

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

The case against the Khmer Rouge regime will be built upon evidence of specific violations of the Genocide Convention:

1. Torture and murder at the Tuol Sleng and other extermination prisons.
2. Genocide against the Muslim Cham and the Thai and Vietnamese minorities.
3. Destruction of the Buddhist monkhood and Buddhist religious institutions.
4. Extermination of Khmer Christians and destruction of Christian institutions.
5. Mass murder at mass grave sites such as Cheng Ek, Tonle Bati, Pra Phnom, Kompong Cham and others.
6. Forced labor, intentional malnutrition and non-treatment of disease, separation of married couples and of children from parents, and other conditions calculated to cause serious bodily or mental harm or the physical destruction in whole or in part of a group.

The evidence will be authenticated through video-taped questioning and cross-examining of eye-witnesses, through live testimony by refugees, and through supervised excavation of mass graves by a professional forensic pathologist in order to determine as closely as possible the time and causes of death.

A group of jurists of international reputation will travel to Kampuchea to personally inspect the real evidence, take testimony from witnesses, and issue a report of their legal conclusions.

The evidence and reports will be submitted to: representatives of the Khmer Rouge regime for comments; experts on international law for their analysis and comment; international journals, book publishers, and the press; the United Nations Commission on Human Rights; members of the United Nations.

Legal Implications

The evidence and reports will be submitted to governments of nations that are parties to the Genocide Convention. If they conclude that the Khmer Rouge regime committed genocide, nations may be enlisted to take the case against the regime to the International Court of Justice. Kampuchea has been a party (without reservation) to the Genocide Convention since 14 October 1950. The Khmer Rouge regime never withdrew Kampuchea's adherence to the Convention. The regime remains part of Democratic Kampuchea's representation before the International Court of Justice.

Article Nine of the Genocide Convention provides:

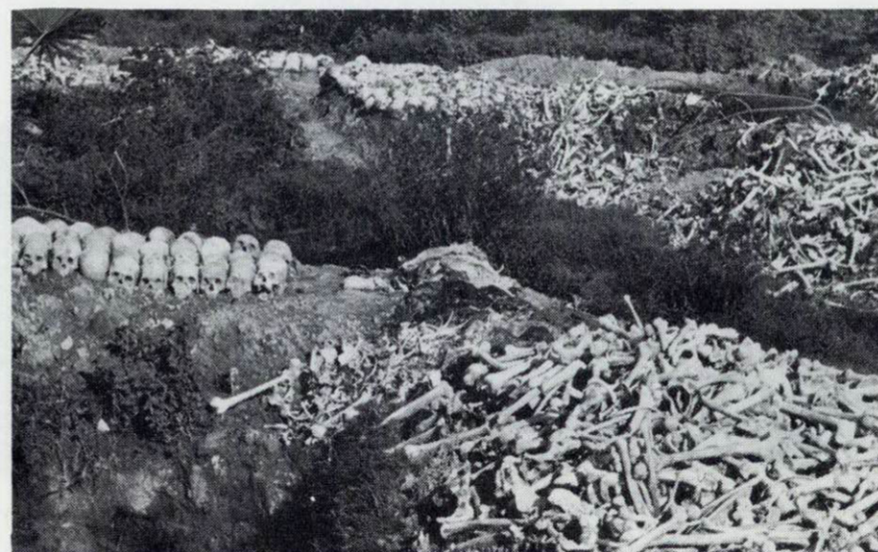
"Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III

(conspiracy, incitement, attempt, or complicity to commit genocide), shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

If a case is brought against the Khmer Rouge regime in the International Court of Justice, it would be the first time the Genocide Convention has ever been invoked against a government before the World Court.

Although the World Court has no independent power to enforce its judgments, a judgment will serve notice on government leaders that they may be called to account for their crimes. A judgment may also affect the future of the people of Kampuchea.

The issue of genocide in Kampuchea is far from mere past history. Indeed, the very people who directed the genocide (including Khieu Samphan) are part of the coalition government that continues to represent Kampuchea in the United Nations, although it no longer governs Kampuchea. The Khmer Rouge armed forces who committed much of the mass murder are now making progress in their campaign to retake control of Kampuchea. The genocide in Kampuchea could be repeated.



Over 16,000 skeletons, many of children, have been unearthed from 120 pits in a mass grave at Cheng Ek, Kandal province--one of hundreds of mass graves in Kampuchea. (Photos by Gregory Stanton)

Funding

Funds are now being raised to carry out the project. \$160,000 is required. Because so few foundations support international human rights work, foundation grants are a limited source of funds. The bulk of the necessary funding must, therefore, come from private donations.

The Cambodian Genocide Project is recognized by the IRS as a fully tax-exempt public charitable organization.

Contributions and requests for further information may be sent to:

Coordinator: Genocide Watch
1405 Cola Drive
McLean, VA 22101-3103

The Cambodian Genocide Project



Two million Cambodians (Kampuchians) out of a population of eight million were killed by the Khmer Rouge (Pol Pot/Khieu Samphan) regime from 1975 through 1978. Up to a million of the killings were intentional murders. The regime systematically exterminated "class enemies"—anyone associated with former governments, teachers, doctors, students, and other educated persons; former city dwellers; members of religious groups (Muslims, Christians, the Buddhist monkhood); and ethnic minorities (the Cham, Thai, Vietnamese). At least another million people died from the slave labor, malnutrition, and forced evacuations imposed by the regime to build a utopian communist society. All who complained were beaten to death, along with their families. Extermination camp directives ordered: "Bullets are not to be wasted."

International law, the Convention for the Prevention and Punishment of the Crime of Genocide, defines genocide as "the intentional destruction, in whole or in part, of a national, ethnical, racial, or religious group."

The Khmer Rouge regime's mass murder of religious groups and ethnic minorities was clearly genocidal. Its intentional destruction of a quarter of its own national, ethnic group was also genocidal, although it was auto-genocide.

Article Nine of the Genocide Convention provides that cases concerning the responsibility of a state for genocide may be brought before the International Court of Justice by a signatory nation.

The Cambodian Genocide Project is an effort to document and apply international law to the crimes of genocide carried out by the Khmer Rouge (Pol Pot) government in Democratic Kampuchea (Cambodia) from 1975 through 1978. The goal of the project is to gather the systematic and authenticated evidence needed for a signatory of the Genocide Convention to take the case before the International Court of Justice. If the Khmer Rouge regime is thus tried before the World Court, it will be the first time that the Genocide Convention has ever been applied.

The Project's purpose is oriented not only toward history, but also toward the future of world law. Its goal is to present the evidence for judgment by the World Court--so that the historic truth will not be lost, and to create a legal precedent for the future—to make international law.

Although the Khmer Rouge regime was driven out of power in 1979, Khmer Rouge forces are still waging a guerrilla war to retake control of Kampuchea, and Khmer Rouge representatives are still members of the coalition that represents Kampuchea in the United Nations. Because they no longer control Kampuchea, even though they are recognized in the U.N., it is possible to gather evidence of what the Khmer Rouge did during their rule.

If these crimes are not to be forgotten or left in a limbo of conflicting propaganda campaigns, the evidence for or against the charges must be gathered now. The mass graves are rapidly decaying and the memories of witnesses are fading.

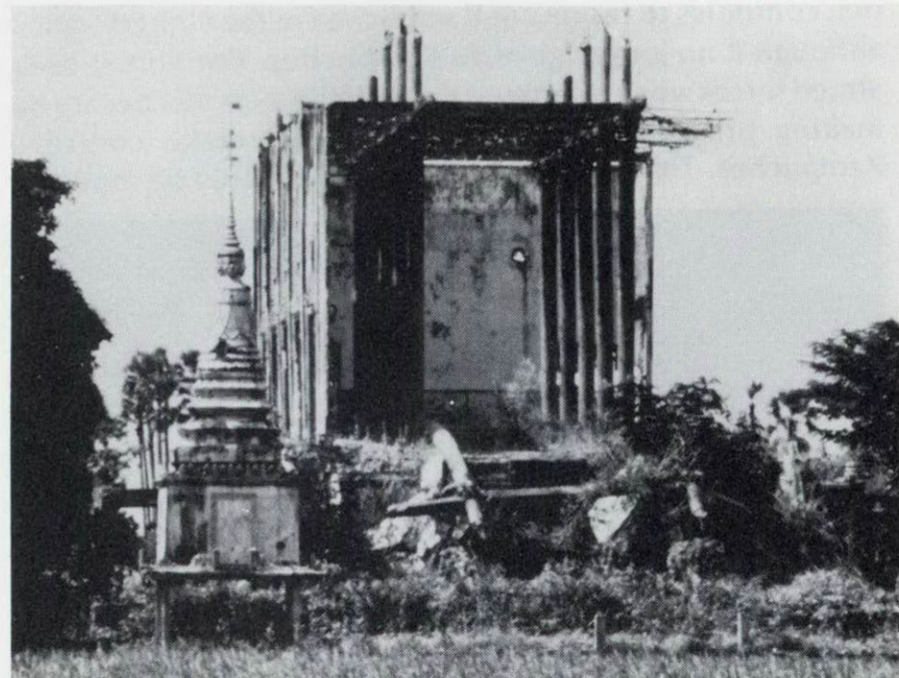


The Khmer Rouge established many execution centers, and nearly every commune had its "killing ground". At the Tuol Sleng extermination prison, where over 15,000 died, records include execution schedules and photographs taken by the regime of its victims. A map of Kampuchea made of skulls from mass graves commemorates the murdered millions.

The scourge of genocide has haunted mankind for millenia. If the lessons of Kampuchea are lost, mankind will have missed another opportunity to learn how to prevent future genocides. And the Genocide Convention will have once again been ignored.

Initiation of the Project

The project is directed by Gregory Stanton, a member of the Executive Committee of the American Bar Association's Y.L.D. Committee on Human Rights. The Committee is sponsoring the project. Stanton is an attorney with the firm of Foley & Lardner, Milwaukee, Wisconsin. Stanton proposed the project and began negotiations with the Kampuchean government in 1980 while he was living in Phnom Penh as the Field Director for Church World Service/Action for Relief and Rehabilitation in Kampuchea, a coalition of major American relief organizations. Stanton is a graduate of Yale Law School and the Harvard Divinity School. He also is a social anthropologist with an M.A. and completion of his Ph.D. course requirements from the University of Chicago. Following law school he was law clerk to Judge Alfred Goodwin of the United States Court of Appeals for the Ninth Circuit.



The Khmer Rouge regime ordered the eradication of Buddhism by the destruction of pagodas and murder of monks. Only 800 monks remain out of 60,000.

With funding from the National Council of Churches and private donations, Stanton travelled again to Phnom Penh, Kampuchea in March, 1982, and the Kampuchean government responded positively to the project as it was outlined in his written proposal.

The project has been endorsed by several human rights groups and over thirty legal and human rights experts have been consulted and agreed to help, including Prof. Myres McDougal, past President of the American Society for International Law, and Prof. W. Michael Reisman and Dean Harry Wellington of Yale Law School.

Implementation

I. Evidence gathering and documentation have been underway since 1980.

--Stanton has personally photographed many of the mass graves and has interviewed numerous witnesses to the mass murder and other human rights violations.

--Two Khmer speaking researchers lived in Kampuchea for six months and took recorded testimony from witnesses who saw or took part in the killing at the mass graves and extermination centers, as well as witnesses to the crimes against the Muslim Cham and the Buddhist monkhood. They photographed the mass graves and other real evidence. They photocopied documents from the Tuol Sleng prison and other extermination prisons, including execution schedules, forced confessions, photographs, internal directives, and orders from high government authorities showing knowledge and intent.

--Accounts of refugees have been collected and checked for corroboration with accounts of witnesses in Kampuchea.

--Evidence presented to the U.N. Commission on Human Rights and at the trial (in absentia) of Pol Pot and Ieng Sary in 1979 has been collected and analyzed.

--Stanton enlisted the assistance of the former Executive Director of Amnesty International, U.S.A. and accompanied him into Kampuchea to gather evidence of the genocide. Amnesty International has organized a national exhibit of the resulting photographs as part of its current campaign against political killings.

--While at Yale Law School, Stanton obtained the endorsement of the Allard Lowenstein International Human Rights Law Project and its members have since prepared legal analyses of issues relating to genocide in Kampuchea.

--Based on evidence already collected, a draft complaint is being prepared for circulation to nations that may submit the case to the World Court.

The evidence already gathered establishes a strong prima facie case of the Khmer Rouge government's violations of the Genocide Convention.



It was official Khmer Rouge policy to eliminate ethnic minorities. Only a third of the Cham Muslims survived. Thousands of bodies have been uncovered in the mass graves near what were once Cham villages.

II. The project now requires systematic organization, authentication, publication and presentation of the evidence.

Article II of the Genocide Convention defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: