

To Catch a Dictator: The Pursuit and Trial of Hissène Habré
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I first met Reed Brody on a sunny day in Dakar. It was the afternoon of 30 May 2016, a few hours after the historic Habré verdict was delivered. He was sitting next to the swimming pool of the hotel Novotel where lawyers, activists and journalists from international media outlets were gathering to celebrate and reflect on the court victory. Earlier that afternoon, the former Chadian dictator Habré was found guilty of crimes against humanity and war crimes and sentenced to life in prison. Brody was looking tired but relaxed as he was being interviewed by journalists. The swimming pool reminded me of that other swimming pool: *La Piscine*, the one-time swimming pool Habré had covered by a concrete roof and converted into a torture chamber, the chamber where Habré's enemies were kept and tortured during the eight long years he ruled Chad from 1982 to 1990. It was here that Habré's security guards routinely tied up prisoners and forced their mouths over exhaust pipes of cars whose engines were running.

Six years later, Brody is treating us to his book *To Catch a Dictator*. The book is catchy, easy to read and inspiring. Brody is a natural storyteller. The book tells the story of Brody's determination to pursue Habré and obtain justice for the victims of Habré's atrocities. This is not an academic book. It contains no footnotes and mentions hardly any academic sources. Brody has left the academic articles to academics. The story he tells is a compelling and highly personal tale of succeeding in bringing Habré to justice against all odds. The tools of this trade are not theory or academic pretence, but rather patience, nerves of steel, blood, sweat and tears. The book fits in the tradition of books such as Philip Gourevitch's brilliant *We Wish To Inform You That Tomorrow We Will Be Killed With Our Families*, an account of the Rwandan genocide. Brody's book is more personal than most books belonging to this genre. He tells the story of his own motivations for taking the case, the relationships he built during this time, the twists and turns of the case and his perceptions and observations of the politics involved in the case. At various points, just when he thought a breakthrough was possible in the prosecution, he and his team would be frustrated by politics, false promises and diplomatic manoeuvring. The book shows that international criminal justice depends on politics more than law. Brody and his team had to penetrate the thick wall of protection that Senegal built around Habré.

Chasing Habré was particularly complex and treacherous. Brody once asked the French journalist Christian Millet what he thought the former dictator's strategy was. Millet responded: 'Il vous attend dans sa grotte' [Habré was waiting for Brody in his cave]. Brody writes:

'In withdrawing and surrounding himself with powerful defenders, he was reverting to his days as a rebel fighter in the rocky desert of northern Chad, playing on terrain he knew better than me' (at p. 95).

The book is unashamedly personal and it is personal for a reason. It shows how one man, one individual can make a difference. But Brody repeatedly resists being the centre of attention and taking all the credit for Habré's conviction. He constantly reminds the reader that he was part of a team of victims and lawyers who persisted in pushing the case forward, even on the bleakest of days and even when there seemed to be no hope. It has always bothered me that the war criminals and *genocidaires* tend to receive the bulk of academic, journalistic and literary attention, whereas the victims often remain unknown. Intentionally or unintentionally, Reed succeeds in correcting this in this book. He highlights the role of two victims in particular: Souleymane Guengueng and Jacqueline Moudeina, who were the driving forces behind the case. But he also pays a fair amount of attention to other prominent victims, including the two gravediggers Sabadet Totodet and Clement Abaifouta, who had to collect the bodies of the dead inmates from seven secret DDS jails and bury them in a mass grave outside the city of N'Djamena. The site of the mass grave came to be known as the Plaine des Morts or the Plain of the Dead.

Souleymane Guengueng wears thick glasses because the beatings he received in prison damaged his eyesight. He was working as an accountant in Chad when Habré's police, the so-called DDS, accused him of participating in illegal political activities. He spent three years in a number of Habré's prisons, including La Piscine where he was tortured and saw many of his fellow prisoners die. Guengueng took an oath from his prison cell that should he ever get out, he would fight for justice for his fellow victims. He became one of the most compelling witnesses in the case.

Jacqueline Moudeina, the Chadian rights defender, is the other major character in the book. She started collecting evidence against Habré in 1995 and continued to do so for more than ten years. In 2000, while living in Senegal, she filed a case against Habré. She later became president of the Chadian Association for the Promotion and Defense of Human Rights. In 2001, while leading a protest in N'Djamena against the re-election of Idris Deby, she was severely injured in an assassination attempt when a grenade hit her. But she remained undeterred. Over time she became Brody's closest partner in the case.

Brody is a veteran human rights lawyer who has worked at Human Rights Watch for 22 years. His human rights activism was triggered when he researched the atrocities committed against Nicaraguan civilians funded by US-funded contras. He subsequently left his position as Assistant Attorney-General for New York State to work for human

rights organisations. When Pinochet was arrested and challenged his arrest, Brody intervened in the case on behalf of Human Rights Watch.

Brody's pursuit of Habré took its toll. Along the way he was separated from his family, kept in protracted limbo, and had to sacrifice a lucrative UN job. It also took its toll on his marriage. He was called 'Reed Bloody' and a 'Westerner with an agenda' by his opponents. But he is quick to put all this in perspective and shift the focus to those who lost far more than he has: Habré's victims. He is constantly conscious of his privileged position and of the perils and risks attached to being seen as the driver behind the Habré litigation. Refreshingly, he makes a point of not passing this off as a one-man show. This should be a lesson to all those working in the field of international criminal justice who have developed almost a personality cult around some of the 'big names' in international criminal justice. The book shows that the work involves great personal sacrifice. It also shows that any kind of glamour is ultimately inappropriate and irreconcilable with the kinds of atrocities that war crimes law was developed to combat. It is Brody's willingness to roll up his sleeves and get his hands dirty, sometimes at great personal cost, that lends legitimacy to his pursuit of Habré and frees him from the 'Westerner with an agenda' critique.

Few cases seem to have had the ups and downs, twists and turns that the Habré case had over the 15 years since the first case was filed. For example, just when they thought that support for the case was gaining momentum, the ECOWAS court ruled in favour of Habré in 2010, prompting Brody to reflect:

The whole edifice of international justice inaugurated in 1998 with the creation of the International Criminal Court and the arrest of Augusto Pinochet seemed to be crumbling under the weight of political calculations and double standards (at 155).

Ultimately, the Habré case, like *Pinochet*, can be considered a triumph of universal jurisdiction. Brody describes how before the trial universal jurisdiction were mostly low-level perpetrators (or 'low cost' defendants). He describes the state of affairs at the time:

Indeed, the two broadest universal jurisdiction laws were simply repealed. Belgium's universal jurisdiction law crumbled under pressure from Donald Rumsfeld in 2003, and Spain's—the one used to pursue Pinochet—didn't last a lot longer, under similar pressure from China and Israel as well as the United States. Baltasar Garzón, the judge who had ordered Pinochet's arrest, became a target even for the Obama administration, which pressed for his removal after he began investigating U.S. officials for mistreating Spanish nationals at Guantanamo Bay (at 155).

In the years since the Habré trial, universal jurisdiction cases have increased significantly, and many believe that domestic prosecutions of this kind represent the future of international criminal justice. Cases such as the prosecution of Syrian torturer Anwar Raslan by a regional German court in Koblenz in January 2022 have injected new life into universal jurisdiction.

The Habré case did not come about as a result of developments in the field of international criminal justice. Pierre Hazan writes that the Habré case only became possible as a result of the 'singular conjunction of judicial and political factors'.¹ Hazan writes that the case was the product of a power struggle created and won by Habré's victims and human rights organisations.² Although the legal case was solid, the struggle to bring the case to trial was 'dauntingly complicated'.³

Politics both harmed and helped the Habré case. According to Brody, the French turned a blind eye to Habré's abuses (at 128). Brody believes it was the election of former French president Nicholas Sarkozy that created real hope for change in the French government's attitude. On the night of his election victory, Sarkozy announced: 'To all those who are persecuted by tyrannies, by dictatorships ... I want to say that the pride and duty of France is to be on their side' (at 128). But on the same day that Sarkozy expressed his support for the trial, he delivered a condescending speech in which he said that Africans 'had not fully entered history' and that history had bequeathed its people 'neither room for human endeavour nor the idea of progress' (at p. 130). One of my few points of criticism is that the book could have been improved by a deeper engagement with the hypocrisy of powerful Western states, the former colonisers. Brody is uniquely positioned to write on this. His next book perhaps?

I vividly remember the moment after the verdict was read. In a final act of defiance, Habré, wearing dark sunglasses, shook his fist at his supporters in the packed courtroom. To me, this meant that the fight for justice was far from over. There will always be those willing to follow in Habré's footsteps. Brody is already immersed in chasing former Gambian ruler Yahya Jammeh.

To Catch a Dictator illustrates how much it takes to bring a ruler such as Habré to trial. At times Brody had to be researcher, counsellor, lawyer, diplomat, lobbyist, fundraiser, chameleon, psychologist. One of the Brody's many hats was as publicist or marketer. He travelled to Canada for the release of a documentary on the case. Here he was

¹ Pierre Hazan 'Hissène Habré, the little bird on the branch, and the challenges of international criminal justice' in Sharon Weill, Kim Seelinger and Kerstin Carlson (eds) *The President on Trial: Prosecuting Hissène Habré* (2020) 393.

² Ibid.

³ Ibid 394.

approached by a man called Jeremy Kleiner who worked with Brad Pitt and who told him that Pitt was interested in making a film about Habré. This project never got off the ground. But any Hollywoodification of the story would have done damage to the truth. This, ultimately, is a story about a Chadian man in thick glasses, a man who has seen too much, who now lives in a small apartment in the Bronx. And it is a story about a brave woman carrying shrapnel in her leg. And it is about the screams that still haunt these and other survivors at night.

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