

THE CALL

By Gregory H. Stanton

Published in Samuel Totten & Steven L. Jacobs

Pioneers in Genocide Studies

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I probably have human rights in my family unconscious, if there is such a thing. I am a descendant of Elizabeth Cady Stanton, a founder of the woman's liberation movement, and of Henry Brewster Stanton, an ardent abolitionist. Elizabeth Cady Stanton's portrait hung over my great grandfather's mantel in Johnstown, New York. I grew up in the home of Howard Stanton, a Presbyterian pastor, and Alison Stanton, an English teacher. While my father was a student at Oberlin in 1942, he led one of the first sit-ins in the United States, to integrate the town barbershop. In the small Illinois town where I grew up, Dad was the pastor of the elite church in town. When community leaders asked him to head the campaign to raise funds for a new swimming pool, his barber tipped him that they intended to exclude Negroes. Dad went to them and quietly told them that he would not only refuse to raise the money if they did so, but would denounce a segregated pool from the pulpit. The leaders backed down, Dad raised the money and the town got an integrated swimming pool.

The secret of Dad's influence was that people knew he loved them. He persuaded the manager of the largest factory in town, a member of his church, to give African-Americans jobs other than janitor. He formed an inter-racial council to get realtors to stop confining African-Americans to the other side of the tracks, bringing housing integration long before it was mandated by law.

Sometimes it took courage. We once had a brick thrown through our front window after Dad preached a sermon denouncing Senator Joseph McCarthy's politics of character assassination.

My parents taught us that true meaning in life comes from service to God and to other people, not fame or fortune. Just before I began high school, I committed my life to God. It was a conversion experience, the sort William James writes about, and it changed my life. Like Martin Luther King, Jr. and Pope John 23rd, my theology is "personalist." I have had a personal relationship with God and also believe that it is between persons that God's presence can be most palpably experienced, through love and justice.

I have prayed about every important decision in my life. In the final judgment, I believe that we should not be concerned about our own salvation, but about the suffering of others, about healing the sick, clothing the naked, and feeding the hungry. That is what Jesus and the prophets taught, and their teaching is what guides me.

I was a voting rights worker in Leake County, Mississippi in 1966 and still think it was the most dangerous place I've ever worked, including Cambodia and Rwanda. Two of my friends were wounded one night when the Ku Klux Klan shot up the house the group was staying in.

I joined the Peace Corps after college and then attended Harvard Divinity School to prepare for a secular ministry. But my personal call to work against genocide came only after I had completed my Ph.D. course-work in cultural anthropology at the University of Chicago and enrolled at Yale Law School.

Learning About the Cambodian Genocide First-Hand

In 1980, while in my second year at Yale Law School, Church World Service (CWS), the relief arm of the National Council of Churches, U.S.A., called me and asked me to become the Phnom Penh Field Director for a consortium of American relief groups that included CWS, CARE, and Lutheran World Relief. I was to plan and set up a relief and rehabilitation program that would not only bring in immediate food aid, but also provide longer-term assistance to Cambodian recovery, including veterinary medicine, irrigation engineering, rice seed production, and primary school education.

I had not sought the job. CWS called me because my college roommate was in charge of the CWS program in New York and figured I was tough enough to take the assignment.

At first I asked CWS to try to find someone else. My wife, Mary Ellen, and I hoped to start a family, and thought that service in Cambodia would postpone our dream. Little did we know!

Six weeks later, CWS called back and asked again, and I promised that I would pray about it. It was a fateful promise.

I don't hear voices or see visions, but I do believe in God's inspiration. The response to my prayers was consistent and clear. As my favorite Labor Law professor, Jack Getman, who is Jewish, told me, "Greg, you have to go. You've been called."

What I did not expect was that I had been called to witness the aftermath of the Cambodian genocide. It was a call that changed my life.

In the months before I left for Cambodia, I read the accounts of the Khmer Rouge killing fields. Haunting images of Cambodian refugees were appearing on the covers of magazines, and tales of the Khmer Rouge atrocities were finally being told to a world that had not wanted to believe them. Books like *Murder of a Gentle Land* by John Barron and Anthony Paul and *Cambodia Year Zero* by Francois Ponchaud had been dismissed as "anti-communist propaganda" by Noam Chomsky and Edward Herman in *After the Cataclysm*. Now, as the weight and consistency of the refugee stories became overwhelming, and as the mass graves were opened, the world saw that the bloodbath predicted by "anti-communists" was a fact.

As a student of international law, I realized that because Cambodia was a state-party to the Genocide Convention and because the Khmer Rouge still held Cambodia's seat in the United Nations, a compelling case could be taken against Cambodia to the World Court for breach of the Genocide Convention, and the very people who committed the crimes would still be legally required to answer the charges. It was a unique opportunity.

A ~~well-organized group of human rights investigators, preferably an already existing, well-financed group like the International Commission of Jurists, could gather the evidence of genocide because the Khmer Rouge no longer controlled Cambodia, and then find a state-party to the Genocide Convention to charge Cambodia with violation of the Convention before the International Court of Justice.~~ I discussed the idea with Yale Law Professors Myres McDougall, Michael Reisman, and Burke Marshall and all thought my idea sound.

In June, 1980 on my way into Cambodia, I met David Hawk (the former executive director of Amnesty International U.S.A.) who was then working for the World

Conference on Religion and Peace in Bangkok, and proposed my plan to him. It was the first time he had heard the idea, and he encouraged me to contact leaders of human rights organizations in New York about it when I returned to the U.S.

In Cambodia, I discussed my idea with government officials. Ben Kiernan, currently professor of history at Yale University and director of the Yale Genocide Studies Program, was in Cambodia doing research for his Ph.D. dissertation on the Khmer Rouge, and we also discussed the plan. Ben proved to be enthusiastic about it.

Ben and I have worked together ever since to document the crimes of the Khmer Rouge and to bring their leaders to justice. Ben and I were among the first Westerners to see the newly opened mass grave at Choeng Ek, where the Khmer Rouge buried over 7,000 victims of the Tuol Sleng extermination prison in Phnom Penh. There were so many bodies in the mass graves that the decomposition was not yet complete. Flesh still clung to human bones. The stench of death seared my nostrils.

The stories of survivors still haunt me. Every Cambodian had lost family members, and their stories crushed my soul. In our interviews in Cham Muslim villages, Ben Kiernan and I learned that the Chams and other minorities were singled out for extermination.

Sop Pidas, a Cham Muslim grandmother told me through her tears how she had lost her entire family when the Khmer Rouge on one terrible night in 1977 beat 5,000 Chams to death. Her husband, a leader in the Cham community, was singled out and soaked with gasoline before he was set on fire. Her infant grandchild was murdered by dashing her brains out against a tree.

Gai Marianne, another Cham woman, told me that she had helped her sister-in-law suckle her new-born infant. Both women and their babies were moved to a new commune, but the sister-in-law fell behind, leaving Gai Marianne to care for both babies. A Khmer Rouge cadre took the sister-in-law's eight-week-old baby and threw him into the jungle to die. "You have no need for two small babies," he explained.

Cham children were taken away from their parents, put into youth communes, and all Chams were forbidden to speak the Cham language. This intentional destruction of the Cham ethnic and religious group was clear genocide under the Genocide Convention.

Daily I saw the beggars in Phnom Penh, the maimed victims of American cluster bombs and Khmer Rouge mines. Lars Salemark, a Swedish Red Cross surgeon, told me of operating on a boy who was born with congenital defects in his right leg and left hand. While taking his water buffalo to pasture, he stepped on a newly laid Khmer Rouge landmine that destroyed his left leg and right hand, leaving him crippled in all four limbs.

The stories of the orphans were the hardest to drive out of my mind. Chuan Phalla, a fifteen-year-old orphan, told me how she had managed to survive only by hiding under the body of her dead sister in a mass grave. The orphaned son of the Phnom Penh train station-master had watched the Khmer Rouge disembowel his parents before his eyes. They left a hole in his heart that couldn't be filled by all his tears.

At the Choeng Ek mass grave, I wept when I found a Mickey Mouse T-shirt on a tiny skeleton. Who, I asked, could commit such monstrous crimes?

Returning to Yale in 1981, I should have been elated to come home. A mission accomplished. A bright future. But instead I slid into a deep depression. I finally consulted a doctor who told me, "Depression is repressed anger. What are you angry about?" "I'm angry at the Khmer Rouge -- about the terrible injustice in Cambodia. They

have gotten away with mass murder." It was then that I realized that instead of turning the anger destructively upon myself, I should carry out my plans to bring the Khmer Rouge to justice. And so The Cambodian Genocide Project was born.

What that doctor at Yale told me about repressed anger has also helped me understand many of the experiences I have had in the human rights field since. If we do not convert our anger into constructive action, it can leak out sideways, so to speak, and be displaced upon the very people with whom we should be working. The result is a phenomenon that is paradoxical: that people in the human rights movement can be even more turf-conscious, back-stabbing, and self-righteous than people in other fields. The internecine battles among Cambodia scholars and human rights advocates are among the bloodiest cases of academic fratricide I have ever experienced. The attacks on Ben Kiernan by Stephen Morris, the *Wall Street Journal*, and Congressman Campbell were an extreme example of such vicious character assassination. Claiming that Kiernan had supported the Khmer Rouge in an undergraduate article in 1975, they attacked his credentials to lead the Cambodian Genocide Program at Yale. They ignored the fact that in 1978, Kiernan had publicly said he was wrong (something many have yet to do) and has spent the past twenty years documenting the crimes of the Pol Pot regime. Ben was untenured at the time of the attacks, and they were aimed not only at his work to document the crimes of the Khmer Rouge, but also at wrecking his professional career. Fortunately, he withstood them, and they did not succeed. It may be that such vicious personal attacks are indirect reflections of the evil we confront (see Kiernan, 2000, April/June).

The Cambodian Genocide Project

In the spring of 1981 after returning to the U.S., I went to New York lawyer William Butler, Chairman of the Board of the International Commission of Jurists, headquartered in Geneva, and asked his organization to document the Khmer Rouge crimes and call for a nation to take the case to the World Court. I was surprised when he sent me a reply saying that he had subsequently discussed the idea with the U.S. State Department, which opposed the plan, and he questioned whether the killings in Cambodia constituted "genocide." Such "definitionalism" has plagued the anti-genocide movement since Stalin got political mass murder removed from the Genocide Convention in 1948. It has paralyzed the will of thousands of lawyers. Stalin's ghost must snicker that he again used the appearance of law to deny justice.

We were again to see "definitionalism;" this time, as grotesque denial in the State Department's refusal to use the word "genocide" to describe the mass murders in Rwanda. Personally, I accept the definition of genocide in the Genocide Convention, "the intentional destruction, in whole or in part, of a national, ethnical, racial, or religious group, as such." But I am equally horrified by political mass murder, one more form of mass killing because of group membership. Debating whether mass killing fits the conventional definition of genocide is most often an excuse for non-action, as it was in the Jurists' refusal to investigate in Cambodia and in the West's failure to stop the Rwandan genocide. It is true that most of the Khmer Rouge killings were political, so not technically genocide. But they also singled out the Muslim Cham, Buddhist monks, Christians, and ethnic minorities, thus committing classic "genocide." One point many

“definitionalists” often overlook about the definition is the “in part.” The mass killing does not have to be with the intent to kill an entire group for it to be genocide. They also often confuse “intent,” which is what a reasonable person would conclude to be the consequences of his acts, and motive - the motive of genocide may be to seize property or power, but the only intent a prosecutor has to prove is the intent to kill part of a group because of their national, ethnical, racial, or religious identity.

In late 1981, David Hawk called me, and asked me to solicit a contribution from CWS so that we could travel together to Phnom Penh to begin the project I had proposed to him in 1980. I was delighted, wrote the letter to CWS, which gave us funding, and then I obtained visas that enabled us to travel through Vietnam to Cambodia. We traveled to Phnom Penh together in the spring of 1982, and obtained the permissions necessary to collect the evidence we needed. That summer I incorporated the Cambodian Genocide Project, Inc. as a 501(c)(3) tax-exempt, non-profit organization. (Hawk later established his own separate Cambodian Documentation Commission.)

I eventually became a law professor at Washington and Lee University School of Law. And Ben Kiernan finished his Ph.D. and became a history professor at the University of Wollongong in Australia, and then at Yale University. We continued to work together through the 1980's and 1990's, doing research together in Cambodia under the auspices of the Cambodian Genocide Project, Inc. with a grant from the Lewis Law Center of Washington and Lee University. In 1986, we worked together in Australia to get the Australian government to take the case. In the U.S. in the 1990's we worked on the Campaign to Oppose the Return of the Khmer Rouge. Since 1980 we have read and commented on each others' papers (though Ben is a far more eminent and prolific scholar than I could ever be), defended each other against scurrilous attacks, celebrated each others' children, and enjoyed the fullest and warmest professional relationship.

In 1986 we discovered the Cambodian equivalent of the yellow star. The Khmer Rouge had evacuated the entire Eastern Zone in 1977-1978 because, according to their ideology, the population had “Khmer bodies but Vietnamese minds.” At the end of a hard day of interviewing and videotaping witness testimony in a Cham village, as we sat on a bamboo floor above the squawking chickens of a house where we would spend the night, Ben began to ask about the evacuation of the Eastern Zone, when the Khmer Rouge had forced everyone in Eastern Cambodia to leave for labor camps in central Cambodia. Being a cultural anthropologist with a keen sense of the importance of symbols, I asked what people wore during the evacuation. Black clothing and head scarves, we were told. But then I asked, “What color were the head scarves?”

Everyone said, “They were blue and white.”

I asked if the Khmer Rouge cadres wore the same color.

“No.” was the reply. “Blue and white scarves were reserved for the evacuees.”

“What did the color signify?” I asked.

“It was the killing sign.”

A cold chill of recognition shot through us. We had discovered the equivalent of the Nazi yellow star. We learned that evacuees from the Eastern Zone received the scarves near Phnom Penh, evidence of the Communist Party Central Committee's direction, and were required to wear them at all times in public, just as Jews had been in the Third Reich.

Chris Munger, a professional filmmaker, accompanied me on one of my trips in the summer of 1986, and his steady hand on the video camera produced tapes that I hope will someday be made into a documentary film about the Cambodian genocide. The Cambodian Genocide Project won a grant from the United States Institute of Peace to produce a rough cut of a film, but we have never secured adequate funding to complete the film. I have turned over all the videotape to the Cambodian Genocide Program at Yale, and also have originals, so I still hope a documentary filmmaker will be able to use the witness testimony we collected.

Leo and Hilda Kuper became the most important influences on my thinking about genocide. I first got to know them through their books, particularly Leo's seminal work on genocide, but we soon began to correspond, and they invited me to come out to Westwood (in Los Angeles County) to visit them on numerous occasions. Leo was not only a great sociologist and lawyer, but also a wonderful mentor. I loved to go for walks with him and their dog in the California sunshine. Hilda, a fellow anthropologist, also shared my love of poetry, which she wrote beautifully both in English and in Siswati (I was later told in Swaziland). Hilda and I discussed Swazi rituals, and I later became a Fulbright Professor of Law in Swaziland, where I was able to help arrange an invitation for Hilda to make a triumphal return to her anthropological homeland, where she was quite literally royally received.

Leo invited me to become the American vice president of International Alert Against Genocide, an organization based in London that he had helped found. Leo became disappointed that International Alert mostly held academic conferences and had never issued an International Alert against a genocide. He was convinced that a new organization was needed for early warning and political action to prevent and stop genocide.

In the late 1980's, Leo and I made a futile trip together to New York to try to convince Human Rights Watch to establish a special project to be called Genocide Watch, but the Executive Director was too busy to meet with us, so we had coffee with an intern. I never gave up the idea and established Genocide Watch in 1998, though it would be far more effective if it were part of Human Rights Watch. It was created in order to organize the International Campaign to End Genocide, which I will describe in more detail below.

In 1986, I spent part of the summer in Australia attempting to convince the Department of Foreign Affairs to take the case to the World Court. Australia was a good choice because it had no reservations to the jurisdiction of the International Court of Justice. Many countries, including the U.S., require consent to the ICJ's jurisdiction under the Genocide Convention's Article 9, a reservation that could have been invoked reciprocally by the Khmer Rouge to get the case thrown out on technical grounds. Australian citizens had been murdered at Cambodia's infamous Tuol Sleng prison. Australian Foreign Minister Hayden announced his support for a tribunal to try the Khmer Rouge the day after my first appearance on Australian television and radio.

I lived at Wesley College of the University of Sydney, and acted as a consultant to the Department of Foreign Affairs in Canberra. But the Australian government finally declined to take the case on the erroneous ground that to do so would be to "recognize" the Khmer Rouge -- even though cases in the World Court are brought by states against other states, not by governments as governments. I also later learned that the Australians

had consulted the U.S. State Department, which remained opposed to the prosecution because it might legitimize the Vietnamese-backed regime in Phnom Penh and undermine the opposition coalition backed by Washington, a coalition that included the Khmer Rouge.

Neither David Hawk, who took the case to Sweden, nor I could convince any other government to take the case to the World Court. I had learned lesson number one about the struggle against genocide: Genocide continues and its perpetrators escape with impunity because of failure of political will to enforce the law. The Genocide Convention is international law. But law is not effective until there is the authoritative decision to enforce it. So a group of Cambodia activists centered in Washington D.C., New Haven, and Virginia set out to change the political will of the U.S. government. Since the State Department was opposed to prosecuting the Khmer Rouge, we had to take the battle to the U.S. Congress.

Sally Benson, a veteran Washington peace activist, Ben Kiernan, and others formed a coalition called the Campaign to Oppose the Return of the Khmer Rouge (CORKR), and we hired Craig Etcheson to run it. Etcheson, a political science Ph.D., had written *The Rise and Demise of Democratic Kampuchea*, one of the first analyses of the Pol Pot regime. Jeremy Stone, president of the Federation of American Scientists, provided us with office space. I served as Co-chairman of CORKR's Justice Committee. Working with the staff of Senator Charles Robb (D - VA) the Cambodian Genocide Justice Act was drafted and attached to the State Department's appropriation, which forced the State Department to establish an Office of Cambodian Genocide Investigations by July 1, 1994. (The State Department predictably opposed the Act because it earmarked funds for investigation of the Cambodian genocide.) Passed by overwhelming votes in both the House and Senate and signed by President Clinton, the Act declared that it is U.S. policy to support creation of a tribunal to try the leaders of the Khmer Rouge for genocide and other crimes against humanity. In 1992, I joined the State Department Foreign Service, and, in 1994 was assigned to work on the steering committee of the Office of Cambodian Genocide Investigations, under the superb leadership of Al LaPorta, who was rewarded for this service with the Ambassadorship to Mongolia. The act earmarked \$800,000 for the project, and a competition was held to allocate \$500,000 of it to conduct the main investigation in Cambodia. I recused myself from the decision about who would win the competition, but Yale's Cambodian Genocide Program, led by Ben Kiernan and Craig Etcheson, unanimously won the contract to carry out the work of the Cambodian investigation.

The Cambodian Genocide Program established the Documentation Center in Phnom Penh, which is ably headed by Youk Chhang, a university-educated Cambodian citizen who is tri-lingual in Khmer, English, and French, and who, more importantly, has the courage to ignore political pressures from the government and to carry on the investigation in spite of many threats to his life from the Khmer Rouge. Within the State Department, when it became evident that we knew the exact location of Pol Pot and could possibly encourage a commando raid from Thailand to seize him, several members of the War Crimes Working Group and Southeast Asia Bureau met to consider the matter. We jokingly referred to ourselves as the "Pol Pot Posse." I wrote a paper entitled, "Options to Try Pol Pot," on international or U.N.-assisted Cambodian tribunals to try the Khmer Rouge.

The paper was cleared at the top levels of the Asian, Legal, Human Rights, U.N., International Organizations, Political, Deputy Secretary's, and Secretary of State's offices and became U.S. policy. The U.S. took that policy to the U.N., which created a commission of experts to recommend how to bring the Khmer Rouge to justice. The U.S. supported creation of an international or mixed international/Cambodian Tribunal, a policy adopted by the U.N. Security Council. The political will of the U.S. and the U.N. has finally been changed.

At the time of this writing (January, 2001), the Cambodian National Assembly finally passed the legislation to establish the tribunal. It still remains to be seen whether the current Cambodian leadership will allow the timely establishment of the tribunal to try the Khmer Rouge leaders. Pol Pot is already dead; the others are old men protected by amnesty deals. If the tribunal is finally established it will be, for me and for many Cambodians, a dream long denied, but finally realized after twenty years of very hard work.

The Rwanda Tribunal

Creating the political will and establishing an international tribunal to try the perpetrators of genocide was much faster for Rwanda. Unfortunately, the political will to prevent the genocide came too late to save the 800,000 people who were murdered. In July 1994, I was assigned to the State Department's Bureau of International Organization Affairs as the Africa officer in its Office of U.N. Political Affairs. I was responsible for coordinating and writing U.N. Security Council resolutions on Africa, and also became a member of the Interagency War Crimes Working Group. The latter group was formed in the aftermath of the Bosnian massacres to establish the International Criminal Tribunal for the former Yugoslavia and to coordinate U.S. assistance to that tribunal. In the aftermath of the Rwandan genocide, Rwanda was added to its agenda. It was composed of representatives from the Legal, Human Rights, U.N., and International Organizations Bureaus at the State Department, the Peacekeeping and Legal Offices at the Pentagon, and key officials at the Justice Department, and the National Security Council (NSC).

By the time I came to Washington from Thailand in July 1994, the Rwandan genocide was nearly over. The appalling cowardice in the State Department in April 1994, particularly in the Legal Adviser's Office by Joan Donoghue, Ted Borek, and George Taft in the Africa section and others higher up, who denied that the Rwandan mass killing met the legal definition of "genocide" is well known. Worse yet, and little known, was the decision of the Interagency Peacekeeping Core Group, led by the National Security Council's Susan Rice and the State Department International Organization Affairs Bureau's Principal Deputy Assistant Secretary George Ward, to recommend withdrawal of the 2,500 UNAMIR peacekeepers in Rwanda. (Dr. Rice was later promoted to Assistant Secretary of State for African Affairs, and Mr. Ward became U.S. Ambassador to Namibia. He is now director of the training program at the U.S. Institute of Peace.)

In the fall of 1994, The War Crimes Working Group decided to undertake an inquiry into why the U.S. had made such terrible policy mistakes so they would happen "never again." I was warned by the desk officer for Rwanda, "The State Department doesn't make mistakes. You will be ending your career if you do this." He was right. For

my work that year, I won the American Foreign Service Association's W. Averell Harriman Award for "intellectual courage and creative accomplishment," while that same year, my supervisor, Ann Korky, wrote an evaluation designed to be fatal to my Foreign Service career, recommending against granting me tenure.

What I learned was that Secretary of State Warren Christopher had received a call from the Belgian government saying that Belgium was withdrawing its contingent after ten of its peacekeepers had been murdered and mutilated. Belgium called on the U.S. to support withdrawal of all UNAMIR peacekeepers so the Belgian withdrawal would not appear to be the act of cowardice that it was.

The Peacekeeping Core Group was convened by Dr. Rice and Mr. Ward in the conference room of the Bureau of International Organization Affairs. There, without dissent, it was decided that the U.N. Peacekeeping Operation in Rwanda could not stop the killing in Rwanda without exceeding the mandate given to it by the U.N. Security Council. Burned by the "mission creep" that resulted in the deaths of 18 American troops in Somalia, the group never considered changing the mandate. In an informal session of the U.N. Security Council on April 18 attended by the representative of Rwanda, which sat on the Security Council, U.S. Ambassador Carl Inderfurth announced that it was "inappropriate" for UNAMIR troops to remain in Rwanda. The next day, the interim Rwandan cabinet met and decided to extend the genocide to southern Rwanda. An instruction cable was dispatched by the State Department to Ambassador Madeleine Albright to vote on April 21 for U.N. Security Council Resolution 912 to order the 2,500 UNAMIR peacekeeping troops to leave Rwanda.

The UNAMIR troops should have been reinforced and their mandate strengthened to defend the thousands of Tutsis who had gathered in churches and stadiums for protection. General Roméo Dallaire, commander of UNAMIR, begged for such a mandate, and estimated that the troops already on the ground could have saved hundreds of thousands of lives. When I invited General Dallaire to Washington to speak at the invitation of the War Crimes Working Group, George Ward came into my office shaking with rage, and my supervisor, Ann Korky, tried to block the visit up to the last moment when General Dallaire was at the Montreal airport.

In August 1994, I was lent to the United Nations Commission of Experts on the Rwandan genocide and contributed to its first report, which recommended creation of the International Criminal Tribunal for Rwanda (ICTR.) Returning to the State Department, I drafted U.N. Security Council Resolution 955, which created the ICTR, and U.N.S.C. Resolution 978, which called on all U.N. members to turn over suspects to the tribunal. The way for the Rwanda Tribunal had been cleared in 1993 by the creation of the International Criminal Tribunal for the former Yugoslavia (ICTY). The two tribunals are joined at the head, with a common appeals chamber, and common chief prosecutor.

In the Statute attached to Resolution 955, several problems were corrected that had arisen in the ICTY Statute. We eliminated the requirement that war crimes be committed in the course of an international conflict, and we incorporated Common Article 3 and Optional Protocol 2 of the Geneva Conventions as crimes within the jurisdiction of the tribunal. Common Article 3 criminalizes war crimes that are not committed during an international war, a point that was overlooked in the statute for the International Criminal Tribunal for the former Yugoslavia, and that was especially important for a civil conflict like Rwanda. Optional Protocol 2 broadens the prohibitions

of the Geneva Conventions, applies them to non-state armed forces, and extends further protections to civilian populations. These were significant advances in international humanitarian law.

Some of the lawyers in the legal adviser's office questioned whether we could do this, since this was not yet accepted international law and the U.S. is not even a party to Optional Protocol 2. I simply pointed out that law is made by authoritative decision, in this case by the U.N. Security Council. The Security Council could make new law.

Getting the Rwanda Tribunal up and running was another matter. The State Department Legal Adviser's office wanted a common prosecutor for the ICTY and ICTR, and even talked about having both tribunals sit in The Hague. I insisted that the trials be held in Africa as near to the site of the genocide as possible, so that witnesses could be available, and the tribunal would not be seen as "white man's justice." I also recommended separate prosecutors, because I doubted that a single prosecutor in The Hague could devote himself or herself adequately to both tribunals equally. The unity of international criminal law could be maintained simply with a common appeals chamber for the ICTY and ICTR.

When I was advising the U.N. Commission of Experts, I visited the U.N. compound near Nairobi, which has huge, well-equipped hearing rooms already wired for simultaneous translation, as well as adequate office space. I recommended that the ICTR be located there. But Kenya did not want it, due to connections between President Moi and the former Rwandan regime. So Arusha, Tanzania was chosen instead, requiring years of preparation of courtrooms, offices, and prison cells. An ineffective Deputy Prosecutor, a retired judge from Madagascar, was sent to Kigali, and in a nearly fatal mistake, a U.N. legal officer was chosen as tribunal Registrar and sent to an area near his ethnic homeland, where all the pressures of nepotism came to bear, and he soon padded the payrolls with his Luo (ethnic group) compatriots. The Tribunal judges did not arrive in Arusha until 1996.

In 1996, I was sent by the State Department to investigate the ICTR's problems, wrote a terse three page list of necessary reforms, including replacing the Deputy Prosecutor and Registrar, and forwarded it to the U.N. Office of Internal Oversight Investigations. Changes soon followed.

The Rwanda Tribunal holds some of the top leaders of the Rwandan genocide. It has succeeded in capturing many of the "big fish" such as Interim Prime Minister Jean Kambanda, and the main propagandist and arms procurer for the genocide, Theoneste Bagasora. But meanwhile, over 100,000 prisoners rot in Rwandan jails without being formally charged because the Rwandan justice system lacks the personnel and resources to process them.

The huge cost of the ICTR should be more than equaled by investment in rebuilding the Rwandan judicial system, a policy I proposed as the Great Lakes Justice Initiative. It was adopted by the State Department and the United States Agency for International Development (U.S.A.I.D.) and announced by President Clinton on his trip to Africa in 1998. It has become a cornerstone of U.S. assistance in the region and has disbursed over thirty million dollars to date.

In 1996, I moved to the Bureau of Democracy, Human Rights, and Labor in the Department of State, but remained actively involved in U.S. policy on central Africa. I strongly advocated sending a U.N. force to drive the ex-Rwandan Army and

Interahamwe militias from control of the Rwandan refugee camps, so the refugees could return to Rwanda. Otherwise, I had predicted in a memo written in 1994, we were "drifting toward Cambodia," and doomed to repeat the mistake of allowing a group of genocidists to hold hundreds of thousands of refugees hostage and providing them with base camps at huge expense to the international community. In 1997, the Rwandan Patriotic Army invaded the camps instead, and hundreds of thousands of Rwandans came home. Other thousands fled into the jungle. I was in Kigali when the Rwandan Army invaded Zaire.

During this period, I had driven up to Gisenyi to see Rose Carr, an American who ran an orphanage and had lived in Rwanda for many years, when our car was engulfed by the human tide of refugees that was flowing back into Rwanda. Having been freed from their *Interahamwe* captors, they were finally going home, with hope and exhaustion engraved on their faces. It was a human flood of biblical proportions. Among the refugees was an eleven-year-old orphan who was lame. He begged for help. There were many others who were sick. Although a skittish U.S.A.I.D. official I was with would not let me stop to take pictures and protested when I stopped for the boy, I nevertheless gave him and a sick pregnant woman a lift to the Ruhengeri Hospital where they could be cared for.

That night at the American Club in Kigali, Ambassador Richard Bogosian, U.S. Coordinator for the African Great Lakes, was having dinner with Ambassador Robert Gribbin, U.S. Ambassador to Rwanda. Bogosian joshingly said to me, "Well, Greg, do you still think we need that U.N. force?" I could only reply, "No, Ambassador, it's too late now."

As more and more reports came in of slaughters of Hutu refugees by the Rwandan Army and the forces of Joseph Kabila, I began to ask for more information from American intelligence about what was going on. In spite of my Top Secret Codeword security clearance, I could never get an answer. So I decided to find \$50,000 outside the normal Human Rights Bureau budget and hire private investigators through human rights groups who would find out what was going on. They confirmed my worst fears—a revenge genocide was in progress. Working with colleagues from other countries--particularly Australia, Canada, and New Zealand--we put together a resolution for the U.N. Commission on Human Rights to establish a Commission of Inquiry to investigate the reports of human rights violations in what had now become the Democratic Republic of the Congo under President Joseph Kabila. Kabila refused to cooperate with it. The U.S. waffled and a new U.N. commission with a different chairman was appointed. Kabila wouldn't cooperate with the new chairman either. So the mass murders at Mbandaka and south of Kisangani and throughout the Kivus have remained uninvestigated and unprosecuted.

The Rwandan Army soon broke with Kabila and a deadly civil war has ensued, drawing in most of the Congo's neighbors. An estimate by epidemiologist Dr. Les Roberts, a consultant for the International Rescue Committee, is that the war has cost 1.7 million lives. When there is no force of law, the world will be ruled by the law of force.

Current Projects

The International Criminal Court

Ann Korkey's recommendation against tenure finally had its effect. Tenure was denied, and my contract with the State Department ended. So I left the State Department in 1999 and went to work on initiatives that are either being opposed by or cannot be accomplished by the U.S. government.

Enforcement of the Genocide Convention has long been frustrated by the lack of the international institutions needed to enforce it. For two years both the Clinton administration and Congress opposed, rather than supported, the creation of the International Criminal Court (ICC). The U.S. wants no international institutions created in which it lacks a veto.

In July 1998, the U.S. was one of only seven nations to vote against the Rome Treaty to create the ICC. We were in illustrious company—Iraq, Sudan, and China. The real reason is that as the sole remaining super-power, the U.S. wants to be able to use its power with impunity. The U.S. wants no one to judge its actions, its leaders, or its troops. The U.S. even wanted immunity for official acts of government officials, a position that would set international humanitarian law back fifty-five years, to before the Nuremberg Tribunal. It would allow any tyrant to simply declare his mass murders “official acts” in order to become immune from judgment. It is a preposterous policy--more fitting for a nineteenth-century imperial power than for a twenty-first century advocate of democracy and the rule of law.

From January 1999 to March 2000, I served as Coordinator of the Washington Working Group on the International Criminal Court, a coalition of human rights, religious, legal, and veterans groups that support creation of the ICC. Our objectives were to educate policymakers and the public about the ICC, and to defend the ICC from retrograde views like those of Senator Jesse Helms. We also aimed to secure the signature of the United States on the Rome Treaty by December 31, 2000, the final date for signatures without simultaneous ratifications. We were successful. The U.S. dropped its insistence on “official acts immunity.” In 2000, Congress did not consider Senator Helms' misnamed “American Servicemembers Protection Act,” which Congressman Patrick Kennedy said should be retitled the “War Criminals Protection Act,” because it would make the U.S. a haven for war criminals. And President Clinton authorized Ambassador David Scheffer to sign the Rome Treaty on December 31, 2000. I worked closely with David for years and knew privately how much he wanted the U.S. to sign. It was a sweet victory.

Unfortunately, even when the ICC comes into existence, the U.S., China, and India will not sign--nearly half the world's population. (India abstained, rather than voted against the treaty in 1998, but is unlikely to sign.) Most of the worst genocide perpetrators (Sudan and Iraq, for example) won't join. The ICC will not have universal jurisdiction unless the U.N. Security Council refers a case to it. So the court will lack jurisdiction over crimes committed in the territories of Sudan or Iraq unless the Security Council grants it. The ICC will have no retroactive jurisdiction over crimes committed

before the ICC is created. But the ICC is an important step toward a world ruled by law. Eventually the U.S. must join the rest of the civilized world and ratify the Rome Treaty.

A Standing, Volunteer U.N. Rapid Response Force

Currently, there is no powerful international Rapid Response Force that could intervene quickly when genocide threatens or begins. I assisted Don Kraus of the Campaign for U.N. Reform in drafting the McGovern-Porter U.N. Rapid Deployment Peace and Security Act of 2000, which supports creation of such a force. It has two dozen co-sponsors, and it is an idea whose time will come.

America should not and cannot be the unilateral policeman of the world. A step toward this standing rapid response force is the Danish and Canadian proposal for a U.N. Standing High Readiness Brigade (SHIRBRIG) of 5,500 light infantry troops ready to fly to any place on earth within three weeks of orders by the U.N. Security Council. The command center in Copenhagen is already operational. "SHIRBRIG" will be made up of national units, so it suffers from the weakness that nations may decide not to participate at the crucial time when they are most needed. Such a force needs to be enlarged and its mandate extended to Chapter Seven operations (mandatory, forceful peacekeeping without the consent of all parties) as well as Chapter Six operations (pacific settlement of disputes, with the consent of the country where peacekeepers will be stationed). But it is progress toward ending genocide.

Genocide Early Warning

The United Nations needs an effective early warning system for genocide, ethnic cleansing, and political mass murder that will daily keep track of incidents in countries with potential ethnic and religious conflicts and that will forecast long-term problems. The U.N. Secretariat now holds monthly meetings of the Interdepartmental Framework for Coordination to keep watch on regions of special concern. From March to July 2000, I worked with the Open Source Solutions Genocide Early Warning Project (a private consulting firm) that provided daily and monthly reports to the Interagency Genocide Working Group led by Ambassador David Scheffer of the State Department's Office of War Crimes. We are now working with the United Nations to extend this Early Warning capability to U.N. agencies and the U.N. Security Council. In August 2000, a U.N. Commission on Peacekeeping Operations led by Lakhdar Brahimi recommended creation of just such an Early Warning operation in the U.N. Secretariat.

The International Campaign to End Genocide

Currently, there is no international movement on the order of an Amnesty International dedicated to ending genocide in the twenty-first century. At the Hague Appeal for Peace in May, 1999, a coalition of ten organizations from the United States, Great Britain, France, Germany, and Israel co-founded a new coalition called the International Campaign to End Genocide. The coalition included Genocide Watch (USA), The World Federalist Association (USA), the Campaign for U.N. Reform (USA), the Cambodian Genocide Program (USA), International Alert, Physicians for Human

Rights (UK), The Leo Kuper Foundation (UK), The Committee for an Effective International Law (Germany), The Institute on the Holocaust and Genocide (Israel), and Prevent Genocide International (USA).

Our first major action was in the East Timor crisis, when we worked together with other human rights, religious, and relief organizations to lobby the U.S., U.K., France, Germany, and Australia to put pressure on Indonesia to stop the rampage of militias and Indonesian troops in East Timor following the referendum for independence. We were quite successful in talking with leaders of these countries, who, in turn put direct pressure on the leaders of Indonesia. The U.N. authorized the extremely rapid deployment of the Australian-led multi-national force that stopped the bloodshed. Catholic Relief Services sent in tons of food and medicines. Amnesty International succeeded in getting a Special Session of the U.N. Human Rights Commission convened, only the fourth in its history. I wrote an options paper, (“War Crimes, Genocide, and Crimes Against Humanity in East Timor: Options for an International Criminal Tribunal”) calling for the creation of a tribunal to try those who were committing crimes against humanity. The day after our members presented it to Foreign Secretary Robin Cook in London, he publicly called for creation of an international tribunal. The paper was also shared with the U.N. Commission, which made the same recommendation.

My employer, the World Federalist Association, U.S.A. had agreed to act as coordinator of the international coalition, but in March 2000 the new CEO of the World Federalist Association - U.S.A., John Anderson, reversed the decision that the WFA-USA Executive Committee had passed in July 1999. He claimed that a national branch (WFA-USA) could not coordinate an international coalition, ordered me to work exclusively with U.S. organizations, and to terminate my work with overseas groups. It seemed shortsighted for an organization whose very name denies the primacy of divisions created by national boundaries. I therefore resigned from my job with the World Federalist Association, U.S.A. in order to continue the international coalition's work. I hope the movement the coalition was building around the world will not be lost. Genocide Watch, which I founded in 1998, has taken over coordination of the international coalition.

The International Campaign's Steering Committee met in London in October 2000 to plan future directions and outreach to other groups. The Aegis Trust, a new think-tank on genocide prevention based in Nottinghamshire, England, joined the International Campaign. The Campaign's Steering Committee agreed that I would continue as coordinator, that we would assemble a prestigious board of advisors, and we would undertake a fundraising effort.

What Is to be Done?

- 1.5 million Armenians.
- 3 million Ukrainians.
- 6 million Jews.
- 260,000 Roma (Gypsies).
- 10.5 million Slavs.
- 25 million Russians.
- 25 million Chinese.
- 1 million Ibos.

- 1.5 million Bengalis.
- 1.7 million Cambodians.
- 250,000 Burundians.
- 500,000 Ugandans.
- 2 million Sudanese.
- 800,000 Rwandans.
- 2 million North Koreans.
- 200,000 Bosnians.

Genocides and other mass murders killed more people in the twentieth century than all the wars combined.

"Never again" has turned into "Again and again." Again and again, the response to genocide has been too little and too late.

During the Armenian genocide and the Holocaust, the world's response was denial. In 1994, while 800,000 Tutsis died in Rwanda, State Department lawyers debated whether it was "genocide", and the U.N. Security Council withdrew U.N. peacekeeping troops who could have saved hundreds of thousands of lives.

Genocide is the world's worst intentional human rights problem. But it is different from other problems and requires different solutions. Because genocide is almost always carried out by a country's own military and police forces, the usual national forces of law and order cannot stop it. International intervention is usually required. But because the world lacks an international rapid response force, and because the United Nations has so far been either paralyzed or unwilling to act, genocide has gone unchecked.

The International Campaign to End Genocide is an international coalition dedicated to creating the international institutions and the political will to end genocide forever. The International Campaign to End Genocide has four goals:

1. The early and effective functioning of the International Criminal Court.
2. The creation of an effective early-warning system to alert the world and especially the U.N. Security Council to potential ethnic conflict and genocide.
3. The establishment of a powerful United Nations rapid response force in accordance with Articles 43-47 of the U.N. Charter.
4. The provision of public information on the nature of genocide and creation of the political will to prevent and end it.

This Campaign is a de-centralized, global effort of many organizations. In addition to its work for institutional reform of the United Nations, it is a coalition that will bring pressure upon governments that can act on early warnings of genocide through the U.N. Security Council. The Campaign will establish its own NGO early warning system and has its own website (<http://www.genocidewatch.org/>). Bypassing the secrecy of government intelligence services, the Campaign hopes to facilitate establishment of truly confidential communication links that will allow relief and health workers, whistle-

blowers, and ordinary citizens to create an alternative open source intelligence network that will warn of ethnic conflict before it turns into genocide.

The International Campaign to End Genocide covers genocide as it is defined in the Genocide Convention: "the intentional destruction, in whole or in part, of a national, ethnical, racial or religious group, as such." It also covers political mass murder, ethnic cleansing, and other genocide-like crimes against humanity. It will not get bogged down in legal debates during mass killing.

Building the political will for action is the major task. Among the defense mechanisms used to justify non-action is denial of the facts. So the first job in preventing and stopping genocide is getting the facts in clear, indisputable form to policy makers. Most of that job is done by CNN and the news media. But conveying the information is not enough. It must be interpreted so that policy makers understand that genocidal massacres are systematic, or that the portents of genocide are as compelling as warnings of a hurricane. Then options for action must be suggested to those who make policy, and they must be lobbied to take action.

The International Campaign to End Genocide works to create political will through:

1. Consciousness raising -- maintaining close contact with key policy makers in governments of U.N. Security Council members, providing them with information about genocidal situations.
2. Coalition formation --working in coalitions to respond to specific genocidal situations and involving members in campaigns to educate the public about solutions.
3. Policy advocacy--preparing options papers for action to prevent genocide in specific situations, and presenting them to policy makers.

The International Campaign to End Genocide concentrates on predicting, preventing, stopping, and punishing genocide and other forms of mass murder. It brings an analytical understanding of the genocidal process to specific situations. It does not simply study genocide or hold conferences, but attempts to prevent genocide, and build institutions that can end genocide forever.

The International Campaign's headquarters location in Washington, D.C. permits it to influence U.S. foreign policy, a key to forceful humanitarian intervention when genocide threatens. But it is also an international effort that will work with governments of other U.N. members to create the political will for United Nations, rather than unilateral, intervention.

The Importance of Our Call

I believe the International Campaign to End Genocide in the twenty-first century will someday be seen in the same way we see the anti-slavery movement of the nineteenth century. It is time in human history to end genocide, the worst of all crimes against humanity. There were those in the nineteenth-century who said that slavery

couldn't be ended because the economic forces that supported it were too great, that it was human nature, or even worse, that it was ordained by religion. There will be similar defeatism about the movement to abolish genocide. There has always been genocide, so it must be part of human nature. The world political order is not yet developed enough to prevent and stop it. Or, worst of all, genocide is ordained by jihad or ethnic purity or religion.

But those who say we cannot abolish this curse upon mankind are no more right than those who said slavery could not be defeated. It is a matter of human will. And we make that human will. As Archbishop Tutu is fond of saying, "God is a God of justice. But to do justice, God depends on us." God depends on us.

It was a call to do justice that I answered in 1980 when I went to Cambodia. I had no idea what paths that call would lead me down. And I do not yet know where this call to do justice will lead me in the future. But neither did the Wise Men when they were called. There's an old evangelical saying, "God has a wonderful plan for your life." I've always been tempted to reply, "Yes, but I wish God would show me the map." A map would have been a much easier way to find Bethlehem than a star. But it wouldn't have required any faith. Ultimately, reaching our goal, fulfilling our call, depends on our faith.

I have faith that we will succeed in our struggle whenever I look at our daughter.

Birth

On November 16, 1980, a month before we left Cambodia, a newborn baby was abandoned at the entry to the National Pediatric Hospital. The chief doctor couldn't keep her at the hospital where an epidemic of hemorrhagic fever was raging, and at the orphanages, newborns had only a fifty percent chance of survival. So the doctor brought her back to our hotel, walked into our prayer service that Sunday morning, and laid her in my wife's arms. She asked us to care for the child until the government could determine what to do. We had told no one of our hopes to start a family, and certainly didn't expect to adopt a baby in Cambodia, which no foreigner had done since 1975. We were the wrong nationality, wrong religion, wrong ideology, and wrong race. Our own country still had Cambodia on its "enemies list," under the Trading With the Enemy Act. All the barriers known to man stood between us.

But there is a personal force in the world that changes hearts and that can also change the course of history. I knew from my study of the personalist theology of Martin Luther King, Jr. that if we took that baby to the Foreign Ministry, and if we ourselves went in person, our request to adopt her would become an entirely different issue than if we simply wrote a letter, which I had also done. So we bundled her up in a zip-open Grasshopper suitcase made into a bed, and took her to the Foreign Ministry. The Deputy Foreign Minister strolled in and when he saw her, he was clearly moved. We explained what had happened, and our desire to adopt her. Then he began to speak to her in Khmer, "You are in God's hands. I will pray for you."

The decision could not be made by the Foreign Ministry alone. It had to go to the Revolutionary Council. Five weeks later the Revolutionary Council itself gave us permission to adopt her. (The permission was the first official act of that government ever recognized in a U.S. court.) We named her Elizabeth Chantana, which means "gift of God." We returned to the United States on Christmas Eve, 1980, and she was baptized

by my father, Reverend Howard Stanton, at the Christmas Eve service in the First Presbyterian Church, Racine, Wisconsin.

When I went back to Cambodia in 1982 to found the Cambodian Genocide Project, I asked the officials at the Foreign Ministry, "Why did you let us adopt her?" They said, "Because we knew that she needed you. And we knew that you needed her." That is love. Love is God's force personally expressed. Justice is God's force socially expressed. Evil and death and genocide are not the most powerful forces in Cambodia or Rwanda or anywhere else. Love and life and justice are.

Through love outstretched across thousands of miles, across political, ideological, religious, and ethnic boundaries, Cambodia and Rwanda have come back to life. And to us a child has come, our gift of God, a testimony to the ultimate power of a love that transcends all boundaries.

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