality; they lack emotional resonance. The third floor of the house in Pigalle, which is where he lives, is off-limits to even his closest friends. Jean-Louis Simoën recalled with a chill the reunion between Vergès and the cartoonist Siné, one of Vergès' old friends, after his years of disappearance. "I'll remember the scene for the rest of my life," Simoën told me a couple of years ago. Joy flashed for a minute at most, and then, "once the emotion had passed, the man was of marble. Everything slid off him. Nothing. Impenetrable."

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Vergès reappeared in Paris in late 1978 the same way he had vanished,

with no warning and no explanation. Djamila had left with the children; he had a practice to rebuild. François Mitterrand was soon elected president, marking the ascent of *la gauche caviar*, an elite socialism that Vergès abhors as wimpy and hypocritical. It was also the heyday of radical leftist terrorism, and in short order, Vergès became one of its regular counsels. He resumed his work for the Palestinian cause and started representing its new foot soldiers in Europe: Magdalena Kopp and Bruno Bréguet (who ferried explosives for Carlos); Georges Ibrahim Abdallah (who had murdered the US military attaché in Paris); Khomeini's hitman Anis Naccache (who botched the assassination of the Shah of Iran's last prime minister); and later, Carlos himself. For Isabelle Coutant-Peyre, then Vergès' apprentice, now Carlos's lawyer and wife, the 1980s were days of "ebullition" and fun.

They were also among the shadiest of Vergès' career. Declassified Stasi documents suggest that Vergès was in regular contact with Carlos, before and beyond what was required to defend him or his associates. (Vergès denies this.) He is said to have been on a hit list of the French government antiterrorism's unit. (Of this, he is convinced.) He was certainly playing politics at the highest levels: in a sketchy deal with the French and Iranian governments, he managed to get Naccache released from prison. Haunting a number of these cases was the spectre of François Genoud, a Swiss Nazi sympathiser and Hitler's literary executor, who is believed to have paid the legal bills. Genoud is also said to have funded the most infamous of Vergès' cases: the defence of the SS Klaus Barbie.

Barbie, aka the Butcher of Lyon, was arrested in Bolivia in 1983 and extradited to France, for killing members of the French Resistance and ordering the deportation of some 300 Jews when he was the head of the Gestapo

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in Lyon four decades earlier. Vergès took the case, confounding people who had admired him for fighting the Nazi occupation of France. Even those who agreed that Barbie deserved a lawyer, and a good one, and maybe even Vergès, never forgave him the violence of his tactics.

The trial opened on May 11, 1987. It was to be a grand affair: a history lesson and morality tale played out before a national audience – France's Eichmann trial. The largest room in Lyon's main courthouse, with vaulted ceilings and giant colonnades, was converted to accommodate a raised stage for the judges and 800 folding chairs for the audience. To the left of the bench were rows of prosecutors and representatives of victims' groups – 39 in all. On the other side, sat the 73-year-old Barbie, looking elegant – dark suit, dark tie, an Italian collar – and below him, Vergès, with his chin raised. Barbie had a Sphinx's smile that offended and made headlines. On the second day he contested the court's authority: having been kidnapped, he stood before the judges as "a hostage, not a prisoner." He appeared in court again only once.

In Barbie's absence, Vergès stole the show. Despite his promises in the lead-up to the trial, he never delivered any dirt about betrayal among top *Résistants*. But he inflicted plenty of damage anyway. He argued, halfway convincingly, that the one document linking Barbie to an order to deport 44 Jewish children was a fake. He challenged, brutally, little old ladies from the Resistance as they choked up recounting scenes of torture. (It was "anatomically impossible" for a dog to rape a woman, as one witness claimed to have seen.) He was accused of singing German love songs in Barbie's cell (an erroneous rumour, he told me, but why contest it?); he was spotted dining at Bocuse with Barbie's daughter and son-in-law ("extremely respectable people"). He delivered his closing argument – dazzling, shocking – over the course of three days, flanked by two other lawyers, an Algerian and a Congolese. And the trio, a kind of "We Are the World" legal coalition, claimed that European slavery and recent massacres at the Palestinian refugee camps in Sabra and Chatila were crimes against humanity no less than the Nazi concentration camps had been.

Françoise Capéran, a philosophy teacher who was covering the trial for French radio, recalled the rhetorical power of Vergès' argument: "There had been others. There had been worse. The construction of the railroad in Congo: one black dead for every crossbeam! Vergès was inhabited by this. And you could hear it! You could hear it! The dead were speaking. Any dead. Blacks, yellows, those who are less educated than we, those who believe in gods we find silly – no matter. A man is a man." Capéran signed up on the spot to work for Vergès and, then to help ward off charges that he was an anti-Semite, asked to be called Bloch, her mother's maiden name. Today she keeps his books, screens his calls, and orders his flu shots.

If denying the Holocaust its specifi-

cally inspired Bloch as a kind of universalism, to many more observers the argument reeked of bigotry. In his book about the trial, *Remembering in Vain*, the philosopher Alain Finkielkraut claims that "the spectacular collusion of the representatives of the Third World with a Nazi torturer" made "a mockery of the Nuremberg Trials." Friends and colleagues of Vergès also balked at the moral equivalency, though for their part it was because it appeared to betray his own values. Vergès had lambasted the French in Algeria for behaving as badly as the Nazis, and now he was absolving a Nazi for doing no worse than the French? The revolutionary seemed to have become a cynic, a mercenary paid in publicity.

Vergès insists he was being coherent. "I would like to defend my worst enemy; that would be the greatest moral," he has said. He explained his decision to take the case: "Friends told me: 'Barbie must be defended but not by you.' But he cannot be defended by a collaborator: Nazis and collaborators meet. If he is defended by a former Free French, then it was worth fighting the war, then we have a real democracy." Over the years, Vergès has told me, "I wouldn't have defended Barbie if I had had to argue the superiority of the Aryan race," and "I used to tell Barbie, 'You are not innocent. You are not better.'"

In other words, Vergès wasn't defending Barbie's actions, his values, or his character; he was explaining Barbie's plight. For Vergès, Barbie was, much like a French officer in Algeria or an American soldier during the Vietnam War, "a tragic character of our time: the subordinate officer of an occupation army in a country that resists". And as in Algeria and Vietnam, in Nazi-occupied France, the real culprits were the politicians. "By turning him into a monster, you exonerate Nazism. But if you say that he is a simple, pious character, then you condemn the regime, and that is much more important."

It was especially important for Vergès. Insisting on the "extreme modesty" of Barbie's position allowed Vergès to transcend the apparent contradiction of his defending a man who embodied the type of oppression and torture he had denounced in his work for the FLN. With that rhetorical pirouette, Vergès turned Barbie's trial on its head and indicted the French government – including the sitting president, Mitterrand, who had served as interior minister and justice minister in the late 1950s – for having once ordered crimes similar to those for which they were now trying Barbie. The Barbie case was not a detour from Vergès' path; it was a return to its starting point. It was a chance for Vergès to relitigate the Algerian War, and on a far grander stage.

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Vergès' style can be so dramatic and provocative as to overshadow, at least in the eyes of the prudent and the polite, the purpose of it is meant to serve. It can also make him appear callous toward his clients' victims. He handled some of the witnesses at Barbie's



Vergès and Barbie in court at the opening of Barbie's trial in May 1987. Lyon's courthouse was converted to accommodate a raised stage for the judges and 800 folding chairs for the audience. Peter Turnley / Corbis



## review

8,895

Number of bodies discovered after the fall of the Khmer Rouge at the Choeung Ek killing field, where many S-21 prisoners were executed.



Vergès with Khieu in Phnom Penh, 2006: Vergès' work for the FLN helped midwife the independence of one country; now he is defending a movement that almost destroyed another. Photo by Stéphanie Giry

trial with inexplicable virulence. He seems generally unconcerned with the victims' experiences. He has not seen Shoah: "It doesn't interest me. I'm not a negationist, but whether 500,000 or six million were killed does not change the horror of the story." He has never visited – and has refused my invitations to go to – S-21, the prison in Phnom Penh where the Khmer Rouge tortured and executed more than 12,000 people. Last December, at a press conference following a hearing about the detention of Khieu Samphan – he was arrested in 2007 – Vergès appeared vaguely amused when a brawl almost ensued between his Cambodian colleague and an overwrought court visitor who'd lost family members under the Khmer Rouge. Predictable in their pain, anger, righteousness, the victims tend to be less interesting to Vergès than the perpetrators. "I understand immediately the 3,000 questions posed by the victims of September 11," Vergès told me. "The one who poses a real question about our time is bin Laden."

Some claim that, though Vergès is more interested in his clients, he is just as ruthless with them. He described defending Barbie as an "opportunity to see the Resistance at work in France. Who betrayed? How did the Germans behave?" But others believe he used Barbie for his own ends. The Nazi hunter Serge Klarsfeld, who had helped track down Barbie in Bolivia and represented victims' families at his trial – and so might be expected to care only moderately about the details of the man's defence – lambasts Vergès for "burying his client in prison" (Barbie was sentenced to life and died of leukaemia four years into his term.) Vergès "acted against the interests of his client" by "returning him to his cell," Klarsfeld told me in late 2006, still in a rage some 20 years after the trial, because Barbie's presence in court would have intimidated witnesses in a way that Vergès, who "hadn't studied the file," could not. Vergès, goes the implicit charge, is an opportunist: rather than mastering the technical aspects of his clients' cases, he uses them to grandstand in the limelight.

By now, however, a quid pro quo has developed between Vergès and his customers: some may serve his notoriety, but his reputation serves them, too. In 1994, he defended Omar Raddad, a Moroccan gardener accused of murdering the rich Ghislaine Maréchal, his employer, based on flimsy circumstantial evidence. A note drawn on a wall in Maréchal's blood named Raddad as the killer. Vergès claimed she hadn't written it – it contained a spelling mistake a woman of her standing would never have made; therefore, Raddad was being framed. The jury convicted him anyway, to 18 years in prison. A lawyer familiar with the case told me that though Vergès underperformed in court, he was "admirable" afterward. As soon as the verdict was announced, Vergès made a stink about some procedural irregularities. Turning to journalists on the steps of the courthouse, he indicted the judgment, the tribunal, the judicial system, and all of French society with one swift reference to the Drey-

fus affair. "One hundred years ago, an officer was condemned for being Jewish. Today, a gardener is condemned for being North African." Raddad was pardoned within two years and free within four.



One very hot morning in late July 2006, a motley bunch of reporters and civilians is assembled in the courthouse in Bobigny, a northern suburb of Paris, to see Maître Vergès in action. The occasion is a hearing in one of the biggest drug busts in French history: the Saudi prince Nayef bin Fawwaz al Shaalan has been charged with smuggling two tonnes of Colombian cocaine into France – stashed in 66 Samsonite suitcases in his private jet. The subject of an international arrest warrant, Nayef has sensibly decided to stay put in Saudi Arabia; he is being represented today by his twin brother Saud, in tight powder-blue pants and pointy lizard-skin pumps.

A half-dozen journalists hover in the atrium, hoping for sound bites. Vergès is happy to oblige. As is typical for French justice these days, he says, in this case, too, "the judge already knows who is guilty; his pinkie told him". He goes on to explain why the evidence – plane tonnage, flight patterns, luggage size, among other things – doesn't hold up and concludes that the prince is really on trial, at the behest of the US government, for doing oil business with the wrong people, namely the Venezuelan government and the Medellín drug cartel. "I know lawyers and magistrates who spend their nights in Pigalle," he says, to expose the problem. "And that doesn't make them pimps." A reporter teases: "But you, Maître, are the greatest bandit in the world."

The hearing, it is announced, will be delayed until the afternoon, and so a small crowd decides to repair with Vergès to the terrace of the nearby Restaurant du Palais for refreshments. Joining him and Saud are two Saudi bodyguards; Hélène, an assistant of Vergès'; Claude, a social scientist struggling to make sense of the Khmer Rouge; Régis, a psychiatrist who once treated Vergès' client the Serpent; and an unidentified young man with a black eye. Orders are taken: apricot nectar, Orangina, Perrier, beer, and, for the wounded, champagne and a banana split.

For many hours – hours lengthened by the asphalt-melting heat – the group talks about oil prices, Saudi-Iranian relations, the ongoing war between Lebanon and Israel, Abu Ghraib. The mood is playful. Vergès quotes Napoleon, à propos of nothing: "I win my battles with the dreams of my sleeping soldiers." A passerby interrupts his cell phone conversation to yell that he's seen Vergès on TV. Claude challenges Vergès: "How dare you put on the same level the crimes of dictatorships and the crimes of democracies? In democracies, there are human rights." "Precisely," Vergès replies. "In democracies, we are that much guiltier."

That evening, finally in court, Vergès's fans fill the first few rows of an aggressively modern room – brick walls, concrete ceiling, bright blue

metal beams. Vergès, now donning his black robe, has approached the judges to submit a brief arguing that the arrest warrant against his client is invalid. The prosecutor, a frizzy brunette, balks and asks for an extension. Vergès says, "These are standard legal arguments; no new facts are presented. You are equipped to answer this." She challenges him, "What if I'm not equipped?" "Then you should quit," he answers.

Saud shuffles and sighs. Vergès walks over to him and asks, "Did you hear that? Unbelievable!" Régis says, "The bastard fears the falcon." Claude: "It seems as though she's under direct orders." Vergès: "All for fear of addressing the substance." Saud: "This whole thing is corrosive on the inside. It's like a rape." Vergès, wryly: "And yet searching for the truth should be a consensual process." The judges grant the extension and the meeting is adjourned, though not before the prosecutor, seeing Vergès on his way out, mumbles a complaint about his failing to formally take leave of the Prosecution, as is "customary" and "courteous". Vergès frowns, and struggling to hear her, says, "articulate, articulate", and walks away.

Whatever the forum, whatever the audience, Vergès wants to have the last word; every case, every conference, every interview is his show. This hasn't ingratiated him to the authorities, but over the years, at least in France, it's earned him quite a few groupies. Just a few weeks after the Nayef hearing, he was in Geneva to compete in an orators' joust. A cab picked him up at his tony hotel by the lake to take him to the Palais de Justice in the old part of the city on the hill. The driver, an Algerian in his

thirties, greeted Vergès like he knew him ("Bonjour, Maître") and then wouldn't let such "a friend of Algeria" pay for the ride. An hour later, in a hallowed hall filled with blondes in beige and men in pin-stripes, Vergès drew coos of delight by riffing on the transformative power of trials, by way of Socrates and Antigone, Joan of Arc and Stendhal.



Now Vergès seems on a mission to outbid himself, in and out of court. These days, he is performing in a one-man show called *Serial Plaidéur*, a play by him, with him, and for him. For two hours at a time, on a stage recreating his office, with some of his own furniture on loan, he again invokes Socrates and Antigone, Joan of Arc and Stendhal to riff on the transformative power of trials. One evening in late February, after the 60th show, he revealed visibly in the claps and the compliments, in the confetti of "Bravo!" and "You touched me terribly!" showered on him on the sidewalk outside the Théâtre de la Madeleine. Vergès is always ready for his close up, and he never pretends otherwise.

Having spent decades excoriating the French establishment, he is now increasingly turning his ire toward the United States and the international community, and volunteering to represent bigger and badder clients – Saddam, Milosevic, Khieu Samphan. In Simoën's view, Vergès seeks out these "hypertrophic beings to feed his own self-image." But his appetite is growing even as international criminal law is strengthening, which means that the gap between these legal norms and Vergès's views is widening. "The notion of crimes

against humanity, of which democracies are so proud," he has written, "is, in its application, obscene. It applies only to crimes committed by others."

When there was talk, in 2004, of his defending Saddam, Vergès warned that he would summon then US Secretary of Defense Donald Rumsfeld to explain a certain well-photographed handshake. He also filed a complaint before the International Criminal Court claiming that Saddam had been mistreated while in the custody of the British government – this, somehow, intended as a jab to Washington. In 2006, Vergès and Dr Patrick Barriot published the pamphlet *How The Hague Tribunal Eliminated Slobodan Milosevic*, arguing that the ailing Milosevic had been left to die in detention. Again and again, Vergès denounces traditional bourgeois society for embracing grand principles but readily renouncing them when they become inexpedient. And for him, international criminal law, western democracies' grand contribution to contemporary jurisprudence, expresses this hypocrisy to the nth degree.

Françoise Vergès, Vergès' niece and an academic, says that his contribution during the Algerian war allowed everyone to "be less ashamed later". But what about his work now? When Vergès points out that the West's motivations are political, he seems to imply that such inconsistencies necessarily invalidate any effort to call other groups – the Nazis, the Khmer Rouge – to account for their crimes. Be perfect or be quiet. He doesn't ask the harder, and perhaps more important, question of how to confront all the parties' wrongs without letting the flaws of one foreclose an assessment of the others.

Khieu's trial is another easy opportunity for Vergès to flay the West, especially the United States, which helped set up the rickety tribunal to judge Khmer Rouge leaders only after backing them diplomatically for two decades. But it is complicated in every other respect. Vergès could defend the FLN in the 1950s, and wholeheartedly, because his values and the movement's converged perfectly: they both opposed colonialism and torture at once. He could also defend Barbie in the 1980s, paradoxically, because Barbie stood for the exact opposite on both counts. All he had to do was to turn the case on its head – as he did, with a combination of rupture and *connivence*. The Khmer Rouge, on the other hand, might be said to have fought for independence and in its name to have justified torture and more – utopian social reengineering, mass deaths.

In other words, Khieu's trial, unlike the FLN cases and the Barbie affair, pits Vergès' two main causes against each other. Hence the need for Vergès to argue that Khieu wasn't a big decider, just a "fellow traveller" – the need to tone down his rupture approach with some *connivence*, as with Barbie. Only Khieu wasn't just a police captain in an occupying army that was eventually defeated. He was the president of a regime that bankrupted itself. And he was Vergès' friend. Against this far more complicated backdrop, the bold, sweeping style that made Vergès'

reputation a half century ago could very well deserve him now. Unless he can bring down the whole tribunal before Khieu's trial even begins, his bombast, no matter how brilliant, risks turning him into a caricature of himself.



Vergès travelled to Phnom Penh in April to argue that Khieu should be released from detention as preparations for his trial were dragging on. Vergès had failed to show up at a hearing about just this question in February – dilatory tactics, his detractors had said; in fact, Bloch needed emergency surgery after a bad fall. Suspicions were high because of the run-in with victims last December, and because Vergès had already been reprimanded for claiming that the court's failure to translate every single page of the case file into French voided the whole procedure. In the meantime, the tribunal had also got itself into some trouble. Long accused of being too slow – only one of the five defendants, Duch, the commander of the S-21 torture centre, is on trial – more recently it had been hampered by budget shortages, corruption charges, and a disagreement among the prosecutors about whether to indict more surviving Khmer Rouge leaders, including a few who sit in the current Cambodian government.

The night before the hearing, Sa Sovan, Khieu's Cambodian lawyer, treated some colleagues to dinner at a favourite Chinese restaurant. Vergès, Duch's lawyer François Roux, and two junior attorneys were ushered into a windowless back room. A TV on a metal arm jutted from a yellow wall. Sa Sovan ordered for the table, and the conversation soon turned to court news: the latest bailout from the Japanese government and prime minister Hun Sen's recent warning that more indictments would prompt civil war. Vergès was high from a strategy meeting that afternoon at which several defence lawyers had discussed leveraging the corruption issue to their clients' benefit. He was tempted to raise the matter in court the next day. Roux said, "Word is, the United Nations is thinking of pulling out and letting the Japanese foot the bill." Vergès was sceptical the Japanese would agree. Sa Sovan thought they might: "They'd really get to stick it to the Chinese." The smoked pork and black-chicken soup took a spin on the Lazy Susan. Roux goaded Vergès. "You really should raise the corruption issue. You'd get a second warning." Vergès smiled. "Last time, I was thunderous. Tomorrow, I will be perfidious."

The next morning, behind a wall of bulletproof glass, Sa Sovan and the prosecutors droned on in Khmer debating whether the ageing and ailing Khieu would flee or intimidate witnesses if released. Vergès didn't bother to listen to the translation through his headphones. Slouched back in his swivel chair, he was staring at the ceiling and spinning around, at times with his back to the bench. Eventually, Judge Rowan Downing, an Australian with silver curls, asked him to reply to the prosecutors' objections. Vergès said he wanted to express concerns about corruption. Downing responded that the matter was not on the agenda and should be postponed.

Vergès, suddenly stentorian, claimed to agree: "I will be quiet because I should not be more concerned about your honour than you are yourselves – if you believe that we should not discuss corruption here, I will not force the discussion on you. I will be quiet because I understand your caution in this regard and believe that the presumption of innocence you sometimes deny the accused might benefit you. I will be quiet because the head of state who hosts you has said publicly that he wants you to leave, turning you into moral squatters. I will be quiet because the head of state who hosts you has said that you are interested only in money, corroborating the accusations, grounded or not, that corruption plagues this tribunal."

Roux wasn't in court for Vergès's "J'accuse" moment, and when he unexpectedly walked into the defence lawyers' office late that afternoon, wearing a straw hat and ready to call it a day, Vergès debriefed him. Vergès repeated his tirade point by point. Roux chuckled along the way. "Think this tribunal is over," Vergès said. "And I think I made my contribution, by turning the possibility into a probability. I tell you, it was like saying to a call girl, 'You're such a whore.'" Roux went "Ohhhh," in mock outrage. They laughed.

Soon Vergès said his goodbyes. In a few hours he would be flying to La Réunion – the next stop, before Beirut, Damascus and Spoleto, on the world tour of his new one-man show.

Stéphanie Giry is deputy managing editor at Foreign Affairs. Travel for this article was partly funded by the Pulitzer Center for Crisis Reporting.



The clients: (clockwise from top left) Djamila Bouhired, Carlos the Jackal, the Holocaust denier Roger Garaudy and George Ibrahim Abdallah. AFP Photo