

Confronting An Atrocity: The Dutroux Case

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Marc Dutroux kidnapped and sexually abused a number of young Belgian women. When the case came to light in the summer of 1996 it prompted outrage and raised serious questions about both the investigation and how societies should respond to sex offenders. In exploring this case and its implications *Liz Kelly* highlights the need for remembering, making connections and developing coherent approaches to child sexual abuse.

Little more than a year ago international consternation and outrage focussed on one case of child abuse - the Dutroux case in Belgium. This short piece has two aims: to pull together what is currently known and reflect on its implications for how sex offenders and child sexual abuse is understood and responded to.

As with many other high profile child sexual abuse cases we are confronted by a paradox: we know both too much and too little. Too much in the sense that the abuse and its consequences were 'unbelievable', too much to bear. Too little in that we have only fragments of information, and even when the legal cases take place the stories that will be presented are unlikely to approximate to any kind of coherence or truth. This exploration is limited by what we currently know. The sources I have used include recent issues of a US newsletter *Believe the Children* and two searches on the Internet - one in May and one in September (searching on the name Marc Dutroux in May produced 452 hits - mostly from French, German and Belgian newspapers).

To make sense of what happened, and the responses to it, a little background on Belgian politics and the Belgian justice system is necessary. In common with much of Europe Belgium has an investigative legal system. In this model, judges do not merely preside over trials, but are required to conduct an investigation into the case, as part of their responsibility to seek the truth. In serious criminal cases a juge d'instruction (instructing judge) is appointed to oversee the investigation. This legal framework also affects how the police are organised; in Belgium there are three police forces - judicial, state and communal (local) - which operate independently, and even in conflict and competition with one another. Long before the Dutroux case serious concerns about political corruption and political interference into legal processes were evident in Belgium, as were divisions within the judiciary and the police. All of these issues came into play, as did the continuing animosity between the privileged Dutch speaking region of Belgium (Flanders) and the poorer French speaking Wallonia.

Gleaning the facts

At least six girls/young women were kidnapped and repeatedly sexual abused by Marc Dutroux and his accomplices between 1992 and 1996. An Marchal, Eefji Lambreks, Julie Lejeune and Melissa Russo were all killed. The case broke in August 1996 when two other girls were rescued. They had been kept for months in a disguised cellar in Dutroux's house; the cellar had been specially constructed and contained a cage. The two young women said they had been 'raped and taped' repeatedly. Two of the bodies were found at the same time as the survivors. The two other bodies were found two weeks later, following further confessions by Dutroux, in a cellar 15 feet deep under a concrete shack. As with the previous atrocity - the West case - police investigated a

number of additional properties expecting to find more bodies but the tally remained at four. The police made it clear that they believe Dutroux was connected to abductions of other girls, possibly 15 over a period of 11 years. It is unclear at this point whether this is based on evidence, or the desire of the police to attribute all disappearances of young women to one man/group.

Dutroux has confessed to six counts of kidnapping girls and is charged with four counts of murder. During the investigation over 20 adults were brought in for questioning, including a number of police officers; six have been charged with offences, including Dutroux's wife. The couple's three children, aged 12, 3 and four months, were living in the house in which the girls were held captive. Virtually nothing has been said about these children in the extensive media coverage.

Both Marc Dutroux's history, and what emerged about the investigation, ensured that the case took on additional significance. He had been charged in 1983 with the rape and torture of a 50-year-old woman, who told police he had put a razor blade in her vagina. The charges were dropped because of lack of evidence. Dutroux was, however, convicted in 1989 of multiple charges of kidnapping, unlawful confinement and sexual violation of five young women aged 12-19. He kept each for 24 hours, tortured them and then let them go. He was sentenced to 13 years. Under the Lejeune Law in Belgium convicted offenders who are of good behaviour only serve a third of their sentence. Dutroux actually served half his sentence, as he spent three years in jail before the trial. He was eligible for parole in 1992, and it was supported by a 4-2 vote in the parole board, on condition he sought psychiatric help. The Justice minister who approved the decision wrote on Dutroux's file 'follow very closely'; this appears to have been done in the most desultory way. Despite being registered as unemployed, and receiving benefit, Dutroux owned seven houses and several vehicles. All of the properties were subsequently searched; in one at Marchat Au Pont three underground cells connected by tunnels had been built.

The parents of the missing girls had been making strong public statements about the failure of the police to thoroughly investigate their disappearances. The details, which emerged after Dutroux confessed, served to both confirm and accentuate these concerns. Apart from his history of abducting young women, the local justice and police had been notified in 1994 that Dutroux was building dungeons in a cellar in which he intended to lock up girls before trafficking them. Another police informant had reported that Dutroux was quoting prices for abducted girls, and told a story of two girls being brought to him and his comment being 'The cage isn't ready'. During the investigation of the disappearances, police had searched his house three times. On one visit the sound of children crying was dismissed as coming from outside.

The fact that these leads were not fully investigated by either the police or the investigating magistrate is further underlined by the fact that their records of the visits to Dutroux's house, and the entire investigation were cursory to say the least. In a separate and never connected investigation by another section of the police, Dutroux was charged and convicted for car crime, and spent several months in prison. Two of the young women were captive at this point, and Dutroux maintains he paid one of his accomplices to ensure they received food and water. His account is that on his release he discovered one young woman had already died and the other was close to death through starvation.

He was finally brought in for serious questioning during the investigation of the most recent abductions. Two witnesses described a van, and a boy had memorised the number plate - it was a

vehicle owned by Dutroux. It was this piece of evidence which shifted a gear in the police activity, but much of the information about where the young women were was volunteered by Dutroux himself.

A number of revealing additional pieces of evidence have appeared in some of the more detailed reports, but little has been made of them in the attempts to explore the implications of the case. One of Dutroux's business contacts was a Brussels businessman; Jean-Michel Nihoul is believed to be the commercial organiser of the sexual exploitation. When questioned he admitted to organising sex parties at Belgian castles, which included VIP guests. He offered this (and no doubt other) evidence in the hope that he would not be prosecuted, but the prosecutor and Judge Connerotte refused to make any deal with him. Dutroux has also confessed to using the young women in pornography, and many tapes were discovered. The Prosecutor Michel Bourlet has said Dutroux is visible in some of the tapes, and the police have reported that published pornography including Julie and Melissa has subsequently been discovered.

One press report (*Sunday Express* 12.1.97) referred to suspected links between Dutroux and the self-styled Satanic Order of Abrasax based in southern Belgium. A letter found in the house of accomplice Bernard Weinstein (who Dutroux admits he drugged and buried alive) referred to the group and to the need to continue to procure 'presents' - in the form of human beings - for the High Priestess of the Order. The media were asked to withhold this information for many months. A raid on the group 'temple' - an anonymous cottage - resulted in seizure of hundreds of videotapes, racks of computer discs, two human skulls and jars of animal blood.

Cover-up, incompetence or corruption

As the horrific details of what had happened to the young women were augmented by details of Marc Dutroux's history and the failures of the investigation, strong suspicions were voiced in Belgium that Dutroux enjoyed police protection. Belgian Senator Anne-Marie Lizin said:

It's a question of stupidity, incompetence and corruption... Dutroux must be a friend of somebody important. Or else he was being protected because he was known to be a police informant... Stupidity can't be the only explanation.

National and international media reporting both reflected and fuelled public disquiet; in response the senior prosecutor Jean Bourlet stated that he intended to investigate the case "right down to the bone, if they let me". The last phrase served only to confirm the already extensive doubts amongst the parents and public that the Belgian justice system was not just incompetent, but also corrupt.

The drama reached a new crisis for the Belgian people with the removal of the investigating judge Jean-Luc Connerotte. This was requested by Dutroux's lawyer because the judge had attended a fund raising supper for an organisation for missing children; parents of several of Dutroux's victims also attended and the judge ate the spaghetti dinner and accepted a pen from the organising group. The Supreme Court deemed that these events sufficiently serious to compromise Judge Connerotte's confidentiality and removed him from the case on the 14th October.

This was the final straw for many Belgians. They already suspected a cover-up and the removal of a judge who they had begun to have confidence in fanned the flames. A petition for his

reinstatement was organised and a week of unprecedented protests, including strikes, culminated on Sunday October 20th with over 300,000 children and adults marching through Brussels. The march was both a commemoration and a protest, a remembrance of the young women and a demand for truth and justice. The rail companies and unions provided subsidised transport throughout Belgium and public transport in Brussels was free all day.

Recent developments

The promised detailed enquiry into the Dutroux case resulted in what has become known as the 'Dutroux Commission'. It included 280 hours of televised hearings; virtually no details of which were reported in the British press. Its first 300-page report was unanimously adopted by the Belgian parliament on April 18th 1997. Most of its recommendations focussed on three key areas: streamlining the three overlapping police forces; training and new procedures on how to respond to missing persons reports; and fundamental reforms of the justice system. Following publication Prime Minister Jean-Luc Dohaene promised a change to the constitution ending the political nature of judicial promotion. A second report is expected in autumn, which is supposed to address whether there was a cover-up, and assess progress on first set of recommendations. The fact that so little of the content and concerns relates directly to sexual abuse and trafficking reminded me of the Cleveland report which also skirted the central issue and confined its recommendations to detailing of how agencies and institutions should conduct themselves. Several key themes thread through both, so that the story is transformed into an account of incompetence, professional arrogance and the favourite institutional fallback - failure of communication. Calls for better training and inter-agency communication have for over a decade been used as a cover-up for inadequate policy and practice. Whilst British feminists are aware of failures in our child protection systems, many European countries have no national guidelines and procedures, and no infrastructure which could implement them. Commentaries by politicians and experts revealed that in Belgium the predominant understanding of child sexual abuse is a simplistic version of family dynamics/dysfunction that was successfully challenged by feminists in most English speaking countries in the late 1980s.

The Dutroux case and the media attention it garnered did result in debates on child sexual abuse and trafficking in the European Parliament. One outcome was the Daphne initiative which allocated EU funds to non-governmental organisations working against trafficking and violence against women. But both the content of the debates and the conceptualisation of Daphne suggest that there is limited understanding of the issues within the European governmental infrastructure.

What we weren't told

Whilst there were references in the reporting of the Dutroux case to a number of unsolved disappearances of young women in the 1990s, hardly any media attention was given to a campaign by the young sister of a 12 year old who had disappeared on a trip to a local shop in 1992. This neglect is strange, the story and the determination of the sister to discover the truth echoed the concerns of the parents, public and media. It becomes more understandable when we know that Loubna Benaissa came from a migrant family. It was only the determination of her sister, including writing a book about the disinterest in her missing sister's fate, which resulted in action.

Loubna's body was found in early 1997, 200 yards away from her home. She had been kidnapped, raped and murdered by a convicted sex offender who worked at a local garage. He had been cursorily questioned early in the investigation, and all the time her body was in a trunk in a building connected to the garage. The similarities between this and the Dutroux case, and the issues they raise, are obvious. Yet the only references I have found to Loubna Benaissa were a feature article in the Guardian this summer - many months after the body was found - and a paragraph in a report in the Irish Times in April. Even in the context of atrocity, some young women's lives are worth more than others.

Also less well known is that at the same time as the Dutroux case was breaking police in Finland discovered a "massive computer library of child pornography that included pictures of torture, mutilation and cannibalism". The owner was not arrested since distribution of child porn is a minor crime in Finland.

Much of the press coverage implied, or even explicitly stated, that the Dutroux case was the first involving organised child abuse, trafficking and child pornography in Belgium. Whilst I have not studied Belgian child abuse cases I do know that in 1988 16 people were convicted of offences including distributing child pornography. The case hit the headlines because amongst those charged were high-ranking officials from agencies founded to protect children, including two senior workers for UNICEF, and a man who headed an offenders programme. The focal point for this group was Brussels.

Long memoried women

We have a stunning ability to forget such cases, to respond to every new atrocity as if it were the first. The poet Grace Nicols entitled one of her books 'I the Long Memoried Woman'; those of us involved in the struggle against child sexual abuse must take to heart the importance of being memory bearing adults - however difficult and painful that may be.

Without long memories we cannot make connections, and an absence of connection means we continue to reproduce old myths, and even create a few new ones on the way. Some commentators did make (albeit very limited) connections to the fairly recent West case, and there were revealing links to be made: a family base into which young women were brought for abuse, sexual exploitation and ultimately death; two men with previous convictions for sex offences; cellars built for the purpose of holding young women captive in order to sexually abuse them, and filming of some of the abuse; the burying of bodies close to, and even under the house in cellars; potential concerns about the children living in the family, but no clear action being taken by social services and other agencies; a failure to connect the disappearances of a number of young women. We don't know whether the Dutrouxs echoed the Wests, in abusing their own children as well as young women they entrapped or kidnapped. In fact in all the coverage of the case not one person has mused on what the lives of the children who lived with Marc Dutroux and his wife Michelle Martin were like.

We need to remember the facts that have come to light so far - and take note of what remains and what disappears in the official enquiry and when the case comes to court. There is a possibility that the combination of public outrage and the fact that Belgium has an investigative legal system rather

than our adversarial one (Scotland combines elements of the two) will mean more of the facts remain - and even that they are connected and explained. If this proves to be the case then that will tell us something profound about adversarial justice systems. If, however, significant elements of the story disappear (we must note which ones, and endeavour to remember them) that too will tell us something profound about the propensity of a variety of justice systems function to reconstruct child sexual abuse; removing the more uncomfortable and difficult elements.

What both the Dutroux and West cases highlight is the necessity to make connections between forms of child sexual abuse. Incest, abuse of children outside the family, child pornography and child prostitution can all exist together. Sexual abuse is a continuum encompassing a range of forms of assault which shade into one another in individual cases and lives. Both cases also highlight the connections between child and woman abuse; both Marc Dutroux and Frederic West sexually violated children, young and adult women. Theory, policy and practice need to be based on a connective model, rather than the separations which currently pervade professional thinking. A connective would limit the extent to which individual cases could be constructed as aberrant atrocities; instead locating them at the extreme end of a continuum, with a variety of links to the more mundane, everyday abuses which countless women and girls endure.

What no one wanted to see

One of the fascinating silences surrounding the Dutroux case (and to some extent also the West case) was the refusal amongst journalists and commentators to notice how many of the facts echo elements of accounts by children and adults of ritual abuse. These accounts have been defined as 'incredible' and 'impossible' - countless academic and journalistic sceptics have insisted ad nauseam that they would only believe if material or forensic evidence was forthcoming, and, according to them, none ever has been. Here we had that evidence, but no one made the connection, no one chose to remember what they (or their publication) had said previously, no one took the brave stand of revising their opinion in public. Far better to keep this separate, to not connect it to any previous event or statement.

One of things I have come to understand with increasing clarity is that the most skilled abusers are those who make children believe things which will make their story incredible. If a child tells you they have been locked in cellars for weeks, held in cages, or that they have been abused by Father Christmas, the Pope, the King or the Devil credulity is stretched to the limit. These kinds of stories are not likely to get very far in a legal case. But we need to take a step back here - to remember that adults convince children to believe things we know are not true - Father Christmas, the tooth fairy - for what we insist are good reasons. The question then shifts from whether the child is telling the truth, to exploring why they believe what they do. What might the answer be if we asked who is this Father Christmas, this Pope? One little girl when asked this simple question explained that Father Christmas was her grandfather, who had indeed sexually abused her. That made her story more credible - but she continued to believe that she was abused by her grandfather and Father Christmas.

A remark by Ralph Hodgson was quoted in a recent Accuracy About Abuse newsletter: "Some things have to be believed to be seen". If adults believed that something has happened to children for them to tell such stories, what might we begin to see? And what might we enable children to

see differently? Being tricked into believing impossible things is itself a form of abuse, and work which enables an unpicking of what was real and what was trickery and deception is some of the most important support work that can be done with terrorised children.

Another potential link that was avoided was with the concept of 'Snuff' movies, pornography which films sexual abuse which results in death. Four young women were murdered in the context of sexual abuse and the production of pornography - does the record of their abuse on film count as 'snuff', and if not why not?

Naming the problem

Throughout the reporting Dutroux was called a paedophile, and the word also transformed into an adjective with references to 'a paedophile gang', 'paedophile couple, and paedophile videos'. This both reflected and reinforced the rehabilitation of the concept in the media and policy agendas (see 'Weasel Words' *T&S* 1996, 33 for a more detailed critique of the concept). Marc Dutroux does not resemble the clinical definition of paedophile: he was heterosexual, married with three children. The girls and young women he raped and tortured covered a wide age range from eight to 19, and one of his earlier victims was a 50 year old woman. Kidnapping, forcible imprisonment, coercion into pornography, repeated rape and murder - even in these times of multiple and fluid meanings - cannot possibly be equated with 'love of children', the literal meaning of paedophilia. Rather than accurate naming his behaviour the term was deployed to construct Dutroux as a monster, an 'other' who had no connections to ordinary lives. The name paedophile both disguised the crimes committed, and prevented serious examination of the issues at stake. Child sexual abuse is not about a form of sexuality it is about power and control, and in this and many other cases about exploitation and money. Marc Dutroux is not a paedophile. He is a child abuser, a sexual exploiter, a trafficker, a pornographer and a murderer.

Implications for policy

Much discussion has taken place over the last few years, especially in the USA and the UK, on how to deal with convicted sex offenders. Both of the Belgian cases involved convicted offenders, so it is worth reflecting on them in the light of recent policy announcements and legal reform. Were Marc Dutroux and Loubna Benaissa's killer English, they both ought to be covered by the recently introduced Sex Offenders Act, which places a responsibility on those convicted of a range of sexual offences to register with the local police for set periods of time. Ironically, however, Dutroux might not be covered in relation to his most recent crimes. There is no provision in the Sex Offenders Act to cover sexual murder - since there is no such crime on the statute book. Also most of the sexual offences relating to trafficking and prostitution were removed at the consultation stage. This was a strange decision given the increasing recognition that the prostituting of children ought to be understood and responded to as a form of sexual abuse. The Sex Offenders Act was sold to the public as a way of keeping track of some of the more dangerous sex offenders; yet the category most would agree are dangerous - sexual murderers - are excluded. The fact that this was pointed out to the government at the drafting stage, and their response was that it could be dealt with by an amendment (which was never submitted) tells volumes about the extent of

commitment to child protection within the previous government. How promptly the Labour Party responds to having these exclusions pointed out will be a test of theirs.

Loubna Benaissa's murder has some parallels with that of Megan Kanka in the USA, which prompted a mass campaign for community notification - the right of local communities to know when a convicted sex offender moves into their area. Whilst the representation of community notification in the British media is misleading - few areas in the US do it automatically for all sex offenders - there are serious issues which need to be debated here. Just looking at it in terms of these two cases, however, it is unclear whether Loubna's killer lived nearby, we only know where he worked, community notification tends to apply to place of residence. It is unlikely that local community notification would have affected Dutroux that much, since he clearly operated over a wide geographical area and paid others to kidnap girls and young women.

A consultative document was published by the Tory government which proposed creating a new criminal offence which would prohibit convicted sex offenders from applying to work with children. Whilst it is unclear what will happen to these proposals, they would have had virtually no impact on these two men; Dutroux was registered unemployed and working in a garage is unlikely to be classified as employment involving significant contact with children.

Whilst the measures which have been introduced, and are under discussion, to track and monitor sex offenders have a place in co-ordinated approaches to child sexual abuse, it is folly to believe that they will have anything other than a limited impact. The most obvious reason is that most sexual abuse is still not reported, and only a minority of reported cases result in a conviction. The proposals also do nothing to address the serious failures to protect children that were so obvious in Belgium, but which thread through every state across the globe. These limited measures have been used as smokescreens to disguise the fact that our government and most others have absolutely no idea how to tackle child sexual abuse in a consistent, connected and co-ordinated way.

Knee-jerk reactive policies, which either only scratch the surface or miss the point altogether are not appropriate responses to atrocities or the prevalence of sexual abuse more broadly. We need to construct and campaign for far more wide-ranging and fundamental changes. In order to do that those of us who are advocates for children need to have long memories, and we must discover better ways of enabling policy makers to face the reality of child sexual abuse. As Judith Herman notes:

To study psychological trauma means bearing witness to horrible events. It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see hear and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement and remembering.