

*Bogoro, inquiry-artwork by Franck Leibovici and Julien Seroussi #1*  
**Where art enlightens international justice**

INVESTIGATION BY VIRGINIE BOBIN

At the crossroads of art, poetry and international justice, Switch (on Paper) is publishing a text in the form of a multi-episode investigation, retracing the different stages of a project conducted since 2014 by Franck Leibovici and Julien Seroussi at the International Criminal Court (ICC). This inquiry-artwork takes as its starting point the Katanga/Ngudjolo trial, named after the two militiamen accused of war crimes and crimes against humanity committed in 2003 in the village of Bogoro in the Democratic Republic of Congo. This first text is an introduction to the investigation.

Since 2014, Julien Seroussi, a social science researcher, and Franck Leibovici, an artist and poet, have been jointly investigating the tools, protocols, standards and procedures at work in an international justice system that is constantly reinventing itself. Their project stems from Julien Seroussi's experience as an assistant to one of the judges of the Katanga/Ngudjolo trial at the International Criminal Court (ICC) in The Hague, Netherlands, between 2009 and 2014. Germain Katanga and Mathieu Ngudjolo, two alleged militia leaders, were charged by the Court with war crimes and crimes against humanity, committed in 2003 during an attack on the village of Bogoro, in the Democratic Republic of Congo (DRC). However, the evidence presented by the prosecutor's team at the trial (the second to take place at the ICC) did not convince the three judges "beyond a reasonable doubt". Ngudjolo was acquitted, while Katanga was convicted of complicity. According to Seroussi and Leibovici, the trial and its outcome clearly illustrate the way the ICC operates, which is unknown to the general public, even though the court deals with serious human rights violations whose ethical, moral and political implications concern all citizens. However, the ICC's objective is not to try the highest officials (as may have been the case with Laurent Gbagbo, former President of Côte d'Ivoire, in a high-profile trial), but "the greatest crimes", encouraging national justice by pursuing the perpetrators involved to varying degrees, depending on political opportunity. Most of the cases concern "secondary" characters such as Katanga and Ngudjolo, often involved in very specific events that took place in peripheral areas, which may sometimes be difficult to access. The task of the court is all the more difficult to accomplish (and legitimize) as the socio-political context of the cases being tried is unfamiliar to the international legal teams whose work takes place thousands of kilometres from the conflict zones and several years after the events.

Rather than issuing a moral judgment on the work of the court or claiming to re-enact the trial, Seroussi and Leibovici undertook to review the materials on which the judges relied

(evidence, transcripts and audiovisual recordings of the trial) and subject them to different “professional visions” (artists, social scientists, exhibition commissioners, activists, etc.) to see how alternative approaches and ways of treating the facts could emerge from alternative accounts of the trial and, if necessary, to invite lawyers to adopt *a priori* methodologies outside their field. Their work, entitled, *law intensity conflicts*, has received the ICC’s approval. Over the past four years, this research has taken on various formats, public or semi-public (exhibitions, books, conferences, workshops, radio interventions), designed to produce *ad hoc* frameworks and tools to collectively test the complex issues raised by international justice, in their most concrete forms. For Leibovici and Seroussi, the ultimate ambition of the project is to establish a Medialab at the heart of the ICC which, by compiling the documentation of their experiences, could constitute a directory of tools for the court’s lawyers. A first prototype of this Medialab will be developed in 2020 through an exhibition and a series of workshops within the ICC buildings, in order to co-construct with members of different departments of the institution a number of devices or artwork-as-a-tool, which can help to treat future case documents in a different way.

## Inquiry-artwork

Such an extra-ordinary collaboration between a sociologist, an artist and the growing community of interlocutors at the ICC and beyond, gathered around the project, is part of an approach to art that is neither a “solarium model” - according to Leibovici’s amusing formula (whereby an artist “gets a tan from a historical or political subject” that inspires his work) - nor what we call “socially engaged” or militant art. Instead, the artist employs the term “inquiry-artwork” to describe the various “redescription” and mediation operations that make it possible to revisit and reveal the potential of the materials studied, and thereby manufacture tools that can circulate in a wide variety of contexts and audiences and, ideally, convince the court of their utility. As Leibovici explains, “if we can change the way we define “a work of art” or the word “poetry” through new instruments and collectives, then there is a chance that it will produce an effect and have consequences on the institution”.

Despite its scope, it is important to note that for *law intensity conflicts*, Leibovici and Seroussi have so far received no structural financial support. While the ICC has provided technicians and an interpreter to extract audio book footage from the trial video, it provides no direct economic assistance - which allows Leibovici and Seroussi to maintain their independence. The project therefore advances at the discretion of occasional invitations from museums, libraries, art centres, reviews, research groups, private foundations and even contemporary art fairs, without the available “production” funds providing the slightest remuneration. However, in November 2018, the duo was invited to participate in the anniversary exhibition of the 20th anniversary of the Rome Statute (the ICC’s founding treaty), jointly organised by the French Ministries of Justice, Foreign Affairs and National Education, proof that their work interests the highest institutional levels. In the same year, they received their first financial support, in the form of a two-year research grant awarded

by the Research and Prospective Department of the Maison des Sciences de l'homme foundation in Paris, followed by the Fondation Carasso. In general, finding appropriate financing frameworks for such a hybrid, multifaceted enterprise is a challenge. This illustrates the precarious economy in which such inquiry-artworks - which resist the current art market as well as disciplinary categories - are forced to evolve, despite the interest they generate.

In this sense, the title of the text, "Those who go round and round in circles", can be read in several ways: it is the literal meaning of the Swahili word "muzungu" (a slang term meaning "whites") used in the DRC to designate disoriented ICC investigators; "muzungu" is also the title of an interactive installation designed by Leibovici and Seroussi to highlight unexpected visual links between the pieces of evidence in the Katanga/Ngudjolo trial. This title can also refer to work around *law intensity conflicts*, to describe the tenuous but tenacious progression through the meanders of documents, conversations and institutions to allow the project to exist over time. The aim is to invite readers to follow this text sequence, which has been the subject of many conversations with Leibovici and Seroussi over the past four years. The series "Those who go round and round in circles" attempts to provide an overview of their work, their methods and those of international justice at the ICC, a complex subject of study if ever there was one.

## Translation by Angela Kent

1. The title *law intensity conflicts* refers to another cycle of works by Franck Leibovici, *low intensity conflicts* (1998-2016), which examined how some contemporary conflicts invent new ways of waging war. Following the geopolitical dimension of these conflicts, this new project focuses on the invention of international justice.

2. Franck Leibovici, "Sur quoi opère l'art", interview with Cristelle Terroni, *La Vie des idées*, 14 October 2016. <http://www.laviedesidees.fr/Sur-quoi-opere-l-art.html> (Consulted in October 2018).

3. Between 2014 and 2018, the project was presented to the Witte de With centre for contemporary art (Rotterdam); to the Ricard Foundation, the FIAC, the Kandinsky Library, the Quai Branly-Jacques Chirac Museum and the Institut des Études Avancées, as well as on radio stations France Culture and Chimurenga; it has been exhibited at art centres in Bunkier Sztuki (Krakow), nGbK (Berlin), La Chaufferie (Strasbourg), and the Cité Internationale des Arts (Paris).

4. *Juger- Créer. Regards sur la Cour pénale internationale*, from 26 November to 14 December 2018 at the Cité internationale des arts, Paris.