

A Quest for Justice

W&L Law Professor Hopes to Take the Khmer Rouge to Court

By Brian D. Shaw

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The survivors are still living the horror. Little children in Kampuchean schools draw pictures of plows being pulled by people at gunpoint, rather than by oxen. They paint decapitated bodies and people being hacked to death. Many children starved. The survivors saw the crimes they now draw pictures of. The looks of sadness in some small eyes will always haunt me.

Gregory Stanton

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Greg Stanton does not look like a haunted man. His wide face, bald pate, and easy smile are the features of a man in love with life, at peace with himself. Yet, there is something burning deep within him. It is an obsession that supports rather than belies, his jovial, genial appearance.

Stanton, a Washington and Lee assistant professor of law, is director of the Cambodian Genocide Project, a worldwide effort dedicated to bringing the murders of more than one million Kampuchians to justice before the World Court at The Hague.

A day does not go by without Stanton's thinking of the horror and genocide wrought by Pol Pot and his Khmer Rouge henchmen in Cambodia from 1975 through 1978. Each morning when he greets his two adopted Cambodian children—Elizabeth Chantana and Theodore Saroun—Stanton is reminded of his mission. The Cambodian Genocide Project Inc., founded by Stanton in 1980, has become “a special mission for my children.” Besides, Stanton adds, pausing for irony: “it keeps me busy.”

The time was 1970. The corrupt Cambodian monarchy headed by Prince Sihanouk was replaced by the even more corrupt Lon Nol republic. Sihanouk joined forces with the Communist Khmer Rouge led by Pol Pot. For five years, Pol Pot and his forces ravaged the country of Cambodia, finally winning power in 1975. The name of the country was changed from Cambodia to Democratic Kampuchea, and the Pol Pot regime became the official representatives of Cambodia in the United Nations.

What followed Pol Pot's rise to power was a campaign of murder and genocide on a scale the world had not seen since the Nazi Holocaust. The Pol Pot Communists, still held as an ideal by some communists, murdered at least one million Kampuchians. Most doctors, teachers, and other educated people were forced to dig trenches, and then were hacked to death with hoes. Their children's brains were smashed out against trees. These crude methods of murder were employed, Stanton says, because orders were issued by Khmer Rouge leaders that “bullets were not to be wasted.”

In their effort to eradicate cities, schools, and churches and return Kampuchea to a completely agrarian society, the Khmer Rouge created a nationwide *gulag*. Sydney Schanberg, the *New York Times* reporter whose experiences in Kampuchea were detailed in the film *The Killing Fields*, wrote of that time:

“The Khmer Rouge imposed a revolution more radical and brutal than any other in modern history.... Attachment to home village and love of Buddha, Cambodian verities, were replaced by psychological reorientation, mass relocation, and rigid collectivization. Families were separated, with husbands, wives, and children all working on separate agricultural and construction projects. They were often many miles apart and did not see each other for seasons at a time. Sometimes children were separated completely from their parents, never to meet again. Work crews were often sex-segregated. Those already married needed special permission, infrequently given, to meet and sleep together. Weddings were arranged by the Khmer Rouge, en masse; the pairings would simply be called out at a commune assembly. Waves of suicides were the result of these forced marriages.”

The Khmer Rouge declared that all minority ethnic groups would cease to exist. They forced the Chams, a Muslim minority, to give up their children and all Chams were forced into communes dominated by the Khmer majority. Whole Cham villages were murdered. The same genocidal policies largely eradicated the Christian minority and the Buddhist monkhood. The Khmer Rouge declared everyone from the Eastern zone near Vietnam to have “Khmer bodies, but Vietnamese minds” and undertook a mass evacuation and extermination campaign there in 1978.

The Pol Pot government was overthrown in 1979 when the Vietnamese invaded Kampuchea and seized control of the entire nation by April of that year. The Pol Pot forces fled to the mountains along the Thailand border and from there they continued to wage war as terrorists, attacking buses and relief trucks and murdering farmers. As the forces of Pol Pot retreated, a flood of starving, disease-wracked refugees crossed into Thailand. It was only then that the full scope of the Kampuchean genocide became known to the whole world.

In the fall of 1979, the largest relief effort in history was begun in Kampuchea. Organizations such as UNICEF and the International Committee of the Red Cross began relief efforts in Kampuchea and Thailand. Church World Service was the first American relief organization allowed into Kampuchea by the new government. Its Kampuchea director was Greg Stanton, accompanied by his wife, Mary Ellen.

Stanton was no stranger to the problems facing Third World and developing nations. Shortly after graduating from Oberlin College in 1968, Stanton served with the Peace Corps in the Ivory Coast in West Africa. It was there that he met Mary Ellen, a nurse midwife. The Stantons had also worked in India. But never before had they encountered the problems and magnitude of suffering they witnessed in Kampuchea.

As a student at the Yale Law School, having already earned a master of arts in anthropology from the University of Chicago and a master of sacred theology from the Harvard Divinity School, Stanton had done some research about the Khmer Rouge and the atrocities carried out by Pol Pot’s troops. As director of the CWS relief effort, he had the opportunity to begin the revitalization of a ravaged nation while at the same time gathering evidence to support the claims of genocide against the Khmer Rouge.

“I went to Cambodia with the idea of conducting an objective international investigation” into the situation, he explains. “The new government had convicted two men in absentia—Ieng Sary and Pol Pot—in trials in 1979, but those were regarded by many as ‘show’ trials. An international tribunal was needed to try the Khmer Rouge leaders with objective credibility.”

Stanton cites several reasons why it is important to Kampuchea, and to people all over the world, that the Khmer Rouge be tried.

“Genocide is a crime against all people,” he says. “That is why the trials at Nuremberg were so important. Genocide should be tried by a world court.”

“Historically, the facts need to be established,” Stanton continues. If the facts of the genocide are not documented now, he says, people will begin to forget about the killings. They will attach the word “alleged” to any mention of the genocide, thus reducing the perception of the crime.

If the Khmer Rouge regime is tried by the World Court and found guilty, Stanton says, the verdict “could result in specific action that would diminish the effectiveness of the Khmer Rouge and its leaders, and remove them as a future threat to Kampuchea.” With Pol Pot still at large, although his whereabouts are unknown, and Ieng Sary occasionally speaking at the United Nations, it is important, notes Stanton, to remove all political support for the Khmer Rouge.

While Stanton and his wife were working in Kampuchea an event occurred that altered their lives. One Sunday morning near the end of their service there, a newborn baby girl was abandoned at the National Pediatric Hospital. Afraid that a healthy baby would not survive in the disease-filled hospital, the doctor in charge brought the baby to the Stantons’ hotel. The Stantons, who had postponed starting their family to direct the Kampuchean relief efforts, were captivated by the baby girl.

“When we saw the child our hearts went out to her. We took care of her from that moment on,” says Stanton.

The Stantons asked the government to allow them to adopt the baby, or to find a Kampuchean family who would adopt her. Since no child had been adopted by foreigners in Kampuchea since 1975, the Stantons knew it was likely that the baby would be taken to an orphanage. The matter went all the way to the Revolutionary Council and President Heng Samrin. After a month of uncertainty and waiting, the Stantons were granted permission to adopt her.

“It was a living proof of the power of love to transcend every boundary,” says Stanton.

The Stanton family—all three members—flew out of Kampuchea on Dec. 23 and, on Christmas Eve, the baby was baptized by Greg’s father in the United States. She was named Elizabeth Chantana. Chantana is a Khmer name that means “gift of God.” Two years later the Stantons adopted Theodore, the son of a Kampuchean refugee they met in Oregon. Theodore, in Greek, also means “gift of God.”

As he went about directing the \$12 million relief effort and after he gave up his directorship and returned to the United States, Stanton was faced with two important tasks: getting documentation to support the claims of genocide against Pol Pot and his men, and finding a nation willing to press charges against the Khmer Rouge in the World Court. The first task, though grisly and gruesome, has proved the easier of the two.

Since 1981 Stanton has regularly returned to Kampuchea to talk with survivors of the genocide and their families. He interviewed the 14-year-old son of a train station master who saw his mother and father disemboweled by the Communists. He smelled the rotting flesh and photographed the countless skulls in the mass graves that were once the killing grounds for the Khmer Rouge. He has seen the human devastation caused by

the Communists in their pursuit of a perfect society. And he has turned away in grief and anger after seeing a Mickey Mouse T-shirt on a tiny skeleton with a crushed skull.

Last year, Stanton returned to Kampuchea with Lexington filmmaker Chris Munger. With the permission of the Kampuchean government, the two men spent three intense weeks videotaping testimony from scores of eyewitnesses to the Khmer Rouge genocide. Their efforts concentrated on the testimony of Cham Muslims and Buddhist monks (two groups specifically targeted for extermination by the Khmer Rouge) and from eyewitnesses to torture and murder at the extermination prisons and mass graves.

“Much of the testimony is quite moving,” he says, “especially the stories of those who had to watch the murder of their own parents or families. The prisons and mass graves were filmed in sufficient detail to make a documentary film. The evidence established beyond a reasonable doubt that the genocide against the Cham and the Buddhist monks was intentionally ordered by the top leadership of the Khmer Rouge regime.”

Stanton has permission from the Kampuchean government to return in the coming year to continue making a documentary film. He also received a positive response from the Kampuchean Foreign Ministry for his request to bring a delegation of distinguished international jurists to investigate the genocide and the case against the Khmer Rouge regime.

Because the United States has not accepted World Court jurisdiction under the Genocide Convention, the Court would not be able to accept jurisdiction if the U.S. were to bring the case unless Democratic Kampuchea specifically consents. That is unlikely. So Stanton must search for a nation that is able to bring suit against the Khmer Rouge.

Since last year, Stanton has made several trips halfway across the world to garner support for his project. He has traveled several times to Australia and to India. He has met with the Australian Foreign Minister, with the head of the Southeast Asia branch of the Australian Department of Foreign Affairs, with leaders of relief agencies and organizations in the Australia-Kampuchea working group, and lawyers in the Australia branch of the Cambodian Genocide Project.

Shortly after he proposed the plan, William Hayden, the Australian foreign minister, called for a trial of the Khmer Rouge leaders by an international tribunal.

He has also enlisted the support of Dame Roma Mitchell, judge and chair of the Australian Commission on Human Rights, who agreed to join a delegation of jurists who will go to Kampuchea to investigate and issue a report on the case against the Khmer Rouge. Patrick J. Downey, former chair of the New Zealand Commission on Human Rights, has also agreed to join the delegation as has Thomas Buergenthal, president of the Inter-American Court of Human Rights.

In addition, Stanton has received support from David Geddes, secretary-general of LAWASIA, a bar association for Asia and the Pacific. On a trip to India in January, Stanton met with Justice Bhagwati, just retired chief justice of the Indian Supreme Court, who agreed to join the judges’ delegation, and with Fali Nariman, president of LAWASIA. He also held a two-hour conversation with the president of the World Court. And he talked with the Indian Bar Association, which will send a delegation to investigate the genocide.

There is some indication that support for Stanton’s idea is growing in the United States. The State Department Legal Advisor assigned a staff member to do research on

the Cambodian genocide. It was the first indication of interest in the State Department, Stanton says.

In February, the American Bar Association, in which Stanton is chairman of a human rights committee, approved a resolution condemning the Cambodian genocide and calling for legal action.

And in May, the *New York Times* carried an editorial calling for the trial of the Khmer Rouge leaders in the World Court.

Because the Khmer Rouge are still part of the coalition that is fighting to regain control of Kampuchea, Stanton worries that if pressure is not continuously applied to have them brought to trial, their killing ways will be forgotten.

“One of the things I find most appalling is that memories fade,” Stanton says. “These people who did the killing before could one day be back in charge. They have not changed policies. The Khmer Rouge continue to kill people in Kampuchea.”

Greg Stanton was born to parents whose deep Christian faith and commitment to human and civil rights have set the patterns for his life. His father—“a man I admire tremendously,” Stanton says—is a retired pastor; his mother is a retired teacher. Both are graduates of Oberlin College.

Stanton’s father helped organize one of the first sit-ins in the United States when, in 1945, he protested at an Oberlin barbershop that refused black customers. He also worked quietly in Streator, Ill., to integrate the residential areas. Stanton admits his parents’ dedication to social justice rubbed off on him at an early age.

“I was nurtured in an atmosphere of activism and pastoral care,” he says. “My father spent an enormous amount of time calling on people just because he cared about them.”

At Oberlin, Stanton combined scholarship with a keen political consciousness. He earned his Phi Beta Kappa key as a junior, while at the same time holding a seat in the student senate. His interest in foreign cultures led him to his service with the Peace Corps and his M.A. and Ph.D. degrees in anthropology from the University of Chicago.

After returning from Kampuchea and finishing his work on his law degree from Yale, Stanton clerked for Judge Alfred T. Goodwin of the U.S. Court of Appeals in Portland, Ore., before joining the Milwaukee firm of Foley and Lardner. He came to Washington and Lee in 1985 and teaches courses in law and anthropology, constitutional law, contracts, and comparative law as well as a seminar on the International Law of Human Rights.

“I always knew I would be a college professor, but I wanted to practice first,” says Stanton, seated in his office which overlooks the pine trees that surround Lewis Hall. “We knew we wanted to live in a community like Lexington and Washington and Lee.”

The intimacy of Lexington and Washington and Lee is what sets it apart, says Stanton.

“This is a very supportive community. It is a university where people love each other,” he says. “It is a town in which you can flourish as a human being.”

The fundamental basis for a true community, says Stanton, is neighborly concern for other persons. That attention to each human being as an individual, he believes, is the foundation of his motivation in the Cambodian Genocide Project.

“The Khmer Rouge tried to depersonalize the entire country. The officers in the military referred to themselves by numbers, not names. Prisoners of the Khmer Rouge had to sign confessions that they were not human beings, but rather animals or sub-humans.

“I believe that ultimately the only real concerns are personal. The world is made up of people. Any government, like the Khmer Rouge, that ignores the needs of individual people is a tyranny. Washington and Lee and Lexington are places that care about people. Here, talents and strengths can be nurtured.

“One of the things I have learned is how important it is to live in a place where you get to know people in their fullness, their roundness. Here, you don’t get to know them in just one dimension. You see them at church, or you talk to them at the pool or at the grocery store. You know their children. It is a very special university and a very special town.”

One would think that running a worldwide organization from a small town in the mountains of Virginia would create severe handicaps. Stanton finds the opposite to be true. From his office in Lexington he is removed from the petty politics he says abounds in the human rights movement. He is free to chart his own course.

“The politics of the human rights movement is one of the most frustrating things I have to deal with,” says Stanton, an edge finding its way into his normally gentle tone. “The human rights movement is dominated by people with a certain way of thinking. Those who don’t subscribe to that way of thinking are suspect.”

Stanton said the human rights activists in New York and Washington “don’t like interlopers” and often go out of their way to scuttle projects that might draw support away from their efforts.

“The amazingly petty politics of the most personal sort is the hardest to take,” he says. “I have resolved to work above that.”

So Stanton stays in Lexington, fighting an international battle while trying to instill in his students the intricately woven tension between human law and the law of “a God of justice and love.”

“Genocide is a violation of God’s law as well as human law,” says Stanton, who brings that perspective to his teaching of constitutional law as well as international law.

“There are principles of justice that are part of the fabric of mankind. Our founding fathers believed that. We have a constitution that they designed to allow change and evolution in our understanding of justice. It allows for the institutions of government to change and develop. Our Constitution is still a revolutionary document 200 years after it was written.

“It really is a revolutionary thing to allow people to be free. I try to teach that to my students.”