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l authorization, under procedure, to testify at a hearing Commission hearing Draft Sentencing Guidelines. The Section proposed specifically to the issue of guidelines would apply under the tax laws. It also was supportive of guidelines consistent in policy as embodied in the Standards for Criminal

on having been raised, as authorized to testify.

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REPORT OF THE
ASSOCIATION OF THE
BAR OF THE CITY OF NEW YORK

RECOMMENDATION*

BE IT RESOLVED, That The Association of the Bar of the City of New York, in furtherance of its commitment under its Rule of Law Resolution, and consistent with the long-standing efforts of this Association in support of U.S. ratification of the Genocide Convention.

Condemns the documented genocide in Cambodia and resolves to work with other public and private institutions towards bringing those responsible to justice through all appropriate legal steps.

The Association of the Bar of the City of New York thereby proposes to submit the following resolution to the mid-winter meeting of the American Bar Association:

BE IT RESOLVED, That the American Bar Association, in furtherance of its commitment under Goal Eight to advance the rule of law, condemns the documented genocide in Cambodia and resolves to work with other public and private institutions towards bringing those responsible to justice through all appropriate legal steps.

REPORT

BACKGROUND STATEMENT
ON THE CAMBODIA
GENOCIDE

For several years, Cambodian refugees, human rights specialists, practicing attorneys, legal scholars and Cambodia scholars have been working to document the extreme and abhorrent human rights violations that occurred in Cambodia under Pol Pot's Khmer Rouge (the Communist Party of Kampuchea) rule. This has included the exami-

nation of those violations according to the provisions of the Genocide Convention and other international human rights law. For several years the Committee on International Human Rights of the Association of the Bar of the City of New York and several committees of the American Bar Association focusing on human rights have been aware of this work.

As defined by the Genocide Convention, genocide is the intentional

*The recommendation was approved. See page 44.

destruction, in whole or in part, of a national, ethnic, racial or religious group, as such, by such means as killings, serious bodily or mental harm, the conditions of life in which a group is subjected, the prevention of births within the group, or forcibly transferring children of one group to another group.

Groups of persons deemed by the Khmer Rouge leadership to have no place in the revolutionary Cambodian social order were legally prohibited, sociologically dissolved and, as necessary, physically liquidated. Groups were banned, or not recognized to exist in the Constitution of Democratic Kampuchea. The Khmer Rouge term for sociological dissolution was *khchat-khchay os roling* which is translated "scatter them out of sight" or "scatter them to the last one." Of course in real life, entire groups of people cannot be simply legislated or defined out of existence, and legal prohibition and sociological dissolution were accompanied by substantial physical liquidation.

Leadership elements of groups to be eradicated, qua groups, were executed, as were portions of the groups which resisted dissolution. Many more died because of the extremely cruel conditions of life to which they were deliberately subjected: combinations of induced starvation (food rations were withheld by the state and private food gathering was prohibited and often severely punished as "theft"); and untreated disease stemming from the dissolution of the pre-existing medical system and the execution of identifiable trained medical personnel because of their educational level or training abroad.

Groups singled out for eradication by the leadership of the ruling

Communist Party of Kampuchea (the formal name for the Khmer Rouge) included Cambodia's pre-eminent religious group, the Buddhist monkhood, Cambodia's ethnic minorities and the large portion of the Cambodian "national group" deemed irremediably tainted by "feudal," "bourgeois" or "foreign" influences.

The Complete Destruction of a Religious Group

The Khmer Rouge had an extraordinary animus toward all religions—which they considered to be uniformly "reactionary." This hatred fell most heavily on Buddhism, prior to 1975 Cambodia's state religion, and the Theravada Buddhist monkhood, a mendicant, celibate, contemplative and teaching religious order. Outside of the cities, from which the inhabitants had been evacuated, Buddhist temples, formerly the center of Cambodian village life, were destroyed or converted to secular use (warehouses, animal stables, prison-execution centers, etc.). Buddha statues, Buddhist literature and other religious relics and artifacts were desecrated or destroyed. Pali, the language of Khmer Buddhism, was prohibited as was prayer, meditation and all other forms of worship.

The Khmer Rouge denounced the monks as "leeches and bloodsuckers" within days of taking power. The Buddhist monkhood was ordered to disband or disrobe—the Buddhist equivalent of disbarment or disordination in that in Theravada Buddhism without his saffron robe the monk cannot be a monk. The leadership of the clergy, the most venerated monks and those who refused to disrobe were executed. All others, including the elderly, were ordered to perform

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manual labor (which was prohibi-
ed to the monkhood). The complete
elimination of the Cambodian Bud-
dhist monkhood (*Sanga*) was
everywhere fully carried out as the
Khmer Rouge consolidated their
control over the provinces.

Prior to 1975 there were approx-
imately sixty thousand monks.
After 1979 less than three thousand
had survived and returned to the
site of their former temples. Many
had been executed or died of forced
labor and starvation. Others had
been forced to marry (hence ineli-
gible for the clergy) or otherwise
chose not to reveal their former
identity and to remain in secular
life. Most of the monks had disap-
peared and their whereabouts can-
not be traced.

The Substantial Destruction of an Ethnic Group

The Khmer Rouge similarly pro-
claimed ethnic minorities no longer
to exist, and all indicies of ethnic-
ity such as language, dress, cus-
tom, festivals and ethnic holidays
were prohibited. These prohibitions
were extended to all minorities in-
cluding ethnic Chinese, Vietnamese
and Thai residing in Cambodia.
Khmer Rouge publications pro-
claimed Cambodia to now be 99%
Khmer.

The deliberate and forceful erad-
ication of ethnic groups fell most
heavily on the "Cham," the rem-
nants of the Kingdom of Champa
on the central coastline of what is
now Vietnam, who had migrated
into Cambodia after the 17th cen-
tury and settled largely as fisher-
men along Cambodia's rivers and
the Tonle Sap Lake. The Cham
were Islamic in religion and lived
apart from the Khmer in their own
villages or neighborhoods. The
Cham had their own language, hair

style, costume, holidays, and di-
etary and burial customs.

Cham villages were broken up
and the Cham dispersed among the
large Khmer population. Many
Cham religious and community
leaders ("Haikim" and "Haji") were
executed, and Cham were forced to
eat pork, prohibited to Muslims, as
evidence of "Khmerization." Some
Cham villages resisted the sup-
pression of their religious practice
and their residential dispersion.
This led the Khmer Rouge to the
massacre of entire villages. Perhaps
as many as one-half of the Cham
people did not survive Khmer
Rouge rule. Some survivors remain
in Cambodia. Many other Cham
sought refugee status in Malaysia.

The Partial Destruction of the National Group

The Khmer Rouge also believed
that, along with religious and ethnic
groups, a substantial portion of the
Cambodian "national group" was
itself irremediably tainted by feud-
al, bourgeois, or foreign attitudes
or associations. Using the language
of "purification" the Khmer Rouge
sought to identify and eliminate the
tainted portions of the Cambodian
people. Purging the population of
bourgeois traits and association is
what the well-known, shocking and
precipitate evacuation of the cities
and towns was intended to bring
about. The former urbanites were
explicitly defined to be without
"rights." Many were literally
worked to death. The state con-
trolled agricultural production and
food was withheld from the over-
worked population.

A shifting series of subgroups
were successively targeted for exe-
cution as the revolution progressed
from one stage to the next. Close
examination of some of the major

massacres indicates that executions were, in these instances, directed not only at real, potential or presumed "political" enemies but extended to the general population deemed tainted merely by virtue of having resided in areas formerly under the jurisdiction of "tainted" political groups.

There existed a nationwide system of prison-interrogation-execution centers at all levels of Khmer Rouge administration to identify those to be eliminated (who were "enemies" of the revolution). This nationwide system of execution centers culminated in the infamous "S21" facility, an extermination center where nearly 20,000 were executed and from where there were only seven known survivors.

All told, it is reliably estimated that one to two million of Cambodia's six to seven million people died in three and a half years from executions or what the Genocide Convention terms the "conditions of life" to which they were subjected. This constitutes the "partial" destruction of the Cambodia national group itself and "as such."

The documentation now available on the Cambodian genocide includes:

- hundreds of photographs of destroyed Buddhist pagodas, executed persons, and mass graves (the "killing fields," containing the remains of thousands of victims);
- thousands of pages of archives (photocopies of Khmer language originals with English language translations) from Khmer Rouge

extermination facilities, including hundreds of pages of signed execution orders, signed daily execution logs, signed reports detailing the torture of prisoners prior to execution, etc.;

- hundreds of hours of taped interviews, conducted inside Cambodia, in the refugee camps in Thailand and among refugees now residing in the West containing the testimony of select categories of survivors;
- clinical studies of Cambodian refugees now in the West conducted by professional psychiatrists attesting to the "mental harm" aspect of genocide;
- studies of various aspects of Khmer Rouge rule undertaken by leading Cambodia scholars.

In 1950, Cambodia acceded to the Genocide Convention. The Khmer Rouge never renounced Cambodia's accession, and Democratic Kampuchea, as the Communists renamed Cambodia, continues to be a recognized State Party to the Genocide Convention and bound by its obligations.

Other ethnic, national and religious groups afflicted by the terrible genocides of the 20th century have long insisted on the need for international recognition, for remembrance, and the need to bring those responsible for such crimes to justice. The Cambodians are asking the same.

February, 1987