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CITIZENS COMMISSION ON INDOCHINESE REFUGEES

CARE OF INTERNATIONAL RESCUE COMMITTEE, INC.

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January 16, 1980

Rabbi Marc H. Tanenbaum
Director of Interreligious Affairs
American Jewish Committee
165 East 56th Street
New York, N. Y. 10022

Dear Rabbi Tanenbaum:

Leo Cherne has asked me to send you the enclosed paper which he prepared, describing the relief convoy that will be leaving Bangkok for Aranyaprathet, near the Thai/Cambodian border, on February 5th. Since you are still considering joining the convoy you will be interested in having this information. All arrangements in Bangkok, transportation, accommodations at the border, will be handled by our staff in Thailand; you need not be concerned with any of them.

May I call your attention to the enclosed reprint from The New York Review of Books of January 24, 1980, which is a major piece of writing on Cambodia by William Shawcross.

Please feel free to call me or Leo at Pl 5-8900 if you have questions.

Cordially,

Margie Levenstein
Margie Levenstein

David Hawk
251 West 87th Street
New York, N.Y. 10024

October 5, 1984

Rabbi Marc Tannenbaum
American Jewish Committee
165 East 65th Street
New York, New York 10021

Dear Rabbi Tannenbaum,

Since last I talked to you, I have continued to make very good progress in my efforts to document the acts of genocide and crimes against humanity which occurred in Cambodia under Khmer Rouge rule, and to prepare the legal analysis that would be necessary to apply the Genocide Convention to the Cambodian situation.

To facilitate the completion of the evidentiary documentation and legal analysis, and to facilitate the search for a state party to the Genocide Convention that would be willing to consider taking a complaint to the World Court, I am forming a Cambodia Documentation Commission.

The intent, aim, and work of the Commission are outlined in the enclosed memorandum. The Commission needs to have a list of advisors made up of Cambodian refugees, Cambodia scholars, legal scholars, human rights proponents and prominent citizens publically identified with concern for the victims of the Cambodian tragedy. I would be deeply honored, and the efficacy of this effort would be greatly augmented, if you would be willing to be such an advisor.

It now looks as if at long last there is a good chance that the United States will ratify the Genocide Convention. Yet, as you know, the Genocide Convention has never been applied or utilized. It is my fear that if it is not applied to the case of Cambodia, it is hard to imagine a situation in which it will ever be used.

I thank you for giving this matter your full consideration. I would be happy to answer any questions you might have.

Sincerely yours,


David Hawk

CAMBODIA -- MARCH FOR SURVIVAL

February 5, 1980

Background and Details

(prepared by Leo Cherne)

We are convinced that by this point, substantial quantities of food have in fact been delivered to the authorities in Cambodia. In November alone the World Food Program has calculated that 23,000 tons of food were actually made available inside Cambodia. However, the same UN agency estimates that only 447 tons were distributed. In contrast, 20,000 tons were delivered inside Thailand, and of these 15,000 were actually distributed to the Cambodians there, with a week still to go. As you know, the World Food Program has suspended its further shipments for this reason. The International Committee of the Red Cross, complaining bitterly about the warehousing of food and the non-distribution of all but minor amounts, has indicated it will consider a similar course before the end of this month. Several other organizations, notably Oxfam, have taken a different view, but our study of all available data and information persuades us that the actual distribution of food -- including the newly harvested rice -- is but minimal and confined to areas immediately around Phnom Penh. Ironically, though the program is a very quiet one and data are not being released, a larger quantity of food may actually be getting into Cambodia across the Thai border by food being assembled at border camps where it is being picked up by Cambodians travelling considerable distances on foot, bicycle or oxcart. The American organization, Catholic Relief Services, has been deeply involved in this effort for a number of months..

Despite these efforts, the tragic fact is that imminent starvation faces more than one million Cambodians inside that country within the coming months, if not weeks. The largest concentration of population of that country is identified by the World Food Program as now clustered in the western half of Cambodia, where the present authorized means of supply could not easily reach these people even if the occupying authorities in Cambodia were energetically

trying to accomplish this -- unless they were willing to use their air force, which is supplying their troops, and the regional airports, being used for purely military purposes, to deliver this humanitarian help as well. Neither possibility is in prospect. This is the background for the plans we have in mind.

As of this morning, the project of arranging a multi-truck convoy from Bangkok to the Cambodian border, known as CAMBODIA -- MARCH FOR SURVIVAL, can now be considered officially on. On February 5, Médecins Sans Frontières (MSF), together with the International Rescue Committee and Humanitas, supported and assisted by other organizations -- religious, trade unions, and so forth -- are planning to join a convoy of trucks loaded with food, other essentials, medical personnel, indispensable medications, and whatever else is immediately needed to save lives. This convoy will proceed from Bangkok to Aranyaprathet near the Cambodian border. MSF officially announced their participation in this venture at a press conference in Paris on January 14th. They identified as well the collaboration by the IRC. In answer to a question from the press, they indicated that the IRC had been informed by the Thai government that they did not object if efforts were first made to secure permission from the government of Vietnam and from Phnom Penh, and providing the convoy did not cross the border unless it had permission, and in no event against resistance.

MSF, prior to the press conference, formally made a request directed to Hanoi, Phnom Penh and Moscow requesting safe passage for a number of trucks filled with food, and additional vehicles filled with medical supplies and equipment, doctors and nurses. Their request indicated as well that this joint international operation was entirely non-governmental, non-political, private, and was interested in both seeing the distribution of the supplies to those in urgent need of food in western Cambodia, as well as to make available professional medical capability to the acutely sick.

If the request is responded to favorably, the convoy will proceed from Aranyaprathet across the major border point several kilometers away into western Cambodia. If, as is more likely, especially since even the approved organizations like UNICEF and ICRC have not been permitted to distribute food or to provide a single doctor for service inside that country, we learn that our request to enter Cambodia is denied, our plan then is as follows: The convoy of trucks will remain in Aranyaprathet for approximately a week. They will each day make a short journey to the border in order to register the request to cross and to ask whether changed instructions have been received by the Vietnamese or Heng Samrin people assigned to that border post. Failing permission to enter, the trucks will return to Aranyaprathet after a decent interval at the bridge which constitutes the border crossing. This procedure will be repeated until, at the end of approximately a week, it is concluded that no affirmative answer will be forthcoming.

It is the present plan that at that point the trucks will be instructed to depart for specified different locations within Thailand. The greater amount of food will be deposited in those areas where continuing success, no matter how modest, is achieved in getting some quantities of food across the border. The balance will be divided among those Cambodian camps where food is actually required, and perhaps as much as one-third of the contents will be delivered to communities of Thai villagers who have been displaced to make room for the several hundred thousand Cambodians. These Thai villagers are in need and have received virtually no attention from the international community.

Simultaneous with this physical effort is another aspect of the plan, almost certainly as important if not more so. The conscience of the world has been moved by this genocidal tragedy. More than 70 journalists who attended the Paris press conference, including two of the three French television networks,

identified the organizations in France which had associated themselves with this effort. These include: International League Against Fascism and Racism; Committee for Boat People of Vietnam; International Action Against Famine; and most of the French Assembly. The two principals of MSF, Dr. Emmanuelli and Dr. Malhuret, are leaving for Bangkok on January 16th to organize the details required there. They will work closely with the IRC staff, and especially with Bob de Vecchi. The European contingent may include as many as 100 distinguished individuals and organization representatives, but I strongly urged they limit their numbers sharply since accommodations will be difficult in Bangkok and impossible in Aranyaprathet. Some 80 of the most significant men and women of France have actively supported the participation of MSF in this, although we do not know how many of the following will be present at the border: Simone de Beauvoir; Jean-Louis Barrault, the great actor; Jean-Marie Benoit; Jean-Francois Revelle; and J. P. Rampal, the world's greatest flutist.

Since the news of Iran and Afghanistan has unfortunately in each of our countries pushed the continuing tragedy of Cambodia out of public attention, this effort will surely attract extensive coverage by press and television worldwide. Many prominent individuals have agreed to provide by their presence the visible evidence of the world's support. Among those for whom MSF is responsible are: Jean Lacouture, Father Francois Ponchaud, Bernard Henri-Levi, Jean Ziegler (Swiss), and John Le Carré from London.

Secured by efforts on our part to associate with this international aspect of the support are the following: the Danish Labor Federation;

Forces Oeuvrières, the AFL-CIO of France; International Postal, Telephone and Telegraph Workers of the World, 87 locals in 87 countries; International Confederation of Free Trade Unions; Asian Region of Labor Organizations of the ICFTU. It is likely that additional unions from Germany and Scandinavia may be added. The President of the Parliament of Europe, Mme. Simone Veil, has promised to arrange an activity of the Parliament at the time of the truck convoy in support of that effort.

The U. S. effort includes: the International Rescue Committee, Catholic Relief Services and Joan Baez's HUMANITAS. Baez's colleague, Jeannie Murphy, who has been working with Bob de Vecchi and the IRC medical teams in Thailand, has returned to the States briefly and will be going back with Joan Baez, leaving February 1st from San Francisco for Bangkok. Among those definitely going from the United States and other points are the following: Leo Cherne, Joan Baez, Bayard Rustin, Elie Wiesel, Liv Ullmann, Oren Root, Nathaniel la Cour (an officer of the American Federation of Teachers in New Orleans), Father Robert Charlebois, Mairead Corrigan (winner of the Nobel Peace Prize for organizing the Irish Women's March for Peace), Winston Churchill III, the Honorable Madame Bonino, (member of the Italian Parliament) and Mother Teresa. We are waiting to hear from Father Theodore Hesburgh and Rabbi Marc Tanenbaum, who had indicated a desire to go.

We are aiming, for all those who can, to arrive in Bangkok on February 3rd. February 4th will be for briefings, rest, meetings and so forth in Bangkok. February 5th will be the departure of the convoy from Bangkok to Aranyaprathet. The French contingent is planning to be back in Paris by February 10th. The tentative plan involves the convoy's remaining in Aranyaprathet and possibly travelling daily to the border seeking permission to enter until, between February 10th and 12th, plans will be made to take the visitors in small groups

to border areas where large clusters of Cambodians are located, as well as to one or more of the organized Cambodian holding centers. Joan Baez has been asked to give a concert in Bangkok for the Cambodian refugees, and it is tentatively thought this might be somewhere midway in the period with the hope that plane transportation can be arranged to bring the overseas delegation into Bangkok and back to the border. If not, the appropriate time might well be the night the French contingent returns to Bangkok for next day departure to Paris.

Accommodations are presently being arranged in Bangkok and Aranyaprathet. We must be frank about the latter. There simply are no hotel rooms in that small border town. What is planned, therefore, is to accommodate those coming from various parts of the world in a make-shift way, dormitory style, in several buildings which the various voluntary agencies have rented to house their staffs. Comfort will regrettably be minimal, but luxurious in contrast to the conditions in which the Cambodians live even inside Thailand. We will naturally do our very best to make this tolerable, as well as to provide needed transport to the border, to border concentrations of Cambodians, to one or more of the now regularized camps for the Cambodians, and so forth.

This is of course not a "no-risk" situation, and while every effort will be made to insure personal safety, given the situation as it now exists there can be no guarantees made. Each person considering joining this effort must be cognizant that there is danger, particularly if he/she decides to accompany the trucks and jeeps across the border -- assuming, of course, that such permission has been granted. It is both our plan as well as the requirements of the government of Thailand in having given us the necessary permission to undertake this effort, that we not cross the border against resistance or in the event of a refusal, or in the event of no answer to our request to enter Cambodia. In fairness I should add that the element of physical risk, while present for those accompanying the trucks if they do cross, is quite marginal for the greater

number of people, who will remain in Thailand at or near the border. While there has been occasional shelling, that shelling has been confined to the several large border camps of Cambodians; who despite efforts of the Thai government have refused to move to more secure locations.

At this point, events along the border between Thailand and Cambodia are so chaotic it is possible that there may not even be border authorities awaiting the Vietnamese army at the border point on the one highway between Thailand and Cambodia. It is possible, in addition, that fighting between the various Khmer-Serei groups, among themselves as well as with the Vietnamese, may make the entire border so insecure as to invalidate our original concept of a daily trip to the border, seeking for permission with assurances of safe conduct into Cambodia.

In that event, our trip there will be performing the following functions -- though in a changed manner. We will be in the position to observe -- and among the first in the world to do so -- the effect of this new catastrophe on top of an existing tragedy. It is possible that additional thousands will within a month be pouring across the frontier. We will be able to see the situation in the existing refugee camps as well as those hastily thrown together in this new circumstance. But one thing remains constant: by our presence we will manifest the depth of the conscience of the world for these people doomed to suffer tragedy after tragedy. In addition, our presence will be a vigil, once again drawing the attention back to this continuing disaster despite the focus on Iran and Afghanistan. And the very food, essential supplies, medications, and so forth, will in any event then be directed to those points within Thailand where this new situation has made need greatest.

It is my own plan to be in Bangkok around February 1 so that those of us who have been planning this venture may deal with the last-minute logistical and other contingencies which may still require decision.

January 15, 1980

P. S. - Since preparation of this report, we are delighted to learn of Alexander Ginsburg's desire to join the convoy.. The presence of one of the most distinguished of the Soviet dissidents adds another significant element to the public spectrum represented by the group going. The American Federation of Teachers and the Jewish Labor Committee are the first of the U. S. organizations which have agreed to join in this effort. There will be others.



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Original documents
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The New York
Review of Books
1/27/80
1.

The End of Cambodia?

William Shawcross

If what is left of Cambodia is to be saved, an international conference must take place soon. Like the Geneva Conference of 1954 it would have to agree on the neutralization of Cambodia as part of a regional settlement endorsed by the great powers, including Russia and China, for all of Indochina. Norodom Sihanouk, who jealously tried to protect Cambodia's neutrality from 1954-1970, is now in Paris and on his way to the US to plead for such a settlement, which would very likely involve Sihanouk's own return.

If no settlement can be worked out, it now seems inevitable that the obliteration of Cambodia will be completed. That obliteration, if it is allowed to happen, will not be easy to explain to our children. Eventually, indeed, the death of Cambodia will be seen as one of the greatest crimes of the twentieth century. What will seem even more incomprehensible and unforgivable is that it took place not suddenly, unexpectedly, over night, but during ten years.

The manner in which the Cambodian people have been abused has differed from year to year, and the race and ideology of its assailants have altered, but throughout those ten years there was at least one constant. While tears were wept by prominent crocodiles (Kissinger, Pol Pot, Pham Van Dong have all dabbed their eyes), cruel and unusual punishments were inflicted again and again on ordinary Cambodians. Public opinion and relief agencies in the West have finally been aroused; but the irony is that our concern—bags of rice, trucks, and children's clothes—may have only a short-term effect. One of the most dedicated chroniclers of Cambodia's death now believes that "a new, subtle form of genocide is taking place," conducted this time by the Vietnamese. To that, charity cannot respond.

2.

One image of Cambodia that pervades each of the last ten years is of brutal forced movements of hungry people. Before Kissinger and Nixon invaded the country in May 1970, over 80 percent of the Cambodian people made their living from land that was more abundant than most. During the next five years the intensity of the US bombing and then the cruelty of the emerging Khmer Rouge forced about half of the seven million people to flee from their homes, their pagodas, into the towns. A great many more were dispersed through the countryside itself. In 1975 the victorious Khmer Rouge emptied the towns at gunpoint. But few people were allowed to go home; harsh new work camps were established throughout the country in a fearful atmosphere of murder, disease, starvation, and frantic labor. Further huge, disruptive movements of people were enforced during the next four years.

After the Vietnamese invasion of January 1979, the Khmer Rouge fled to the mountains and jungles whence they had emerged a bare four years before. Since then they have fought a guerrilla war against the Vietnamese similar to the war they fought against the American-backed regime of General Lon Nol.

The Vietnamese army of some 200,000 soldiers has not been able to crush them any more than Lon Nol could; now new noncommunist resistance groups, some apparently led by former followers of Sihanouk and Lon Nol, have sprung up in the west of the country.

Throughout this year hundreds of thousands of the survivors have straggled through the havoc of the new war in search of homes, families, lives that were almost all gone forever. As a result of this new movement and the widespread fighting, very little rice has been planted. Now many of the Khmer people who can still move are searching for food. About half a million, in terrible condition, are camped along the Thai border and may soon break into Thailand. Thousands more are waiting listlessly in the wreckage of a society for

3.

One instructive result of the Vietnamese invasion has been the scramble among members of the Western European left to change their positions. Many who had held back criticism of Khmer Rouge rule have become Pol Pot's most vociferous critics. Indeed, charges of "genocide" and "three million dead" seem to come more often today from the French Communist Party and its friends on the left than from anywhere else. More surprisingly, some of the international relief agencies have accepted without question all the details of the anti-Khmer Rouge propaganda issued by the Vietnamese client government.

The Vietnamese have certainly capitalized with great skill on the record of Pol Pot. An obligatory stop for visitors to Phnom Penh is a school which, the Vietnamese say, was a Khmer Rouge



help that does not come. Almost everywhere rice is in short supply. All the illnesses associated with severe malnutrition—tuberculosis, pestilence, chronic dysentery—abound. People often appear too exhausted to farm or fish. Nor do they have the tools to do so.

Foreign relief workers have been stunned by the emptiness of Cambodia. They found no forklift trucks at the airport, no cranes at the seaport. Fishing nets have vanished; so have fishing boats, hoes, family cooking utensils. There are few trucks left in the country, roads are almost all badly damaged, bridges are down. There are many more women than men in Cambodia now; there do not seem to be very many children under the age of five. Some relief workers say that the people seem traumatized, dazed by the extraordinary experiences they have suffered and suffer still.

torture chamber. One finds there photographs and piles of clothing of the dead, instruments of torture, bloodstains and matted hair on the floor. No one can doubt that the Khmer Rouge tortured people, but whether there was an "Asian Auschwitz" in this particular place and with these precise methods remains uncertain. After all, the Vietnamese point to "bloodstains" in the room in the former Hotel Royale where they say the British lecturer Malcolm Caldwell was killed last December. In fact the crime occurred in a quite different place.

But whatever the exaggerations of the Vietnamese propaganda machine it was possible to make the claim in January that Hanoi was "liberating" Cambodia from a terror which is still almost incomprehensible. In February I talked in Thailand to refugees from the Sisophon area of western Cambodia. They said

that the Vietnamese had treated them well when they entered their villages, distributing rice and cooking utensils. Even though it has been Vietnam's ambition for centuries to swallow Cambodia, it seemed possible then that they were a lesser enemy of the Cambodian people than the Khmer Rouge.

Now the awful possibility arises that they may not be. Indeed, there have been reports that they are treating the Cambodians with almost as much contempt as the previous regime did. Nevertheless, the myth of the "liberating" Vietnamese has grown. The story has been assiduously spread by Vietnamese propagandists that the present food crisis is merely the fault of Western governments playing the China card—and so refusing to recognize the Vietnamese client government of Heng Samrin—while international relief agencies have cravenly followed suit, thus refusing to help that regime help the people. But if there is a famine in Cambodia today it is principally the Vietnamese that must bear the immediate responsibility.

This is not to deny that responsibility is widely shared. The policy of the Chinese—to fight Vietnam to the last Cambodian—has been, as so often, utterly cynical; too many in the West have been willing to accept its premises. Moreover, officials in Washington tended to dismiss predictions of famine in the early summer of 1979 or to play them down. Cambodia's principal rice crop is harvested at the end of the year. The rice has to be planted after the monsoons of early summer soften the earth. This year little planting took place. Henry Kamm of *The New York Times*—who has tried incessantly and eloquently to awaken the world to the Cambodian disaster—reported on June 6 from Bangkok that "all accounts from the isolated country suggest that farmers enjoy no security in the fields, that there is little seed, no fertilizer or pesticide and no transport. Cambodians will soon run out of rice. Many may already be starving."

The warnings came not only from Kamm. Washington had satellite photographs which showed that, at best, only 40 percent of the paddies were cultivated. It also had insistent pleas from the US Embassy in Bangkok. There the ambassador, Morton Abramowitz, has spent much of his time tirelessly arguing the cause of the Cambodian people to his own and the Thai government. With the Thais he has had considerable success. Bangkok has now reversed its earlier policy of forcing refugees back to almost certain death in Cambodia. But the initial response in Washington was lackadaisical. When I spoke to State Department experts in June, they assured me that talk of starvation was alarmist. But the reports from Bangkok? Ah, I was told, they are based only on refugee accounts from a limited area.

As Elizabeth Becker of the *Washington Post* has pointed out, similar reports

"The full reasons for Thailand's change of policy are not clear, but they are momentous. Very soon the Thais will have 25 percent of the surviving Cambodians under their control. This will obviously give them, and their allies, enormous influence over the future of the Khmer people.

took a different approach to that of the Red Cross and UNICEF. Its experience is instructive. At the end of August an Oxfam engineer, Jim Howard, flew to Phnom Penh on a relief plane organized by a left-wing French group, and underwritten by Oxfam. He found the experience harrowing. "Visited small clinic at Kilometer 7," he noted in his log, "absolutely no drugs or medicines—serious cases of starvation—clearly just dying for lack of food. One young woman who had just aborted lying on a filthy bed—the bloody remains put in a plastic bag by the side of her—she was still hemorrhaging badly. The hundreds of children were all marasmic—much skin disease, baldness, discolored hair and great fear in the whole population."

The Vietnamese themselves, moreover, discouraged some of the international efforts to prevent famine. The International Red Cross asked for permission to visit Cambodia in February. I:

At an orphanage in the Providence High School, he found "five hundred children, many starving and too weak to stand. Quite terrible conditions for



was not until the end of July that one Red Cross official and one from UNICEF were allowed to travel from Saigon for a few days. The Red Cross submitted a detailed relief plan on August 5. It took the view that the Vietnamese army would inevitably have to play a large part in distributing aid. It asked to station six people in Phnom Penh to attempt to monitor distribution. There was no reply.

For almost three months—during August, September, and October—the Vietnamese and Heng Samrin governments gave different and sometimes conflicting signals about their attitudes to relief. One major problem was that both UNICEF and the Red Cross insisted that they must help civilians on both sides of the war—including people under Khmer Rouge control in the west of the country. This was rejected as wholly unacceptable in Phnom Penh and Hanoi: both branded aid to the western regions as an imperialist plot to help China's ally survive and prosper. And in fact, much of the food taken across the Thai border has gone straight to the Khmer Rouge cadres.

The international relief agency Oxfam

children receiving one meal a day of plain rice soup with stewed banana leaves...." On Route 5 he watched people being turned away from Phnom Penh by the officials in charge: "what despair for those involved. I watched an exhausted woman with two small boys pulling a wooden box containing a few pathetic belongings back down the road they had already traveled to Phnom Penh in hope and anticipation of relief."

At another clinic "for the first time I saw an adult cry. The lack of tears had been noticeable to me over the week—people seemed too hurt to cry. The adult was in fact the woman doctor in charge of the clinic and when she realized we were there as friends and had brought in modest relief supplies—her lips and hands quivered and we were all shattered by the tragedy of it all."

At the 7th of January Hospital in Phnom Penh, he described "terrible conditions—children in bed in filthy rags dying with starvation—no drugs—no food.... The TB allied to starvation gives the people a Belsen-like appearance. In one ward a boy of thirteen tied down to the bed because he was going insane—many children now orphaned—or can't find families—and a lot of nervous twitches and spasms to be

seen among the people. The face of one small boy of eighteen months was in a state of destruction by what appeared to be infected skin and flesh which had broken down under severe kwashiorkor—his eyes full of pus, held in the arms of his five-year-old sister.... I find this sort of thing very tough to take—and this situation must be applicable to hundreds of thousands of Kampuchean people today."

Out on Route 4, "The villages visited all contained starving people and clearly many of the people I saw couldn't possibly survive several more months on what they had available. Most had a tiny rice ration of 3 kg per month—and they were eating wild tree pods and cooking banana stems. This was starvation at the worst Biafra level."

Howard said that he found both the Heng Samrin regime officials and Vietnamese officials helpful, and also anxious for help. Oxfam's charter is less constraining than that of either UNICEF or the Red Cross; it decided to do whatever it could to aid those under Heng Samrin. In October its director-general, Brian Walker, drew up an agreement with the government under which Oxfam would lead a consortium of thirty-one non-governmental relief organizations. The conditions were that the organizations must provide a specific, detailed relief program; that the consortium must not "interfere in the internal political affairs of Kampuchea" and, in particular, not give any relief to the Pol Pot forces; and that distribution would be carried out by Heng Samrin officials "in cooperation with" members of the relief organizations.

The nature of Cambodia's immediate needs can be gleaned from Oxfam's first shopping list: It recommended for the four-and-a-half million estimated population controlled by Heng Samrin, 70,000 tons of rice and maize. For supplementary feeding of 2,000 people in hospitals and orphanages, 450 tons of rice, 35 tons of sugar, 35 tons of oil, 75 tons of skimmed milk, and 5 tons of dried milk. Also, 50 five-to-ten-ton diesel trucks, 4 Land Rovers, forklift trucks and other unloading equipment; 17,000 tons of rice seed; 1,800 tons of maize seed; 70 tons of soya beans; seed for white radishes, cabbages, cauliflower, chinese cabbages, asparagus, onions. Fifty irrigation pumps, one million hand hoes, 1,000 fishing nets, 200 spraying sets, 5 tons of soap, 5,000 mosquito nets, 20 tons of cloth, blankets, school books, pencils, pens, paper, 200 tons of cotton yarn, 50 sewing machines. All would cost about \$50 million.

Oxfam's first relief barge was welcomed with great ceremony by government ministers at the port of Kompong Som on October 14. (Oxfam found, however, that port fees of \$8,000 were expected; as a gesture of "goodwill" these were reduced to \$3,000 for the first barge.) It took nearly five days for the 1,500 tons of supplies to be unloaded by a weak and unskilled dock force. Oxfam asked to be able to bring barges up the Mekong to Phnom Penh as well, and this request was eventually accepted.

Oxfam found that it had to conduct all its business through the Ministry of Foreign Affairs and the Ministries of Health, Economy, and Agriculture. Oxfam officials were shocked and moved when they saw the rudimentary level to which Cambodia had been reduced.

Everything has to be rebuilt. The ministries have tiny staffs and the few officials in them are often very inexperienced. The inevitable bureaucratic delays are made more acute for some of the foreigners, who must ask permission to move outside their hotel. Kampuchean are forbidden to speak to them without authorization. All aid has to be handed over to the relevant ministry and no close and consistent monitoring of its distribution is allowed. Fortnightly reports are supposed to be submitted to the small teams the aid organizations have been allowed to station in Phnom Penh, and in principle at least, these teams can request on-site inspections in places of their choosing. No one has much confidence that strict monitoring can take place under this system. But despite such restrictions the Red Cross and UNICEF decided in October discreetly to drop their insistence

Does anyone save money?

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on close monitoring in order to set up their own aid programs. At the same time the Heng Samrin government apparently dropped its demand that these agencies not send supplies across the Thai border—a demand that had been severely criticized in the press throughout the world.

In November Oxfam officials maintained that they were impressed by the good will of members of the government, and that they believed their aid was reaching the people. An Oxfam doctor, Tim Lusty, who was in Cambodia in October and early November, thought that "the nutritional status of the bulk of the Kampuchean people has improved slightly," thanks in good part to the aid that had arrived. This was especially true in Phnom Penh itself, where aid from Vietnam and the USSR had been distributed. However, Lusty

doubted that the communist countries could have sent 200,000 tons, as the Heng Samrin and Hanoi governments claimed. This would have been logistically impossible: a figure of between 20,000 and 40,000 tons seemed more likely.

On trips within sixty miles of Phnom Penh Lusty saw no sign of famine. However malnutrition was much more serious than in the capital and rice rations were often still less than a kilo per person per month. In Takeo he was shown records of aid distribution that seemed to him accurate.

Even so, Lusty and other aid officials found it disappointing that they were allowed to station so few people in Phnom Penh, and especially that the government refused to allow Oxfam to station foreign doctors and nurses in Cambodia—although a constant theme of its propaganda is that Pol Pot

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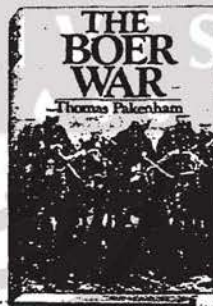
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instructed in but about fifty of Cambodia's own doctors. Lusty himself, moreover, acknowledged that his visits out of Phnom Penh might have been simply on the Ministry of Foreign Affairs' "tourist route."

By the end of November other agencies had become very concerned by such a possibility. In Paris the organizers of the boat *Ile de Lumière* carried only one load of supplies up to Phnom Penh and then canceled its future trips. Its director argued in *Le Monde* that the Vietnamese were perpetrating a gigantic fraud: they were using food not to feed but to subjugate the Cambodian people. On November 29 the US State Department suggested that 10,000 of the 13,000 tons of aid already shipped by the West to Cambodia was still in Phnom Penh warehouses. The Department later said such delays in distribution were deliberate.

On November 31, Malcolm Harper, who had spent the last month running Oxfam's program in Phnom Penh, disputed such charges; he was confident that aid was beginning to reach those for whom it was intended. However Oxfam officials have acknowledged that the first two government reports they received on where aid had gone were "useless." In early December the organization announced it would press for more stringent monitoring. Oxfam officials are conscious that they have two duties—to the starving people of Cambodia, and to their contributors. British children, for example, have already raised almost \$4 million for Cambodia by giving toys to Oxfam for sale.

4.

The charge that the Vietnamese are now conducting a subtle "genocide" in Cambodia comes from François Ponchaud, the French priest who lived ten years there and was one of the first to alert the world to the atrocities of the Khmer Rouge after April 1975. Then, as now, his information came in good part from testimony by many refugees and reports from those attempting to resist inside Cambodia. Then as now his information was at first decried, and it is well to remember that his early accounts of brutal and widespread repression proved largely correct.

Ponchaud himself stresses that the more recent letters and reports he has received are unconfirmed. (He cannot apply the rule of two sources for every story.) Moreover most of them come from western Cambodia where the resistance to the Vietnamese is fiercest. Apart from the Khmer Rouge, who are now thought to number around 25,000, there is a new group called the National Front for the Liberation of the Khmer People. This is led by Son Sann, a former prime minister under Sihanouk who spent the 1970s in exile in Paris. He is said to have around 5,000 troops inside Cambodia under the command of a former general of Lon Nol, Dien Del, who has been recruiting in Thai refugee camps since February. Son Sann is supported by both China and Thailand, and has a well-run organization in Paris. Another group is called Moulinaka and is led by a man called Kong Sileas; this group claims to be supporting Sihanouk. A third group is led by a man calling himself "Prince Norodom Soryavong," whose real name is André Okthol. He is a charlatan who has been terrorizing refugees in the one border camp which he controls, and refusing to let them leave for Thailand.

Much of Ponchaud's information

comes from members of these resistance groups, who make clear their antipathy both to the Khmer Rouge and the Vietnamese. Ponchaud has just received a long letter from a Khmer fighting with Moulinaka who, he says, reported reliably on Khmer Rouge behavior from 1975 onward. His letter gives a grim and detailed report. On the famine he says,

It is generalized throughout Cambodia, and in some places it began as early as June. It is killing Cambodians—several hundreds in Battambang province.... In the Thmar Puok sector [east of Aranyaprathet on the Thai border] we survived till August. Now there is nothing on which to survive. People are ready to flee for the frontier but thanks to international aid (coming through Thailand) we have received fifty tons of rice since September... for several thousand people. Resupplying is very difficult

because the Vietnamese control the roads. Deeper inside the country humanitarian aid does not arrive at all.

By February 1980 there will be nothing at all to eat. Very little land has been cultivated.... Drought has also been very serious. Normally it rains from July to September; this year it began to rain in October.... Next year there will be many more deaths from hunger than this year. And I can say that if there is no humanitarian aid, next year will be the end of the Cambodians. We will die of hunger, we will kill ourselves, we will die from all sorts of diseases....

Among the individual accounts of present conditions that Ponchaud has collected there are some allegations that constantly recur. His informants repeatedly describe the continuing brutality of the Khmer Rouge who seize much of the food sent over the Thai frontier. Of the Vietnamese they say that in order to exploit the food weapon fully some Vietnamese cadres have prevented peasants from harvesting their own rice (to the point of shooting them). They charge that the Vietnamese distribute aid to people they favor and that food and other aid is sometimes sold rather than

no money. Gold, however, was hoarded whenever possible. Now, at least in western Cambodia, there appears to be a flourishing and extortionate black market fueled by speculators and contraband crossing from Thailand.) The reports received by Ponchaud describe such practices vividly:

—“On September 6 three C-130s landed at Battambang carrying 250 sacks of rice and cooking pots. These were taken to the villages of Vat Kor, Vat Kdol, Anlong Vel, and were sold to rich people—interpreters and others who lived with the Vietnamese. These then resold the rice to villagers for twice the price....”

— A report of October 21 said that “international aid is not reaching the people. But the Vietnamese are bartering it for cattle.... One sack of rice per beast. The animals are often flown back to Vietnam.”

— A report of October 10 said that on September 20 the Vietnamese stole 100 sacks of rice from Cambodians in the village of Sway Chec, district of Thmar Pouk.

— “A young man from Takeo, Am, 19, says that the famine is very serious there. The Vietnamese are refusing to let people find food. There are a lot of Khmer Rouge there. People are fleeing toward Thailand. The Vietnamese are not stopping them but won't allow them to take anything with them.”

— “On the subject of international aid: According to Say, whose nephew has just arrived from Phnom Penh, there is good reason for anger. The Vietnamese effectively distribute 15 kilos of rice per person, but then go to houses and steal everything at gunpoint, leaving only one or two boxes.”

— “On October 16 the Vietnamese brought 45 lorries of rice and sold it to merchants. They then sold four of the lorries. On October 17 they distributed 2½ boxes of rice per family in the village of Rumchek. There was not enough for everyone.”

— A report of July 7 said that the Vietnamese were giving no medical help to the people; instead they were selling medicines for gold.

— “On August 31 some foreigners (French and American) came to Siem

Reap. The Vietnamese hid until they left. According to a doctor with the Vietnamese in Siem Reap, on October 30 one hundred tons of international aid arrived; the Vietnamese sold some of it to the Cambodians, but most was taken by the Vietnamese.”

— “On October 15 the Vietnamese shot five people trying to harvest their own rice in the commune of Phnom Thom, near Mongkolborey.... On October 20 the Vietnamese commander in Phnom Tauch, Mongkolborey, was asked about humanitarian aid. He replied, ‘There isn't any for the people of Cambodia, because it's being given for the Vietnamese. If the Cambodians want any they should ask for it from Thailand.’”

— A report of October 27 said, “The [local] rice is ready [for harvest] but the Vietnamese do not allow it to be harvested and are mining the paddies. They are rounding up people from 15 to 40 to

send them as soldiers to fight the Chinese, replacing Vietnamese troops who are being sent to Cambodia.... Famine is spreading. In Battambang, south of the Kor pagoda, people are dying of hunger one after another....”

— “On October 27 the Vietnamese collected people of Phum Vat Kor, Phum Vat Ta Meum, Phum O Damban and forbade them to harvest their rice. They said this rice belonged to the Vietnamese because Kampuchea had eaten a lot of Vietnamese rice.”

As Ponchaud says, the provenance of these reports should be remembered when they are assessed. Similar accounts, however, have recently been published in the *New York Times* and *Washington Post*. It might be argued that such stories are predictable in that they reflect traditional Khmer hostility toward the Vietnamese. But that hostility is mutual, and when one considers the history of recent centuries there is scant reason to suppose that the Vietnamese would now behave very differently from the way that Ponchaud's correspondents describe. When Vietnam last dominated Cambodia, in the mid-nineteenth century, the Vietnamese emperor Ming Mang wrote to his general Truong Minh Giang:



today, at other times they betray us. We helped them when they were suffering and lifted them out of the mud.... Now they are rebellious: I am so angry that my hair stands upright.... Hundreds of knives should be used against them, to chop them up, to dismember them....

Then Cambodia was saved from Vietnam only by the protectorate the French imposed and maintained until 1954. Nothing the Vietnamese have done since 1954 has suggested conspicuous concern for the well-being of the Cambodian people.

5.

Even if some of Ponchaud's informants are mistaken, biased, or deliberately misleading, humanitarian aid—essential in the short term—is insufficient. Only determined political action can save Cambodia. Perhaps it is too late. Perhaps the French protectorate merely delayed a process which is all the more inevitable now that Vietnam has fifty-one million people who are short of rice, while Cambodia's population of only an estimated 4.5 million lives in a highly fertile region. But we cannot complacently accept that hypothesis; the Cambodian people will not survive if we do. And even if it is only in their self-interest, other powers must help Cambodia regain its independence. Continued Vietnamese domination will neither bring peace to Cambodia nor stabilize the region.

At the moment the prospects for political compromise do not look good. Vietnam has said that the situation in Cambodia is "irreversible" while China says it is "intolerable." The political, military, and diplomatic impasses appear complete. But most of the parties to the conflict do have some persuasive internal reasons for compromise.

For Vietnam the invasion has been far more costly than expected. It deploys twenty divisions, some 200,000 men, in Cambodia and yet it has not been able to defeat the Khmer Rouge. It also now has to keep its troops in a state of alert along the border with China. The "punishment" China inflicted last February was not very successful militarily (indeed it revealed serious weaknesses in the Red Army's command and logistical structures) but it imposed a broad swath of destruction upon northern Vietnam. China has made it abundantly clear that so long as Vietnam remains in Cambodia it will continue to arm all and any resistance groups. The Vietnamese cannot look to a quick victory; they find themselves in a similar position to that of the United States in Vietnam—even to the extent that their enemies enjoy "sanctuaries" across the border, in Thailand.

China has also warned that a second "punishment" is on the way. Instead of being a frontal assault this might take place in Laos, where the Chinese are continually attempting to encourage discontent and rebellion against the Vietnamese-dominated regime by the highland tribes, and where Vietnamese troops are already tied down by vicious skirmishing. Recently China accepted 10,000 Laotian refugees from Thailand. The intention, it appears, is to train them and to re-infiltrate them into Laos to fight the Vietnamese. There are other reports that China is prepared to launch air strikes against the Vietnamese seaport of Haiphong.

A continued state of war in Cambodia and Laos and near war with China will cause the Vietnamese economy to

increasingly dependent upon the USSR. That cannot really be in Hanoi's interests. As for Moscow, its aid to Vietnam is said in Eastern Europe to be putting strains upon the resources of COMECON, whose members were not very enthusiastic about Vietnam joining their organization. Notwithstanding Russia's obsession with China, in the long run it might seem more important for the USSR to satisfy the Poles and the Hungarians than to feed the expansionism of the Vietnamese.

Chinese interest in a settlement is less obvious. It costs Peking very little to sustain resistance in Cambodia. With several hundred thousand refugees along the border (probably about to cross into Thailand) there will be an everlasting pool of fighters to send back—as with the Palestinians. A weak Vietnam is just what the Chinese hope to see. On the

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other hand, the Khmer Rouge are hardly a strong diplomatic ally and they will increasingly lose international support. Australia has just announced that it intends to withdraw recognition from Pol Pot and the British government has just done so.

Western interests in a settlement are urgent. Without a settlement ASEAN is threatened. Thailand faces an immediate military threat while the Vietnamese army is on its border and while it continues to give support and sanctuary to resistance groups. Following the logic employed by Nixon and Kissinger in 1970 the Vietnamese might well attack its enemies by invading Thailand itself. Certainly Vietnam now has more interest than ever in securing, by whatever means are at its disposal, a "friendly" government in Thailand.

As long as the war continues hundreds of thousands more Cambodians will die

and refugees will continue to flee Cambodia, and Laos, in large numbers to Thailand. It is widely feared that the worst famine will come in the spring. The Thais may be host to over a million Cambodians by early next year. At the same time the disruption of the Vietnamese economy, aggravated by Hanoi's military involvement in Cambodia and Laos, will probably cause many more boat people to flee—to Malaysia, Hong Kong, Indonesia, the Philippines, with all the costs and burdens that their arrival will impose. This is one point at which China's interests should coincide with the West's: China too wants a strong ASEAN.

The urgent case for an international conference should be clear. Sihanouk, who is now in Paris en route to the United States, argues that the best plan would be to reconvene the Geneva Conference of 1954, when the neutralization

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of Cambodia and Laos was agreed upon. He argues that since the 1954 machinery exists (it was used again for Laos in 1962) it should be made use of, with the British and Russians as co-chairmen. At the end of November I saw him in Paris. He said: "Nineteen fifty-four was not perfect, but it was something good; it provides a solid basis. I would propose to add Yugoslavia to the participants, as the representative and symbol of the non-aligned movement. Marshal Tito is happily alive; we must use him to help us. We must also add Australia, New Zealand, the ASEAN countries and Japan. They are in the region and so their interests are involved."

Sihanouk has reluctantly concluded that only military opposition will persuade the Vietnamese to negotiate on Cambodia. "The fertile soil of Cambodia is delicious for the Vietnamese," he says. "They do not want to spit it out." He is convinced that Hanoi is deliberately starving Cambodia. Sihanouk has tried three times in the last few months to discuss a compromise; his third and last letter to Pham Van Dong was returned unopened from the Vietnamese embassy in Peking. Now he is anxious to persuade Western governments to drop Pol Pot and turn toward himself. He already has the support of some of the resistance groups in Cambodia and is negotiating with Son Sann.

So far only the French (who were previously trying—vainly—to work with the Vietnamese) have accepted Sihanouk's proposal. Once he can persuade the British and the American governments to do so, he feels, ASEAN and then China might follow. It is only when Vietnam and the USSR appear to be isolated that they are likely to agree.

If Cambodia is to survive it seems

¹On December 4 Senator Edward Kennedy and Representative Stephen Solarz introduced a joint resolution in Congress calling for an international conference on Cambodia.

necessary that:

— Humanitarian aid should be expanded; without it, there will be almost no survivors whose future could be discussed at a conference. But the relief agencies must continue to demand proper facilities for monitoring. Western governments must do more to convince Hanoi that only by allowing more aid and better monitoring can it unequivocally show its good intentions. Aid sent across the Thai border must be subject to equally strict control. Apart from food, a vast reconstruction program for the entire society is urgently needed.

— Western and other countries should drop recognition of Pol Pot, without recognizing Heng Samrin. Pol Pot should be removed from the United Nations.

— France, the United States, Britain, and other Western countries should begin immediate discussions with China, the ASEAN countries, and members of the nonaligned movement about the format for an international conference. The conference would need to provide that Vietnam withdraw its troops from Cambodia and agree to the restoration of genuine neutrality; that China agree to some form of nonaggression pact with Vietnam and not to attack it through Laos; that the West and Japan provide a new "Marshall Plan" for all of Indochina in an attempt to heal the wounds of the successive wars.

This is a great deal to achieve, particularly in view of other pressing international concerns today. But it must be attempted. At the United Nations Conference on the boat people in July, the Singapore delegate said that to discuss only the humanitarian issues without their political causes was like playing Hamlet without the ghost. He was right. Without some sort of regional settlement the third (or is it the fourth?) Indochina war will become the fourth or the fifth—a war this time without Cambodians, for the Cambodians will hardly exist. (—December 7) □

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WARREN C. MEEKER
CHAIRMAN OF THE BOARD

November 29, 1979

Honorable Richard Holbrooke
Assistant Secretary of State
for East Asian & Pacific Affairs
Department of State
Washington, DC 20520

Dear Mr. Holbrooke:

Leo Cherne spoke to you yesterday about Taiwan's commitments and actions of aid to Indochinese refugees. Enclosed is the report on this that he said I would send.

As the comments in the report show, there are obvious reasons to see to it that the Taiwan record becomes common knowledge.

It was intriguing to learn that you had not made critical comment of Taiwan recently, to the effect that it had not taken a single refugee. I have written to the Prime Minister to assert that the report to him was wrong. Let him take it from there.

One minor qualification of the enclosed report: it mentions a standing offer of resettlement in Taiwan to those refugees in Taiwan's holding center, and does not distinguish that this offer extends to ethnic Chinese only. Most of the refugees are ethnic Chinese, but of course some aren't.

If you have any questions, please give me a call. If I'm unable to answer a question, I will get the answer.

I have forwarded a copy of the enclosed report to Thomas Barnes.

Cordially yours,

WCM:OMG
Enc.



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November 15, 1979

Mr. Leo Cherne, Chairman
Citizens' Commission on Indo-Chinese Refugees
589 Fifth Avenue, 13th Floor
New York, New York 10017

Dear Mr. Cherne:

I wish to inform you that in a statement issued today by Premier Sun Yun-suan the Government of the Republic of China has decided to accept another 2,000 Indochinese refugees and will donate another U.S. Ten million dollars worth of rice for aiding Indochinese refugees.

Full text of Premier Sun's November 15 statement is as follows:

"The Republic of China is deeply concerned about the plight of Indochinese refugees.

"As of mid-November, we had accepted eleven thousand of these refugees. We donated ten thousand tons of rice and five hundred thousand U.S. dollars for their support.

"Now our government has decided to accept another two thousand Indochinese refugees. Some of these will come from Vietnam. The International Red Cross is being asked to arrange for transportation of refugees from Vietnam to Bangkok, and we will charter planes to bring them from Thailand to Taiwan.



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"All of the Republic of China's vessels at sea have been alerted to be on the lookout for boat people and take them aboard.


"Our government also is donating another ten million U.S. dollars worth of rice for the support of refugees.

"Taiwan has one of the highest population densities in the world. We have nevertheless welcomed one hundred and sixty-seven thousand refugees from the Chinese mainland over the years and are accepting as many Indochinese refugees as we can.

"The Republic of China hopes international relief organizations will immediately arrange to send our rice to the refugees. We also hope other free countries will do more to help them."

With my highest esteem and regards, I am,

Sincerely yours,


Tzu-dan Wu
Deputy Director

ROC to accept 2,000 refugees; donate 30,000 tons of rice

Premier Sun Yun-suan announced yesterday at an Executive Yuan (cabinet) meeting that the Republic of China government will accept

2,000 more Indochinese refugees and donate a US\$10 million worth of rice (30,000 tons) to the refugees.

Premier Sun said that the government has decided to keep on strengthening the refugee assistance policy following President Chiang Ching-kuo's instruction of the acceptance of 2,000 more Indochinese refugees.

He said the International Red Cross is being asked to arrange for transportation of refugees of Chinese origin from Vietnam to Bangkok, and charter flights will be scheduled to bring the refugees from Thailand to the Republic

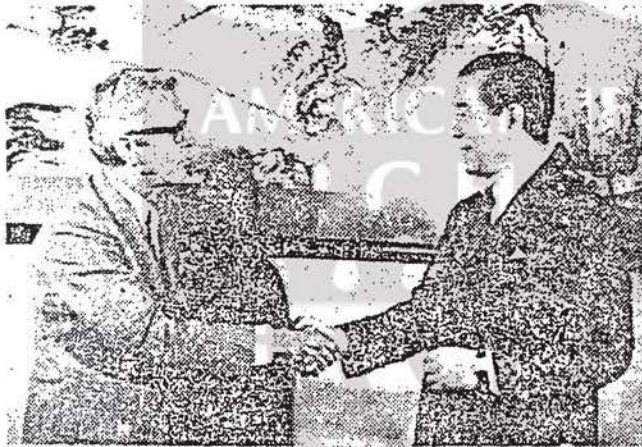
of China. Refugees who have been rescued by the Republic of China vessels at sea will be accepted here.

Premier Sun said the Republic of China is deeply concerned with the plight of Indochinese refugees.

As of mid-November, we have accepted eleven thousand of these refugees, and donated ten thousand tons of rice and five hundred thousand U.S. dollars to support the refugees, he said.

Though Taiwan has one of the highest population densities in the world, we have nevertheless welcomed 167,000 refugees from the Chinese mainland over the years and are accepting as many Indochinese refugees as we can, the Premier pointed out.

Mr. Warren C. Meeker, a member of the U.S. Citizens Commission on Indochinese Refugees, who is currently on a visit here, told the press that the Republic of China provides the best refugee camps in her area.



Premier Sun greets Meeker of CCIR

Premier Sun Yun-suan (right) greets Warren L. Meeker, Vice Chairman of the Citizens Commission on Indochinese Refugees and reaffirms the government's policy on the rescue of refugees from Indochina.
(Sherman Liu photo)

The Republic of China's (Taiwan)
Aid, Care and Resettlement of Indochinese Refugees

On November 15, 1979, Prime Minister Sun of the Republic of China announced these commitments and actions:

1. To resettle 2,000 additional Indochinese refugees.
2. To allocate US\$10,000,000 for the purchase of rice (approximately 30,000 tons) that will be forwarded to relief authorities for distribution.
3. To order its ships and planes to continue to search out boat people on the high seas, rescue them, and bring them to Taiwan for care and maintenance.

The June 21, 1979 commitments:

US\$280,000 and 10,000 tons of rice (approximate value US\$3.35 million) to feed Indochinese refugees in Indonesia, Malaysia and Thailand.

The March 14, 1979 commitment:

1. To resettle 1,000 additional Indochinese refugees.
2. To grant US\$500,000 to the International Rescue Committee for its work in aiding and resettling Indochinese refugees.
3. To order naval and merchant vessels to rescue all boat people encountered on the high seas, and to bring them to Taiwan for care and maintenance.

The ROC record of Aid and Resettlement, 1975 to date

Numbers

3939.	Rescued by ROC ships and planes in <u>1975</u> during the evacuation from Vietnam. These have been resettled in Taiwan.
3075.	Taken out of Vietnam (principally) and Malaysian camps in <u>1978 and 1979</u> through cooperation with the ICRC (in Vietnam) and the Red Crescent (in Malaysia). These refugees are flown to Bangkok, where they are transferred to China Airlines planes, and flown to Taipei. These are ethnic Chinese, and they have been settled in Taiwan.
2470.	Indochinese students in Taiwan who were stranded when their countries fell to the communists. They have been supported, their continuing tuitions paid, by the ROC government. All have I.D. cards (no limitation), and permanent resident rights in Taiwan. Many have become ROC citizens; many have graduated and live in the community. Many have located close relatives in refugee camps, their applications to the authorities to bring these relatives to Taiwan are honored.
52.	Of the 1451 boat people rescued on the high seas and brought to Taiwan, or else who succeeded in reaching Taiwan by boat, 52 have accepted the standing offer of resettlement in Taiwan. 897 have been resettled in third countries, principally the U.S.. 502 are presently in the Taiwan holding center, studying to prepare for, and qualify for, acceptance by third countries.
<hr/> 9,536.	total permanently settled in Taiwan.
2,000	commitment for permanent settlement (Nov. 15, 1979)
<hr/> 11,536	permanently settled, or committed to.
502	in Taiwan holding center awaiting acceptance by third countries.
<hr/> 897	resettled in third countries.
<hr/> 12,935	total aided, resettled, or committed to.

The announcement on November 15, 1979 by the Republic of China (Taiwan) of its new commitment to aid and assist the Indochinese refugees is the latest in a series of substantial acts of refugee relief undertaken by the government.

There has been and continues to be criticism of Taiwan, to the effect that it has done little or nothing to help in the Indochinese refugee crisis. There are reasons for this.

1. Taiwan is not a member of the United Nations. Therefore, all listings by the UN or the UNHCR of the contributions of the world's nations to alleviate the refugee crisis never include Taiwan.
2. Taiwan does not have diplomatic relations with most nations, and none with major nations. It exists in a political vacuum; its actions and commitments tend not to be reported in nations that do not recognize its existence.
3. In the several years prior to the act of derecognition by the United States, friction grew between Taiwan and the American diplomatic corps stationed in Taiwan. Such frictions were undoubtedly reflected in communications through channels to Department of State personnel in Washington.

As a result, unfavorable or critical attitudes developed; actions taken by one or the other governments, which normally would have been acknowledged in commendatory terms, were either ignored or played down by the other. This apparently has been the fate of the various Taiwan actions to assist and aid the Indochinese refugees.

4. Underlying these causes of misunderstanding or neglect of Taiwan's humanitarian actions is the circumstance that the recognition of the Peoples Republic of China has understandably been accompanied by a continuing concern not to give voice to anything which might be misinterpreted or resented by the PRC. This, in fact, is not dissimilar from the sensitivity which presently exists, lest any criticisms of the Vietnamese Army or the Heng Samrin authority in Phnom Penh impede the shipment of essential supplies intended for the starving population in Kampuchea.

It is my deepest hope that both recognition and acknowledgement of the significant steps which have been taken by the Republic of China in assisting the Indochinese victims will be forthcoming. Such actions are in no

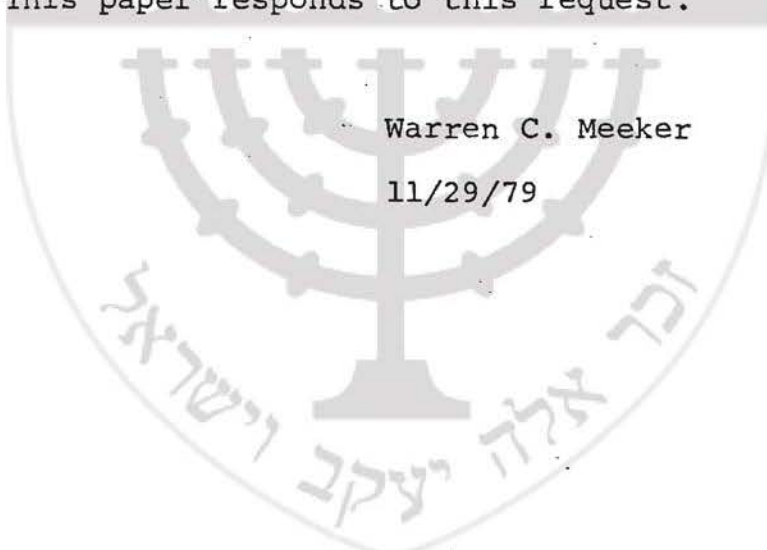
sense hostile to the interests of the PRC. Taiwan and the PRC share the same antipathy to the excesses of the government of Vietnam, toward its own citizens as well as those of its two neighboring countries, Laos and Kampuchea. A fair acknowledgement of the significant help forthcoming from Taiwan will encourage further generosity without offending any political sensitivities.

Additionally, in the Taiwan government, as in all governments, there are some who oppose governmental actions in relief of refugees. So far, this opposition has been overcome by those favoring rescue and relief. But the opposition gains strength because it can point to lack of acknowledgement of actions taken, even to continuing criticisms directed at Taiwan for "doing nothing".

Both the Prime Minister and the Director of Government Information Office asked me to do what I could to break the silence that persists in the U.S. regarding Taiwan's aid for refugees. This paper responds to this request.

Warren C. Meeker

11/29/79



INSTITUTE ON PLURALISM
AND GROUP IDENTITY

of

The American Jewish Committee
165 East 56th Street
New York, N. Y. 10022
PL 1-4000

TO Marc Tanenbaum
From the desk of Irving M. Levine

FOR YOUR INFORMATION ✓

REMARKS:



THE AMERICAN JEWISH COMMITTEE

date December 19, 1979

to Irving Levine

from Gary Rubin

subject Israeli Participation in Cambodian Relief

In following the Indochina refugee situation, I recently came across some useful and interesting information on Israeli participation in Cambodian relief. It is contained in the December 13 edition of Cambodian Action Update, a publication of the Indochina Refugee Action Center.

In reviewing world pledges for Cambodian assistance, the Update notes that to date Israel has contributed \$4,050,000 worth of cash and services to this cause. This is broken down into medical teams and support personnel at the cost of \$1,050,000 and an additional \$3 million raised by a national telethon.

To put the Israeli contribution into perspective, it can be compared with the pledges of the following other countries: Australia, \$9,010,970; Austria, \$385,692; Chile, \$5,000; Finland, \$781,250; Greece, \$10,000; India, \$431,000; Japan, \$39,203,360; Norway, \$4,600,000; Phillipines, \$15,000; Sweden, \$5,854,800; Switzerland, \$2,424,242; U.S.A., \$105,925,000.

As can be seen by these figures, given her resources and population, Israel is more than holding up her end in the worldwide movement to aid Cambodia. We should make this fact widely known in our publicity on this subject.

INTERNATIONAL RESCUE COMMITTEE, INC.



386 PARK AVENUE SOUTH • NEW YORK, NEW YORK 10016 • TEL. (212) 679-0010

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(WITH OFFICERS)

March 4, 1980

Dear Marion Ritter:

I find the Refugee Reports so consistently accurate and useful that I especially regret an inaccurate report in your issue of February 12th. You state that the "March for Survival" did not occur. Under "Cambodian Relief Efforts Continue" there is the following statement: "A relief convoy, planned for February 5, was cancelled due to fighting along the Thai-Cambodia border. It was to include figures such as Joan Baez and Liv Ullman. The convoy, arranged by several international relief organizations, was to travel from Aranyaprathet to the border and wait there until permission was secured from the Phnom Penh government to enter Cambodia and distribute 200 metric tons of food and other supplies."

I am enclosing the story by Henry Kamm in the February 7th issue of The New York Times which was carried by the New York Times news service throughout the country. I am also enclosing a xerox of the UPI story. The only modification which was made in the original plans was that we did not return to the border repeatedly for several days. The reason for that is that Phnom Penh radio had been broadcasting the most eloquent insistence that it would not permit us to bring the doctors and nurses, medical supplies and food into Cambodia. These broadcasts in the most astonishing language were repeated almost daily during the 10 days preceding the March. Rather than make empty gestures our appeal at the frontier was confined to one day.

There was an additional reason which reinforced this decision. Thousands of Vietnamese troops were within several

Ms. Marion Ritter
Project Manager
Indochinese Refugee Reports
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

Jasen

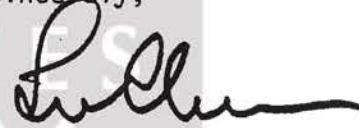
March 4, 1980

hundred meters of the refugee populations along the border. We did not see any purpose in being needlessly provocative and providing an obvious excuse for an attack on the refugee camps.

The rather extraordinary and violent reaction in Phnom Penh was to us the most eloquent evidence that this effort in which we of the International Rescue Committee had joined with Medecins Sans Frontieres was eminently worth doing.

I am enclosing for your further information, a list of the exceptional men and women from a number of European countries, England and the U.S. who were at the border as well as the organizations which sponsored the March.

Sincerely,



Leo Cherne
Chairman



PROPOSED RESOLUTION

The American Jewish Committee is deeply concerned about the impact of the Cambodian action on the very fabric of our society. This new dimension to the Vietnam war--a conflict which has caused the alienation of a large segment of our population--has seriously undermined confidence in the decision-making processes of our government. It threatens to increase the heavy drain on our human and economic resources. It has infused dissent with increased violence and exposed the rule of law to potential repression which, if unchecked, will vitiate our Bill of Rights and the democratic way of life which has been, and must continue to be, the foundation of our existence as a nation. Indeed, it has made all problems of human relations in the United States infinitely more difficult to resolve.

We are convinced that urgent steps must be taken to arrest and reverse the dangerous trend toward disintegration in our country. The prompt removal of all United States military personnel from Cambodia is of overriding importance. The fulfillment of the President's unequivocal commitment, that he will do just that, is critical; we hope that it will be accomplished even in advance of the specified time.

It is vital that we avoid any enlargement of our military participation in Indo-China, and pursue

with determination our announced intention to withdraw our forces from that area. The longer this war continues, the more we exacerbate what has turned out to be a national tragedy.

However, we cannot permit our anguish over Indo-China or our urgent domestic needs to blind us to the other grave and stubborn problems on the international scene. We have legitimate national interests beyond our borders which must be pursued, and legitimate responsibilities which must not be ignored because of the difficulties and frustrations of Vietnam.

Proposed by Special Committee
appointed by President Hoffman

May 16, 1970
Americana Hotel

① Ships ② transit Camps ③ resettlement ④ U.S. immigration ⑤ wife response (Sweden Denmark)

CONCLUSIONS AND RECOMMENDATIONS
BY THE
COMMISSION ON VIETNAMESE REFUGEES

1. THE CAMBODIANS. We are torn in our effort to weigh the ~~different expressions of desperation involved in the effort~~ of Vietnamese to seek freedom by boat across a large and dangerous sea and the Cambodians who must travel through miles of jungle, minefields and across the border heavily patrolled by the Khmer Rouge before they reach Thailand. It is, nevertheless, the difficult and reluctant judgment of our Commission that the first objective of maximum US assistance towards early and effective resettlement should be directed to those Cambodians who have survived the hell which is now their country and the untold hazards of their flight.

Our reasons are several. Where conditions such as have prevailed since April 1975 as is the case in Cambodia, the sheer humanity requires that the conscience among all those outside Cambodia must be stirred more actively.

The fact that these conditions have prevailed for nearly three years while the world has remained virtually silent adds to that urgency.

The fact that the various international institutions designed to assert and protect human rights, and even life itself, have been silent despite repeated appeals, adds to our

emphasis. Just such an appeal and protest to the United Nations Commission on Human Rights in June of 1975 remained unanswered for months before the appeal was denied because it could not act on second-hand information.

The inhumanity which continues to exist in Cambodia is so beyond rational description that it is probably unlikely that evidences of world concern so long withheld will have any moderating effect upon the behaviour of the Khmer Rouge. Nevertheless, our conscience cannot rest unless by the example of adequate US action toward the Cambodian refugees, there is at least the exploration of the effect of world opinion.

The incursion into Cambodia by US Forces during the closing stages of US military involvement in Indochina is perhaps the most controversial of the actions taken by the the US Government in that war. It is our judgment having studied the behaviour, the philosophy, if that is what it can be called, behind Khmer Rouge bestiality that US behaviour had little, if any, effect on Khmer Rouge actions whatever ones' view of the legalities of US behaviour. Nevertheless, it further requires that we respond with humanity without stint to their inhumanity.

US military and other involvement in Cambodia throughout the entire period of the war in Indochina was less than Laos or Cambodia. This fact handicaps the Cambodian refugees in an ironically prejudicial manner. Since the criteria for refugee resettlement in the US emphasizes family reunification

and former association with the US Government or any of its entities, the Cambodians are uniquely disadvantaged. Cambodians in the US are few in number. Cambodian refugees in Thailand previously associated with the US in any form are a small percentage among the refugees. Application of these criteria should therefore carry less weight, be waived altogether or at a minimum subordinated where Cambodian refugees apply for resettlement in the US.

No circumstances since the death camps of Germany more nearly describe the circumstances which presently exist in Cambodia. It is inconceivable that criteria expressive of degrees of compassion based on priority relationships could, in conscience, have been applied to the survivors of the Nazi concentration camps any more than they can now in logic or honor be applied to the refugees from Cambodia.

It is our strong opinion that while all efforts should be continued and extended to seek permanent refuge for the Cambodian refugee among a number of third countries, the only proper course for the US would require that it be the country of final resort if all other efforts fail. Two able authors have entitled their important book on the events in Cambodia, "The Murder of the Gentle Land". We cannot be the cause of further anguish for the very few who are fortunate only in that they were not among the murdered.

2. THE VIETNAMESE BOAT CASES. Increasing repression is presently being enforced throughout Vietnam. The draconian measures which have been taken to enforce denials of basic human rights are somewhat better known than the events which have taken place in Cambodia. The list of the "enemies" of the Vietnamese State is large. The suffering they endure is great and growing. For a host of political offenses and a variety of former occupations and associations, imprisonment, privation, confiscation, political re-education, and death are the disciplinary instruments. The evidences of these are so clear as to have aroused public expressions of concern among many Americans who totally opposed the US involvement in Vietnam. Similar expressions of anxiety and public protest have come from the citizens of other countries who were equally critical of the US role.

But were all this evidence of what life is like in Vietnam dismissed. If we were to still doubt that the internationally acknowledged principles of human rights are being violated with impunity, one undeniable fact remains. Thousands of Vietnamese, in some instances entire families and in others larger communal groups have made a decision which is nearly impossible for those of us who enjoy safety or value life to understand. After weeks or months of painstaking efforts and always in the shadow of the possible apprehension of their plans, they have left Vietnam in boats of every conceivable shape, size, and doubtful

seaworthiness. They take this fateful step with minimal protection against the elements and in most cases without the most primitive instruments of navigation. They willingly include their own children in this indescribably hazardous effort to seek freedom against the rigors of vast, unfriendly and unfamiliar seas. Officials conservatively estimate that only 40% complete the journey. This simply means that 6 of every 10 of these men, women, and children at a moment of pitiful desperation die. Parallels of human effort of this kind are rare in history.

The flight from the beaches of Dunkirk is inappropriate in every respect but one -- the efforts which were made by the Germans on the beaches of Dunkirk to abort the British flight. Vietnamese Government efforts to the same purpose are extensive in Vietnam. The measures designed to prevent escape are growing and have recently been amplified to include the penalty of death for any found attempting escape by sea.

The US response to this monument to human courage and the will for freedom must be clear, unequivocal, and prompt. It is our view that former US involvement in Vietnam while an important source of the special obligation we have is dwarfed by the remorseless requirements of our own humanity, our commitment to life itself and our recently official enlargement of our concern for human rights.

It is our summary conclusion that the only proper US policy consists of several parts. We must urge upon the

Government of Thailand which has borne the brunt of this entire refugee flow whether by land or by sea, that equity, safety, and humane treatment be accorded to all Vietnamese boat cases who succeeded in reaching any point along the long coastline of Thailand.

~~It is now, however, sufficient for us, that we implore~~
our friends in Thailand to be more consistent and considerate. Our encouragement to Thailand must be accompanied by our willingness to participate in the funding of the work of the UNHCR in whatever increase may be required to improve the amenities and life support systems available to the boat people who have landed.

placement

Above all, we must by a clearly stated and longer range plan make evident to the Government of Thailand that we do indeed mean to play the giant share in the resettlement of these people to the US. Wherever we have turned, it was either expressly stated or implicit that our present arrangements appear intermittent, insufficient, and above all, unreliable. No view of the future US role either emerges from our present or previous policies or is articulated in any present legislated provision. We believe in fact that such a forward looking, dependable and explicitly articulated US program will have immediately beneficial results. There will almost certainly be fewer occasions when boats which have landed in Thailand or approach the shoreline will be returned to the dangers of the sea. We believe there will be a greater readiness to improve the facilities, the boat camps, in which those who do land are gathered for the long

months in which their cases are examined and resettlement opportunities to the US and other countries explored. And we even believe in the slight possibility that the Thai Government may for the first time be willing to examine the desirability of more permanent location for some of these people despite the long standing and genuinely felt anxiety the Thais feel toward the Vietnamese and which arise from the concern that dangers to Thailand's physical security will be threatened.

We believe strongly that the US policies and procedures toward resettlement must as far as is humanly possible be speeded up. The lengthy presence of these boat people in Thailand is most unwelcome to the Thais, to the communities in which the boat camps are located, and simply extends the anxiety and difficulty experienced by the boat people themselves during this interval of doubt, confusion and eroding hope.

US immigration effort in this regard is in our opinion insufficient and cannot be altered more favorably unless there is an infusion of some additional personnel. The application of the criteria is essentially a time consuming process. The requirements that must be performed by representatives of immigration service are detailed and conscientiously performed.

The prospective policy which we urge upon the US is premised on the concept that the boat cases must in all instances be accorded reliable and humane refuge, that third countries must be encouraged to take as great a number of these people as they are able to, and that the refugees who have come by boat must as in a brief a period of time be restored to an

environment more conducive to normal life and decency than is possible in the present boat camps. One US policy decision more than any other will have the effect of accomplishing all of these desired ends. The US must for reasons of humanity and special obligation be the country of final resort for those who cannot be resettled reasonably and effectively elsewhere.

(The previous portions of these recommendations dealing with the boat cases reflect the experiences and judgments of that portion of the IRC Commission on Vietnamese Refugees which visited the boat camps in Thailand. It does not reflect the special circumstances and additional observations and recommendations of that section of the IRC Commission lead by the Honorable William J. Casey. Those individuals concentrated on the particular circumstances and problems of people fleeing Vietnam by boat and landing in Hong Kong, the Philippines, Singapore, and Indonesia. Because the presence of Dr. Marc Tannebaum ^{of} a member of that group was considered unacceptable by the Government of Malaysia ^{ostensibly because of his pro-Israel support,} the group unanimously decided not to visit that country, despite the fact that Malaysia is the major refuge for Vietnamese boat people to be found in any country other than Thailand. For this reason, we have sought by other means first hand and authoritative reports on the circumstances in which the boat people find themselves in Malaysia and those conclusions will be conveyed at a later point).

A special set of observations must be made concerning those boats which have fled Thailand and while in transit somewhere in the South China Sea or in the Gulf of Siam have either been picked up by one of the many freighters or other commercial vessels which travel those waters in the course of their normal traffic. The international rules of the sea require any seaworthy vessel to give assistance to any unseaworthy vessel in distress. A number of commercial vessels have in fact taken Vietnamese refugees aboard when it was evident that the Vietnamese boat was lost, foundering or unlikely to make the safety of any port. There have been many episodes in which these ships having fulfilled their maritime and humanitarian obligation have been penalized in a number of ways. They have not been permitted to discharge their complement of refugees at their next port of call. In some instances, this has not in fact prevented those commercial vessels from discharging or taking on cargo. In other cases, the ships have travelled great and costly distances from port to port in order to find refuge for their human cargo. In some instances we are told that the ships have been held off shore for protracted intervals of time while negotiations were conducted concerning the plight of the refugees on board. We have not had an opportunity to check one fact, but we have been told that certain insurance and other financial consequences adverse to the ship owner were incurred as a result of the initial decision to pick up the refugees in distress at sea. Because

of the consequences which at a minimum incur inconvenience to the commercial vessels and at a maximum the possibility of a serious interruption of the obligation to their shippers, it is now evident that Vietnamese boats in distress visible to passing vessels are now simply ignored by some ships. This is too frequently a repeated experience reported by the Vietnamese boats which do reach shore to be ignored. The consequences of this fact are grave. Since it is clear that a substantial number of the refugees fail in their effort and drown at sea some portion of that number could be saved if the appropriate and effective means were found which would both encourage shipping masters to give the aid which they are obligated under the law of the sea and relieved or indemnified for the costs to them and their companies which are incurred as a result of their complying with humane and required maritime practice. This matter has engaged the concern of the US Government. It has already reached the attention of other Governments, of several international institutions, of associations of ship owners. We urge upon the US Government that it take the initiative to quickly call a conference of all the interested parties representing ship owners the relevant international authorities, the maritime associations which reflect the interest of the shipping industry and all other parties who in meeting can devise a plan more productive of the saving of human life.



DEPARTMENT OF STATE

Washington, D.C. 20520

January 29, 1980

MEMORANDUM

TO: EA - Mr. Holbrooke
EA - Mr. Negroponte

FROM: EA/VLC - Steve Lyne *HL*

SUBJECT: Phnom Penh Treatens Truck Convoy

Phnom Penh Domestic Service, January 29, issued the strongest Vietnamese/Heng Samrin statement yet with regard to IRC/ Medeciñs Sans Frontières truck convoy to the Thai-Khmer border which said, inter alia:

"This brutal act (the convoy) can certainly not escape dangerous and untoward consequences."

"Our revolutionary forces on the western border have been ordered on full alert to punish all forces transgressing our territory along the border."

"The organizers of the march must immediately abandon this dangerous plan and must bear full responsibility for untoward consequences of their act."

"Tha' authorities are warned that they must bear full responsibility for untoward consequences should they refuse te immediately check this act."

cc:HA:FSieverts
EA/T:PCleveland
KWG:TBarnes

EA/VLC:EFMcWiliams, Jr.:jy

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DOLGER SEN CARROLL

- I - 5 WEEKS AGO - THAILAND - CAMBODIA MARCH FOR SURVIVAL
- [LIV ULMAN, JOAN BAEZ, BAYARD RUSTIN, ALEXANDER GINSBURG, WINSTON CHURCHILL, FRENCH, ITALIANS]
 - 20 TRUCK LOADS FOOD, MEDICINES
 - MY 3rd VISIT
 - ARMY APPEAL - MOTHER-CHILD / FRAGMENTS OF DESPAIR (FACELESS TROOPS, RICE)
 - 12 LEADERS - FAMILIES SHOT / CLOSEST THING TO NAZI HOLOCAUST

II FOOD HAS MADE A DIFFERENCE - FLESH ON CHILDREN

III MAY - ~~JULY~~ ^{DOES} - ~~HARVEST~~ FAMINE

ARMY KAUM - HUNGRY EVERYWHERE - 1975 - 8m, - 4m,

- ENOUGH FOOD NEXT MONTHS - ANOTHER 200,000 DIE
- HARVEST SEEDS, FERTILIZER, TRANSPORT - 4,000,000 WILL DIE
- MEDICAL CARE
- [A MARCH ON WAY TO EXTINCTION]

IV CAMBODIA CRISIS COMMITTEE - \$100 MILLION - PRIVATE

MAY - DEC. - TOTAL RELIANCE ON INT'L RELIEF FOR SURVIVAL - NOT ENOUGH INTERNALLY PRODUCED FOOD

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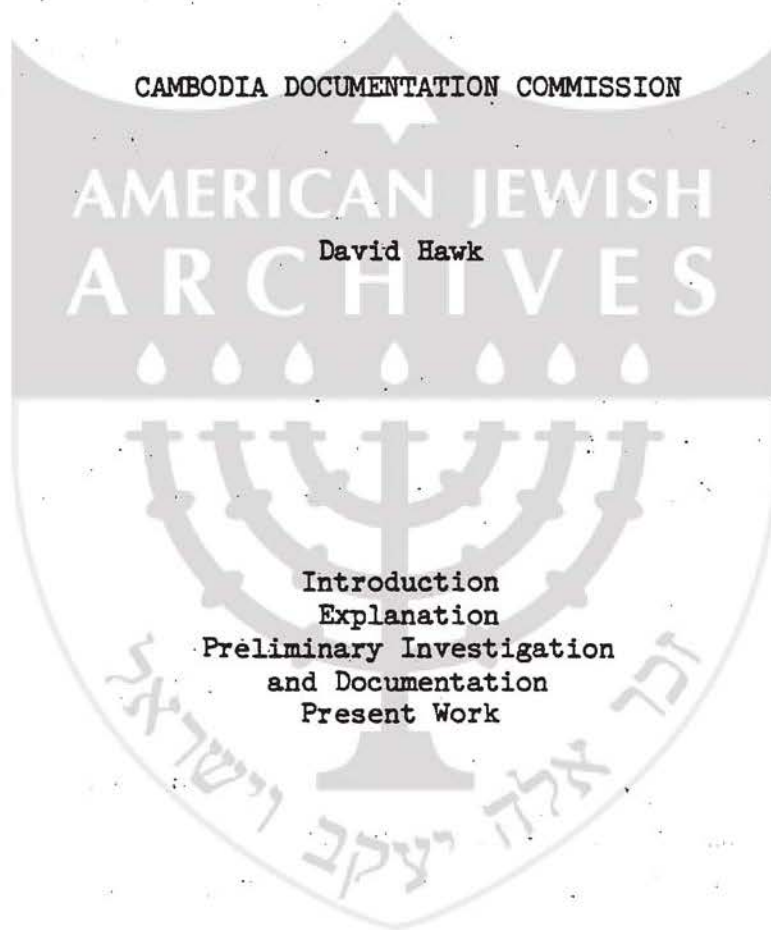
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David Hawk is an associate of the Center for the Study of Human Rights, Columbia University. Formerly Executive Director of Amnesty International USA, in 1980 and 1981 Mr. Hawk was Director of the Khmer Program of the World Conference on Religion and Peace (Bangkok, Thailand).

INTRODUCTION

The Cambodia Documentation Commission seeks to document the immense human, social and cultural destruction in Cambodia (Democratic Kampuchea) under Khmer Rouge rule from 1975 to 1979, to analyze those events according to the norms and standards of international human rights, to seek the review and redress that is available under existing international human rights law and procedures, and to suggest recommendations that will better enable the international community to prevent, retard and oppose future outbreaks of mass murder by government.

The Cambodia Documentation Commission will utilize the expertise and experience of human rights advocates, Cambodian refugees, Cambodia scholars, legal scholars and international human rights lawyers to accomplish the following goals:

1. document and analyze the immense criminal tragedy in Cambodia in order to increase our knowledge of evolving forms of extreme repression;
2. interpret the application of relevant international law to better delineate the particular rights protected in the legal instruments, and, if necessary, suggest improvements in deficient formulations;
3. seek an international human rights response to the Cambodian tragedy by submitting documentation and analyses on the Khmer Rouge human rights violations to the United Nations Human Rights Commission and Subcommission;
4. stimulate the development of the jurisprudence of international human rights by providing the documentation necessary for a complaint to the World Court on the case of Cambodia under the terms and provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

While the focus of public attention has shifted to disasters and conflicts more accessible to television and closer to home, obtaining an international human rights response to the severe repression and genocidal acts of the Khmer Rouge remains urgent and essential to the future promotion and protection of the most fundamental human right -- the right to life, and to enhancing the prospects for a negotiated solution to the destructive conflict in and over Cambodia.

EXPLANATION

Inadequate Documentation

It is generally known that terrible oppression took place in Cambodia between 1975 and 1979 when an estimated one to three million people died at the hands of their government. Less well appreciated is the relative lack of documentation and analysis of the flagrant and gross human rights violations of this period. This can be seen in comparison with the documentation and analysis of recent situations of gross violations in Eastern Europe, South Arica, Chile, Argentina, Central America, and other places where scholars and human rights organizations have detailed knowledge and substantial understanding of the patterns of repression. This can also be seen in comparison with the primary and secondary literature available on the human destruction in the Soviet Union between the World Wars, or the large body of material on genocide and crimes against humanity during WWII.

There is a need for primary documentation -- to record more of what happened to whom, when, where, and why -- in order to obtain the information base necessary to sustain more thorough analysis and definitive conclusions. Most of the available material on Cambodia between 1975 and 1979 is based on the accounts of refugees who fled to Thailand between 1975 and 1977. The few published attempts to bring the story up to 1979 are based on limited primary documentation. Studies based on data extending through 1979 are limited in the phenomena analyzed.

Documentation and analysis of the social and political processes that

resulted in the massive Khmer Rouge human rights violations are essential to increase our knowledge and understanding of that severe repression and to achieve an adequate international legal and human rights response to the Cambodian tragedy. The data base now available for documentary research includes recently gathered statistics, survivor testimony inside Cambodia, a much larger body of refugee testimony, internal records and extermination center archives left behind when the Khmer Rouge retreated to the Thai-Cambodia border, and the physical evidence of the human social and cultural destruction plainly visible throughout Cambodia.

The Failure of Response

For a variety of reasons the international community was extremely slow to respond to the Cambodian tragedy as it unfolded. Asia is generally the least well monitored continent for violations of human rights. Cambodia is geographically remote and usually obscured from international awareness. Western diplomats and journalists were excluded from the country after the 1975 evacuation from Phnom Penh. Yet, after 1975 a few journalists got the story from the earliest refugees who escaped to Thailand and published accounts of the regime's cruelty. But these accounts were not widely believed or acted upon. Evil of the severity and magnitude described by the refugees was, and is, difficult to comprehend. By 1975 the public was saturated and exhausted with news of bloodshed from Indochina. Further, there was in the West an inability to separate evaluation of post-war developments in Cambodia from the old arguments over the U.S. war in Vietnam.

Two years and hundreds of thousands of deaths occurred before impartial investigations were undertaken by non-governmental human rights organizations. Three years passed before the case of Cambodia was even placed on the agenda of the United Nations. But the UN declined to take up the Khmer Rouge human rights violations. For another set of reasons, the international community has continued to fail to respond to the massive and systemic violations of the Khmer Rouge. An enormous famine and refugee crisis followed the Vietnamese invasion which drove the Khmer Rouge from Phnom Penh to the Thai-Cambodia border. The denial of the Cambodian peoples' right to self-determination emerged as an additional problem. There was, and is confusion over the complexities of the ongoing military and political conflict in and over

Cambodia. Now that the Khmer Rouge are defacto allies of the Western and Asian democracies, attention to Khmer Rouge crimes against humanity is sometimes, and shortsightedly, deemed inconvenient, even by some who earlier sought to protest against the Khmer Rouge violations.

Thus, even while those responsible for acts of genocide and other crimes against humanity remain at the center of Cambodia's ongoing difficulties and future prospects, the international community has never formally considered or specifically condemned the terrible human rights violations of Democratic Kampuchea.

The Necessity for Response

The case of Cambodia is extremely important to the future promotion and protection of international human rights. The Convention on the Prevention and Punishment of the Crime of Genocide was the very first of the post-WWII human rights treaties that now provide the definitions of human rights and human rights violations. The Genocide Convention grew directly from the realization at Nuremberg that mass murder and other acts aimed at the partial or complete destruction of entire groups of people was not prohibited, or illegal, under international law. In theory, the Genocide Convention has gained such stature -- ratification by over 90 countries -- that it is considered to be part of customary international law, hence applicable to all countries. But in practice, the Genocide Convention has never been used or applied.

Preliminary investigation after 1979 indicates that the Khmer Rouge committed genocide not only in the popular usage of the term -- mass homicide, but also according to the precise definitions proscribed in the Genocide Convention -- the destruction, in whole or in part of a racial, ethnic, religious or national group. Documentable acts of genocide include the virtually complete destruction of the Buddhist monkhood (Cambodia's pre-eminent religious group) and the substantial destruction of the Cham ethnic group. (It is probable that Khmer Rouge policy, toward other ethnic or national minority groups, particularly Vietnamese and Cambodians of mixed Khmer-Vietnamese ancestry, was genocidal in character, but adequate documentation is not presently available.) Lastly, it is probable that the

deaths of a variously estimated one-seventh to one-third of the Cambodia people (from executions and from the conditions of life to which they were subjected) constitutes the partial destruction of and an act of genocide against the Cambodian "national" group itself.

Cambodia ratified the Genocide Convention in 1950 without reservation to the Article extending jurisdiction to the World Court. The Khmer Rouge never renounced Cambodia's accession to the treaty. Democratic Kampuchea remains the internationally recognized legal and governmental authority for Cambodia. There is no statute of limitations on crimes against humanity including genocide. There are no legal impediments to bringing an interstate complaint against Democratic Kampuchea under Article IX of the Genocide Convention seeking an Advisory Opinion from the World Court that Cambodia is in violation of its binding international legal obligations for failing to prevent genocide, for committing acts of genocide, and for failing to punish those responsible.

The aim of the Cambodia Documentation Commission is to prepare the evidentiary documentation and legal analyses necessary before such an interstate complaint can be undertaken, and to seek a party to the Convention willing to make it.

If the Genocide Convention is not applied to Cambodia, it is difficult to conceive a situation where it ever will be applied. Conversely, should the Convention be applied to Cambodia, the precedent could be far-reaching. It would promote the realization that the threatened or actual destruction of entire groups of people remains an ongoing problem in today's world -- that the "odious scourge" of genocide has and can happen again. Actual use would improve the deterrent or preventative value of the Convention. The particulars of the Cambodian genocide present an opportune test of the extent of coverage provided by the Convention. Utilization of the Genocide Treaty would breathe reality into the legacy of Nuremberg. It could help reestablish the principle of governmental accountability for the slaughter of citizens -- an absolute necessity if progress is to be made in curbing the widespread practice of extra-judicial execution, murder by government outside of any legal process.

Cambodia and the International Community

Indirectly, the issue of the criminal inhumanity of the Khmer Rouge has surfaced in the highly politicized annual United Nations General Assembly seating debate over which, if any, competing Cambodian regime (Khmer Rouge dominated "Democratic Kampuchea," or the Vietnamese installed "Peoples Republic of Kampuchea") should be recognized as the representative of the Cambodian state and people. This approach, in this forum is a dead end. It has put the elemental principle that nation-states should not massively kill off their citizenry at direct loggerheads with another cardinal principle of nation-state behavior -- that big nation-states ought not invade and occupy little ones. Posed in this way in this forum, given that those who choose are representatives of nation-states, many of whom have only recently emerged from colonial domination, the outcome has never been in doubt. Priority is given to the rights of states -- the legal and moral principles of national sovereignty, territorial integrity, the inviolability of borders, non-intervention, etc. But consequently, the rights of man and serious consideration of the Khmer Rouge human rights violations have been sacrificed and pushed aside.

The proper initial UN forum for primary consideration of the Khmer Rouge violations is the Human Rights Commission. The Genocide Convention allows, through Article VIII, a complaint regarding genocide to be made to the "competent organs of the United Nations." Developments in UN human rights procedures since the Genocide Convention was drafted and took effect potentially allow non-governmental organizations with consultative status to submit documentation on human rights violations to the UN Human Rights Commission and Subcommission.

Impartial and non-partisan documentation on the Khmer Rouge violations, based on the information available since 1979 and organized according to the terms and provisions of the Genocide Convention, has not been submitted to the UN. The Cambodia Documentation Commission will undertake the preparation of a submission (including photocopies of signed Khmer Rouge execution orders, execution schedules, Khmer Rouge prison records detailing and denoting torture, statistical surveys, summaries of survivor and refugee accounts, and photographic evidence) to the UN on the acts of genocide, crimes against

humanity and consistent patterns of gross violations of human rights in Cambodia under Khmer Rouge rule. Without prejudice to the other human rights problems in Cambodia currently before the Human Rights Commission, the Cambodia Documentation Commission will seek to provide the factual and analytical data necessary to stimulate and facilitate UN consideration of what its own human rights experts have recognized as the worst violations to have occurred since Nazism.

PRELIMINARY INVESTIGATION AND DOCUMENTATION

AMERICAN JEWISH

The work that now needs to be done is based on considerable preliminary investigation and research. Relief, refugee officials, and journalists who worked in Cambodia and Thailand between 1979 and the present heard the countless stories of death and extreme suffering and saw first-hand prison-execution centers throughout the country and the extraordinary extermination facility in Phnom Penh, the mass graves containing the remains of thousands of victims, the destroyed temples, mosques and churches. Cambodia scholars and others have gathered invaluable primary data on various topics.

Under the auspices of the Columbia University Center for the Study of Human Rights, the existing documentation on Cambodia between 1975 and 1979 was carefully surveyed along with the literature on the international human rights instruments and procedures relevant to Cambodia. Extensive consultations were undertaken with Cambodian refugees, Khmer-speaking Cambodia scholars, legal scholars and international human rights experts.

In March-April 1982, as a freelance journalist, I returned to Cambodia and the Thai-Cambodia border to conduct interviews with select categories of survivors, photocopy documents from the Khmer Rouge extermination camp at Tuol Sleng (which had been left behind when the Vietnamese invaded in 1979), and systematically photograph a small portion of the remaining physical evidence of human, social and cultural destruction.

In April 1983 fifty of the hundreds of photographs on extra-judicial

execution and genocide in Cambodia were made public in an exhibit sponsored by Amnesty International USA as part of its international campaign against murder by government. A year in preparation, the exhibit, "Cambodia Witness," opened in the Rotunda of the United States Senate. The exhibit has attracted considerable public attention to the Cambodian situation and will continue to travel throughout the United States for the next several years. (News-clippings attached.)

On the basis of these investigations and research, in addition to journalistic accounts (including a New Republic cover story), a research paper, "The Norms and Standards of International Human Rights and Khmer Rouge Rule in Democratic Kampuchea: A Preliminary Analysis," was prepared. This paper summarized the existing documentation on Cambodia according to articles of the Universal Declaration on Human Rights and was the first scholarly attempt to analyze what is known and knowable since 1979 about the Khmer Rouge human rights violations according to the substantive terms and provisions of the Genocide Convention. It was submitted to Congress along with oral testimony during the November 1983 House of Representatives Foreign Affairs Committee hearings on extra-judicial execution, and will also be published in a forthcoming book on the future of Cambodia. A chapter was contributed to the forthcoming study, Towards Understanding, Intervention and Prevention of Genocide: Book II of the International Conference on the Holocaust and Genocide. These papers were circulated to the leading Khmerspeaking Cambodia scholars for their comment on these analyses of the facts of the Cambodia situation.

On the basis of these interpretations of the evidence, members of the Lowenstein International Human Rights Law Project at the Yale Law School prepared two research papers on the legal aspects of the application of the Genocide Convention to Cambodia. These papers were circulated to legal scholars and practicing human rights lawyers. Roger Clark, Distinguished Professor of Law at Rutgers Law School (author of several law review articles on the Genocide Convention and other international human rights laws and a member of the Executive Committee and Board of Directors of the International League for Human Rights) has undertaken to prepare the draft outline of a model Article IX complaint on the Cambodian genocide.

In February and March of 1984 I returned to Cambodia to do additional research and documentation on the systematic use of torture in the Khmer Rouge prison-execution system, and the destruction of the Buddhist monkhood and Cham ethnic minority group. A substantial report on the Khmer Rouge prison-execution system, utilizing this newly available material is forthcoming.

PRESENT WORK

It is now necessary to enlarge the scale of the documentation and analysis in order to pursue the objectives indicated as viable through the preliminary research. Work is needed in three interrelated areas: legal interpretation, evidentiary documentation, and organizational.

Legal Interpretation

In consultation with Cambodia scholars, legal scholars and practicing human rights attorneys, the draft outline complaint needs to be refined and edited. Upon completion this will be the foundation for eventual submission to the UN Human Rights Commission, for seeking a state party willing to make the complaint to the World Court, and for drafting a full legal brief.

Evidentiary Documentation

It is necessary to commission and undertake the factual documentation and analysis necessary to sustain the charge of genocide. This research and documentation is in the areas of the demography and statistics of mortality, the patterns of massacres, the translation and interpretation of archival material from the Khmer Rouge extermination facility at Tuol Sleng, the analysis of the prison-execution system, the destruction of ethnic and religious groups, the intents and purposes of the regime, the collection of case studies, the preparation and arrangement of photographic documentation, the compilation of early refugee and other published accounts.

This documentation and analysis will be undertaken by Khmer-speaking Cambodia scholars in the United States and Australia on the basis of previous research conducted inside Cambodia after 1979 and along the Thai-Cambodia border, by surviving Khmer intellectuals now residing in the United States on

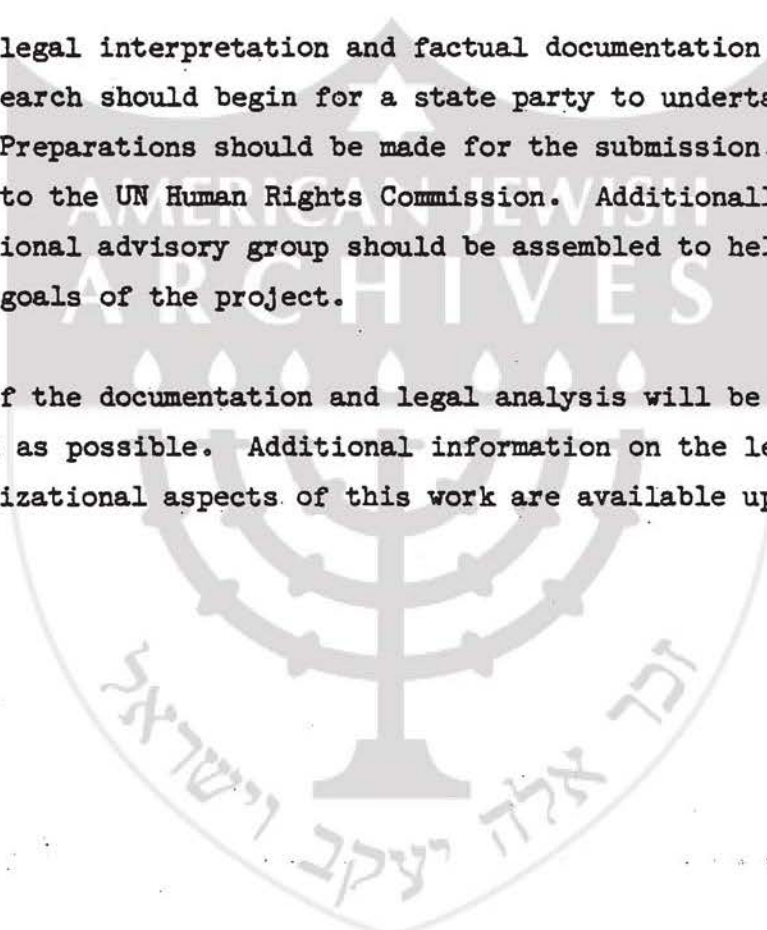
the basis of interviews and research among other refugees now in the United States, and on the basis of other interviews, data collection and photographic documentation previously and presently undertaken inside Cambodia and along the Thai-Cambodia border.

Additional field research may be required.

Organizational

While the legal interpretation and factual documentation is being prepared, the search should begin for a state party to undertake the Article IX complaint. Preparations should be made for the submission of an Article VIII complaint to the UN Human Rights Commission. Additionally a national and/or international advisory group should be assembled to help pursue the objectives and goals of the project.

Portions of the documentation and legal analysis will be published where appropriate and as possible. Additional information on the legal, documentary, and organizational aspects of this work are available upon request.



4/12/80

Dear Rabbi Tanenbaum,

Welcome.

Just a couple of notes as you settle into your stay here:

1. Enclosed is copy of press release to be distributed with our "campaign blueprint." Hope it meets with your approval.
2. Rita Reanick did not have your arrival / departure schedule. If you will be here for a while Sunday, John Summers can arrange a room for you to have an "information session" for detailed followup to your announcement. Your time may very well be better spent talking with individuals. Just let me know your wishes.
3. Enclosed is copy of convention program in case you don't have one for spotting people to meet at reception before invocation. Thomas Bolger, who immediately follows you, is certainly a prime candidate since a couple of warm followup words would be useful. And Vincent Wasilewski another good one.
4. Correction to notes we gave you: Ad Council will not have PSA's distributed until "second half of April."

You very likely have plans for your stay here, but if you would like to mix some conversation about the campaign with dinner this evening or lunch tomorrow, I would be delighted to join you.

Will try to call you anyway to see whether you've discovered a need for more information of any kind.

I will be at the convention center - Exhibit 800 - until late afternoon, and then back to the King Albert around 6. 732-1555 #112.

Look forward to seeing you.

Sincerely,

Billy Dement
Cambodia Crisis Center