The Khmer Rouge And The Crime Of Genocide Issues Of Genocidal Intent With Regard To The Khmer Rouge Mass Atrocities International Criminal Law

Deborah Mayersen, Annie Pohlman

The Khmer Rouge and the Crime of Genocide Thomas Karl Forster, 2012

More than one million people died in Cambodia from 1975 to 1979 under the regime of the Khmer Rouge. Thirty years later, a Cambodian court, supported by the UN, seeks to hold legally accountable those most responsible for the crimes committed. This study presents some of the major legal issues relevant to possible genocide charges against the Khmer Rouge at the Extraordinary Chambers in the Courts of Cambodia. The first part of the book examines the basic structure and elements of the crime of genocide under international criminal law, with a focus on the particular intent requirement and the issue of groups as targets of genocidal intent. The second part looks at the specific case of the Khmer Rouge mass atrocities - based on the legal framework elaborated - discussing the questions involved in the legal characterization of Khmer Rouge policies. These questions include the auto-genocide debate, the distinction between discriminatory mass killings and genocidal intent, as well as the legal relevance of motives for group targeting. (Series: International Criminal Law - Vol. 2)

Genocide and Mass Atrocities in Asia Deborah Mayersen, Annie Pohlman, 2013-06-03

The twentieth century has been labelled the ‘century of genocide’, and according to estimates, more than 250 million civilians were victims of genocide and mass atrocities during this period. This book provides one of the first regional perspectives on mass atrocities in Asia, by exploring the issue through two central themes. Bringing together experts in genocide studies and area specialists, the book looks at the legacy of past genocides and mass atrocities, with case studies on East Timor, Cambodia and Indonesia. It explores the enduring legacies of trauma and societal divisions, the complex and continuing impacts of past mass violence, and the role of transitional justice in the aftermath of mass atrocities in Asia. Understanding these complex legacies is crucial for the region to build a future that acknowledges the past. The book goes on to consider the prospects and challenges for preventing future mass atrocities in Asia, and globally. It discusses both regional and global factors that may impact on preventing future mass atrocities in Asia, and highlights the value of a regional perspective in mass atrocity prevention.
Providing a detailed examination of genocide and mass atrocities through the themes of legacies and prevention, the book is an important contribution to Asian Studies and Security Studies.

**Getting Away with Genocide?** Tom Fawthrop, Helen Jarvis, 2005 Foreword by Roland Joffe, Director of 'The Killing Fields' - Cover.

**The Genocide Convention** John Quigley, 2016-03-09 The Genocide Convention explores the question of whether the law and genocide law in particular can prevent mass atrocities. The volume explains how genocide came to be accepted as a legal norm and analyzes the intent required for this categorization. The work also discusses individual suits against states for genocide and, finally, explores the utility of genocide as a legal concept.

**Invisible Atrocities** Randle C. DeFalco, 2022-03-17 This book assesses the role aesthetic factors play in shaping what forms of mass violence are viewed as international crimes.

**The Extraordinary Chambers in the Courts of Cambodia** Simon M. Meisenberg, Ignaz Stegmiller, 2016-03-30 This book is the first comprehensive study on the work and functioning of the Extraordinary Chambers in the Courts of Cambodia (ECCC). The ECCC were established in 2006 to bring to trial senior leaders and those most responsible for serious crimes committed under the notorious Khmer Rouge regime. Established by domestic law following an agreement in 2003 between the Kingdom of Cambodia and the UN, the ECCC’s hybrid features provide a unique approach of accountability for mass atrocities. The book entails an analysis of the work and jurisprudence of the ECCC, providing a detailed assessment of their legacies and contribution to international criminal law. The collection, containing 20 chapters from leading scholars and practitioners with inside knowledge of the ECCC, discuss the most pressing topics and its implications for international criminal law. These include the establishment of the ECCC, subject matter crimes, joint criminal enterprise and procedural aspects, including questions regarding the trying of frail accused persons and the admission of torture statements into evidence. Simon M. Meisenberg is an Attorney-at-Law in Germany, formerly he was a Legal Advisor to the ECCC and a Senior Legal Officer at the Special Court for Sierra Leone. Ignaz Stegmiller is Coordinator for the International Programs of the Faculty of Law at the Franz von Liszt Institute for International and Comparative Law, Giessen, Germany.

**The Khmer Rouge Tribunal** John David Ciorciari, 2006 Between April 1975 and January 1979, the radical Khmer Rouge regime subjected Cambodians to a wave of atrocities that left over one in four Cambodians dead. For nearly three decades, calls for justice went unanswered, and the architects of Khmer Rouge terror enjoyed almost unfettered impunity. Only recently has a tribunal been established to put surviving Khmer Rouge officials on trial. This edited volume examines the origins, evolution, and features of the Khmer Rouge Tribunal. It provides a concise overview of legal and political issues surrounding the tribunal and answers key questions about the accountability process. It explains why the tribunal took so many years to create and why it became a hybrid court with Cambodian and international participation. It also assesses the
laws and procedures governing the proceedings and the likely evidence available against Khmer Rouge defendants. Finally, it discusses how the tribunal can most effectively advance the aims of justice and reconciliation in Cambodia and help to dispel the shadows of the past.--BACK COVER.

**International Crimes: Volume I: Genocide** Guénaël Mettraux, 2019-06-18 Judge Mettraux's four-volume compendium, International Crimes: Law and Practice, will provide the most detailed and authoritative account to-date of the law of international crimes. It is a scholarly tour de force providing a unique blend of academic rigour and an insight into the practice of international criminal law. The compendium is unrivalled in its breadth and depth, covering almost a century of legal practice, dozens of jurisdictions (national and international), thousands of decisions and judgments and hundreds of cases. This first volume discusses in detail the law of genocide: its definition, elements, normative status, and relationship to the other core international crimes. While the book is an invaluable tool for academics and researchers, it is particularly suited to legal practitioners, guiding the reader through the practical and evidential challenges associated with the prosecution of international crimes.

*The Khmer Rouge and the Cambodian Genocide* Sean Bergin, 2008-08-15 This book is a comprehensive look at the brutal and extensive genocide that occurred in Cambodia in the mid- to late 1970s at the hands of Pol Pot and the Khmer Rouge. It provides background history as well as a description of the genocide itself, and its aftermath.

*Tuol Sleng Genocide Museum* 2024-04-23 Established in 1979 in the premises of the Khmer Rouge prison S-21 in Phnom Penh, Tuol Sleng Genocide Museum (TSGM) has had a turbulent history, mirroring Cambodia's social and political transformations. The book brings together academics and practitioners from multiple fields who offer novel perspectives and sources on the site and reflect on the challenges the institution has faced in the past and will face in the twenty-first century as an archive, heritage, and education site, especially with the coming of the post-justice era in the country.

**Impediments to the Prevention and Intervention of Genocide** Samuel Totten, 2013-01-23 Academics, NGOs, the United Nations, and individual nations are focused on the prevention and intervention of genocide. Traditionally, missions to prevent or intervene in genocide have been sporadic and under-resourced. The contributors to this volume consider some of the major stumbling blocks to the avoidance of genocide. Bartrop and Totten argue that realpolitik is the major impediment to the elimination of genocide. Campbell examines the lack of political will to confront genocide, and Theriault describes how denial becomes an obstacle to intervention against genocide. Loyle and Davenport discuss how intervention is impeded by a lack of reliable data on genocide violence, and Macgregor presents an overview of the influence of the media. Totten examines how the UN Convention on Genocide actually impedes anti-genocide efforts; and how the institutional configuration of the UN is itself often a stumbling block. Addressing an issue that is often overlooked, Travis examines the impact of global arms trade on genocide. Finally, Hiebert examines how international criminal prosecution of atrocities can impede preventive
efforts, and Hirsch provides an analysis of the strengths, weaknesses, and effectiveness of major international and national prescriptions developed over the last decade. The result is a distinguished addition to Transaction’s prestigious Genocide Studies series.

**The Khmer Rouge's Genocidal Reign in Cambodia** Zoe Lowery, Sean Bergin, 2016-07-15 The appalling Cambodian genocide remains barely studied even to this day. Yet nearly two million Cambodians (around 20 percent of Cambodia’s population) died between 1975 and 1979 as a result of the dictator Pol Pot and the Khmer Rouge Communist government. Innocent Cambodians were murdered, starved, and tortured. This fascinating book offers an overview of this tiny Asian country’s history, framing the events that led up to this tragic genocide. Readers will learn about the key players in the genocide, as well as the complications in obtaining justice in its aftermath.

**Night of the Khmer Rouge** Jorge Daniel Veneciano, Alexander Laban Hinton, 2007

**Genocide in Cambodia** Howard J. De Nike, John Quigley, Kenneth J. Robinson, 2012-05-23 The Khmer Rouge held power in Cambodia from 1975 to 1979 and aggressively pursued a policy of radical social reform that resulted in the deaths of hundreds of thousands of Cambodians through mass executions and physical privation. In January 1979, the government was overthrown by former Khmer Rouge functionaries, with substantial backing from the army of Vietnam. In August of that year a special court, the People's Revolutionary Tribunal, was constituted to try two of the Khmer Rouge government's most powerful leaders, Pol Pot and Ieng Sary. The charge against them was genocide as it was defined in the United Nation’s genocide convention of 1948. At the time, both men were in the Cambodian jungle leading the Khmer Rouge in a struggle to regain power; they were, therefore, tried in absentia. Genocide in Cambodia assembles documents from this historic trial and contains extensive reports from the People's Revolutionary Tribunal. The book opens with essays that discuss the nature of the primary documents, and places the trial in its historical, legal, and political context. The documents are divided into three parts: those relating to the establishment of the tribunal; those used as evidence, including statements of witnesses, investigative reports of mass grave sites, expert opinions on the social and cultural impact of the actions of Pol Pot and Ieng Sary, and accounts from the foreign press; and finally the record of the trial, beginning with the prosecutor's indictment and ending with the concluding speeches by the attorneys for the defense and prosecution. The trial of Pol Pot and Ieng Sary was the world's first genocide trial based on United Nations's policy as well as the first trial of a head of government on a human rights-related charge. This documentary record is significant for the history of Cambodia, and it will be of the highest importance as well to the international legal and human rights communities.

**Humanity’s Children** Sonja C. Grover, 2012-12-13 This book addresses the phenomenon of children as the particular targets of extreme cruelty and genocide during armed conflict. Selected International Criminal Court cases are analyzed to illustrate the ICC’s failure to address the genocidal forcible transfer of children to armed State and/or non-State groups or forces perpetrating mass atrocities and/or genocide. An original legal interpretation of children as a protected group in the context of the genocide provision of the Rome Statute is provided. The work also examines certain examples of the various modes in which armed State and/or non-State groups or forces perpetrating mass atrocities and/or genocide appropriate children and accomplish the genocidal forcible transfer of children to the perpetrator group. It is argued that the failure to prosecute the genocidal forcible transfer of children through the ICC mechanisms (where the Court has jurisdiction and the State has failed to meet its obligations in this regard) undermines the perceived gravity of this heinous international crime within the international community. Furthermore, this ICC failure to prosecute conflicts with the interests of justice and ultimately results in an erosion of the respect for the personhood and human dignity of children.

**Extraordinary Justice** Craig Etcheson, 2019-11-19 In just a few short years, the Khmer Rouge presided over one of the twentieth century’s cruelest reigns of terror. Since its 1979 overthrow, there have been several attempts to hold the perpetrators accountable, from a People’s Revolutionary Tribunal shortly afterward through the early 2000s Extraordinary Chambers in the Courts of Cambodia, also known as the Khmer Rouge Tribunal. Extraordinary Justice offers a definitive account of the quest for justice in Cambodia that uses this history to develop a theoretical framework for understanding the interaction between law and politics in war crimes tribunals. Craig Etcheson, one of the world’s foremost experts on the Cambodian genocide and its aftermath, draws on decades of experience to trace the evolution of transitional justice in the country from the late 1970s to the present. He considers how war crimes tribunals come into existence, how they operate and unfold, and what happens in their wake. Etcheson argues that the concepts of legality that hold sway in such tribunals should be understood in terms of their orientation toward politics, both in the Khmer Rouge Tribunal and generally. A magisterial chronicle of the inner workings of postconflict justice, Extraordinary Justice challenges understandings of the relationship between politics and the law, with important implications for the future of attempts to seek accountability for crimes against humanity.

**Anthropological Witness** Alexander Laban Hinton, 2022-10-15 Anthropological Witness tells the story of Alexander Laban Hinton’s encounter with an accused architect of genocide and, more broadly, Hinton’s attempt to navigate the promises and perils of expert testimony. In March 2016, Hinton served as an expert witness at the Extraordinary Chambers in the Courts of Cambodia, an international tribunal established to try senior Khmer Rouge leaders for crimes committed during the 1975–79 Cambodian genocide. His testimony culminated in a direct exchange with Pol Pot’s notorious right-hand man, Nuon Chea, who was engaged in genocide denial. Anthropological Witness looks at big questions about the ethical
imperatives and epistemological assumptions involved in explanation and the role of the public scholar in addressing issues relating to truth, justice, social repair, and genocide. Hinton asks: Can scholars who serve as expert witnesses effectively contribute to international atrocity crimes tribunals where the focus is on legal guilt as opposed to academic explanation? What does the answer to this question say more generally about academia and the public sphere? At a time when the world faces a multitude of challenges, the answers Hinton provides to such questions about public scholarship are urgent.

Impediments to the Prevention and Intervention of Genocide Samuel Totten, 2013 Academics, NGOs, the United Nations, and individual nations are focused on the prevention and intervention of genocide. Traditionally, missions to prevent or intervene in genocide have been sporadic and under-resourced. The contributors to this volume consider some of the major stumbling blocks to the avoidance of genocide. Bartrop and Totten argue that realpolitik is the major impediment to the elimination of genocide. Campbell examines the lack of political will to confront genocide, and Theriault describes how denial becomes an obstacle to intervention against genocide. Loyle and Davenport discuss how intervention is impeded by a lack of reliable data on genocide violence, and Macgregor presents an overview of the influence of the media. Totten examines how the UN Convention on Genocide actually impedes anti-genocide efforts; and how the institutional configuration of the UN is itself often a stumbling block. Addressing an issue that is often overlooked, Travis examines the impact of global arms trade on genocide. Finally, Hiebert examines how international criminal prosecution of atrocities can impede preventive efforts, and Hirsch provides an analysis of the strengths, weaknesses, and effectiveness of major international and national prescriptions developed over the last decade. The result is a distinguished addition to Transaction's prestigious Genocide Studies series.

Confronting Evil James Waller, 2016-05-27 While it is true that genocide prevention is not what tends to land on the front pages of national newspapers today, it is what prevents the worst headlines from ever being made. Despite the post-Holocaust consensus that Never Again would the world allow civilians to be victims of genocide, the reality is closer to Again and Again. As many as 170 million civilians across the world were victims of genocide and mass atrocity in the 20th century. Now that we have entered the 21st century, little light has been brought to that darkness as civilians still find themselves under brutal attack in South Sudan, Burma, Syria, the Central African Republic, Burundi, Iraq, and a score of other countries in the world beset by state fragility and extremist identity politics. Drawing on over two decades of primary research and scholarship from a wide range of disciplinary perspectives, Confronting Evil: Engaging Our Responsibility to Prevent Genocide is grounded in the belief that preventing mass atrocity is an achievable goal, but only if we have the collective will to do so. This groundbreaking book from one of the foremost leaders in the field presents a fascinating continuum of research-informed strategies to prevent genocide from ever taking place; to prevent further atrocities once genocide is occurring; and to prevent future atrocities once a society has begun to rebuild after genocide. With remarkable insight, Dr.
James Waller challenges each of us to accept our responsibilities as global citizens-in whichever role and place we find ourselves-and to think critically about one of the world’s most pressing human rights issues in which there are no sidelines, only sides.

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