



# THE ISG NEWSLETTER

Number 46  
Helen Fein, editor

FALL 2011

## LEMKIN AWARD CEREMONY

Please join the Institute for the Study of Genocide as we present the Lemkin Award to historian Emma Gilligan, author of "Terror in Chechnya" on Thursday, November 3rd. at 5:30 pm in the Burns Moot Court Room at the Benjamin N. Cardozo School of Law, 55 Fifth Avenue, New York City. This event is co-sponsored by the Cardozo Program in Holocaust, Genocide and Human Rights Studies. Please RSVP to [cardozophhr@gmail.com](mailto:cardozophhr@gmail.com)

*The presentation will include:*

- Award ceremony
- Talk by Emma Gilligan:  
Terrorism and Crimes against Humanity
- Comments by Dr. Helen Fein, Chair of the Board,  
Institute for the Study of Genocide
- Reception and book signing,  
Cardozo main lobby

Emma Gilligan is Associate Professor of History and Associate Director of the Human Rights Program at the University of Connecticut. She is the author of "Defending Human Rights in Russia: Sergei Kovalvov, Dissident and Human rights Commissioner, 1969-2003".

*The Lemkin Award honors Raphael Lemkin, the originator of the concept of genocide and first exponent of a United Nations Genocide Convention. The award recognizes the best non-fiction book published in English in the preceding two years which focuses on explanation of genocide crimes against humanity, state mass killings and gross violations of human rights, and strategies to prevent such crimes and violations.*

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**INSTITUTE FOR THE STUDY OF  
GENOCIDE**

Joyce Apsel, President

For more information on ISG, see our website at:  
[www.instituteforthestudyofgenocide.com](http://www.instituteforthestudyofgenocide.com)

## PEOPLES AT RISK

For recent news, check up-to-date sources.

### **BAHRAIN**

**DEMOCRATIC REPUBLIC OF CONGO**  
(Women especially at risk of rape and murder)

EGYPT: Coptic Christians

ISRAEL: “Iranian Pres. Mahmoud Ahmadinejad said that Iran was determined to eradicate Israel...”  
([www.genocidepreventionnow.org](http://www.genocidepreventionnow.org))

### **LIBYA**

**NORTH KOREA** (see Park article this issue)

**SOMALIA** (see Gurr article this issue)

**SUDAN** (see Eric Reeves [ereeves@smith.edu), Sam Totten in *Genocide Prevention Now*, Issue 8, Fall 2011 ([www.genocidepreventionnow.org](http://www.genocidepreventionnow.org)), and US Holocaust Memorial Museum Committee on Conscience)

### **SYRIA**

### **UGANDA**

## A TROUBLED TRIAL FOR KHMER ROUGE PERPETRATORS BY ELENA LESLEY

*Elena Lesley*  
*Rutgers University*

Between 1975 and 1979 the Khmer Rouge killed a quarter of Cambodia’s population – roughly two million – through overwork, starvation and execution. Vann Nath was one of the lucky ones, a survivor. Although imprisoned in the Tuol Sleng torture and detention center, his painting ability saved him from certain death when the prison’s chief commissioned him to create portraits of Khmer Rouge leaders. Later, he used his experiences as a political prisoner to craft some of the most enduring and heartbreaking images of life under the brutal regime.

Nath died in September, still waiting for the leaders who oversaw one of the twentieth century’s most cruel social experiments to face trial in a UN-backed court. In recent years, he suffered from chronic kidney disease and often expressed fear that he would not live to see those responsible for his imprisonment face justice.

Hopefully he received some satisfaction when he testified against his former captor, “Comrade Duch,” in 2009. I was in Cambodia monitoring and writing about the tribunal’s first (and to date only) trial at the time, and had the opportunity to watch him take the stand.

“I never imagined that I would be able to sit in this courtroom today,” he told the judges. “This is my privilege; this is my honor.”

Despite this triumph – and a guilty verdict for Duch – none of the higher-ranking former Khmer Rouge officials slated for prosecution have stood trial. The slow progression of justice, coupled with the defendants’ ages, has led to much speculation that some of those most responsible for the regime’s crimes will die during the course of their trials – or before substantive hearings even begin. At the same time, arguments persist over the potential scope of prosecutions. Prime Minister Hun Sen has long maintained that trying any defendants beyond the five already in custody could lead to political instability, and in recent months co-investigating

## A TROUBLED TRIAL FOR KHMER ROUGE PERPETRATORS

judges have been accused of trying to scuttle cases against additional defendants.

As has been the case since the tribunal was established – and as these issues highlight – no consensus exists as to how to “provide justice” to victims (or what justice even means) in a highly flawed judicial system and within a timeframe limited by the defendants’ mortality.

When the Vietnamese ousted the regime from power in 1979, a court was convened to try Pol Pot and deputy prime minister Ieng Sary in absentia, finding them guilty of genocide and sentencing them to death. This is widely considered to have been a “show trial.” As I wrote in a 2008 online piece for *Granta*:

“Throughout the 1980s Cold War era, China and much of the free world continued to support a re-packaged Khmer Rouge coalition force as a means of weakening Vietnam and its ally, the Soviet Union. It wasn’t until 1997 that Hun Sen requested UN assistance in creating a Khmer Rouge tribunal, some say to delegitimize the country’s ongoing Khmer Rouge insurgency. When the guerilla movement essentially died the following year, along with Pol Pot, Hun Sen began to insist that putting former Khmer Rouge leaders on trial would jeopardize the country’s fragile peace. The international community continued to push for a court and, after years of negotiations, the tribunal began its work in earnest around two years ago.”

After years of delays, the alleged frailty of the elderly defendants now often takes center stage at the tribunal. Julia Wallace writes for *The Atlantic* online that the Trial Chamber has engaged in “frequent and detailed dissections of the defendants’ health. Among other things, we have learned recently that Nuon Chea’s balding pate

gets chilly in air-conditioned rooms, and that Ieng Sary, beset with kidney problems, needs to urinate every 20 minutes” (“Scenes from a Khmer Rouge Trial Gone Wrong,” Sept. 21, 2011). Although an initial hearing for the tribunal’s second case was held in June, substantive hearings have been delayed over concerns that former social affairs minister Ieng Thirith is not fit to stand trial. In late August, a geriatrician testified before the court that he believed Ieng Thirith, 79, was suffering from dementia and possibly Alzheimer’s disease. Other experts have agreed that the only woman in custody “lacks the mental capacity to remember what took place when the regime was in power,” according to a report from *Voice of America* (“Mental Assessment Expected to Find Ieng Thirith Unfit for Trial,” Sept. 20, 2011). When she appeared before the court in a 2009 pre-trial hearing, she launched into a tirade against the tribunal, cursing her accusers “to the seventh circle of hell.” Meanwhile, 85-year-old Nuon Chea, who was second in command to Pol Pot, has also claimed he is too weak to stand trial and has difficulty concentrating and sitting for long periods of time.

Given the state of the defendants’ mental and physical health, it seems wise that the Trial Chamber has chosen to separate the second case into smaller trials that will be adjudicated separately. Previously, the plan had been to try all four remaining defendants – Ieng Thirith, Nuon Chea, former head of state Khieu Samphan and Ieng Sary – at the same time and for a number of different charges. Under the new system, the first trial will address forced movements of population and related charges of crimes against humanity; “information regarding later trials in Case 002 concerning the remaining portions of the Indictment (which includes cooperatives, worksites, security centers, execution sites and all

## A TROUBLED TRIAL FOR KHMER ROUGE PERPETRATORS

other crimes, including genocide) will follow at a later date,” according to a Sept. 22 release from the court. Clair Duffy, a trial monitor for the Open Society Justice Initiative (OSJI), told The Phnom Penh Post that dividing the second trial into smaller portions would lead to a greater chance of justice for victims, even if defendants died later on during proceedings. “I guess it’s an exercise of weighing competing interests. The question is, is it better to see some form of justice in a shorter period of time that only involves some allegations? I think the answer to that has to be yes,’ she said” (“Khmer Rouge Trial Split,” Sept. 23, 2011).

OSJI has been less supportive of another recent development at the tribunal – and has even called for a probe into accusations that co-investigating judges have tried to derail additional prosecutions. Siegfried Blunk and You Bunleng closed investigations into a potential third case in April without visiting any of the referenced crime sites or interviewing either of the alleged suspects. (A fourth case is still under investigation.) Co-prosecutors and lawyers for Khmer Rouge victims are challenging these actions related to Case 003 through appeal. In addition, co-investigating judges denied granting victim participation rights to an allegedly legitimate applicant whose husband had been executed by the Khmer Rouge. “These developments further contribute to an already sizable body of evidence raising serious questions as to the independence, competence, and professionalism of the court’s two co-investigating judges,” according to an OSJI release from Sept. 21. Some have questioned the extent to which political interference – and Hun Sen’s objection to additional prosecutions – might be influencing developments. This is particularly true given international co-investigating judge Siegfried Blunk’s recent resignation from the tribunal. In a statement

explaining his decision, he referenced comments from government officials that additional cases would not be allowed. “Although the International Co-Investigating Judge will not allow himself to be influenced by such statements, his ability to withstand such pressure by Government officials and to perform his duties independently, could always be called in doubt, and this would also call in doubt the integrity of the whole proceedings in Cases 003 and 004,” the statement reads.

As I wrote in a 2009 online piece for *Granta*, only a tiny percentage of those at fault for Khmer Rouge crimes will ever be held accountable legally. The tribunal has a limited mandate to try “senior leaders” and “those most responsible” for atrocities committed during the period of Democratic Kampuchea, from 1975 to 1979. And Hun Sen has tried to constrain prosecutions further, either because he is genuinely concerned about social unrest, or because going lower down the chain of command could implicate others in socially and politically comfortable positions (or perhaps both). Yet, even though there is not enough funding, international political will, or, realistically, time to prosecute scores of aging Khmers Rouge, it makes no sense to conduct cursory investigations into case files that have already been assembled. If the evidence and testimony are there, then the co-investigating judges have an obligation to examine the cases thoroughly. However, if there is a genuine concern on the part of international actors that additional prosecutions could lead to unrest – which seems unlikely, given the amount of time that has passed and Hun Sen’s powerful grip on the country – then this is not an issue that can be determined or resolved by the co-investigating judges. Moreover, if those at the tribunal who attempt to pursue additional cases are being intimidated – or worse, threatened – then it is time

## A TROUBLED TRIAL FOR KHMER ROUGE PERPETRATORS

for the UN to take a more active role in events on the ground in Cambodia.

Legal justice for Khmer Rouge crimes will inevitably be limited and symbolic, especially considering the defendants' advanced age. But to fail to investigate at least a small number of additional

cases that could lead to viable prosecutions would be a missed opportunity.

## ISG WORKSHOP ON GENOCIDE STUDIES HELD AT NOTRE DAME

*By Ernesto Verdeja (everdeja@nd.edu)  
and others listed with abstracts*

The field of genocide studies has grown enormously over the past fifteen years, providing sophisticated analyses of single cases of genocide and comparative case studies. Nevertheless, the field continues to face a number of conceptual, methodological and pedagogical challenges that have become more apparent as research has progressed. From April 7th-9th 2011, the ISG board held a genocide studies workshop at the University of Notre Dame to discuss advances, future areas for fruitful research, and the continued challenges the field faces. This is part of a projected series of thematic workshops and conferences organized by the ISG.

ISG board members Ernesto Verdeja (Notre Dame) and Joyce Apsel (NYU) organized a three day event, "The State of Genocide Studies: Future Directions and Challenges," at Notre Dame that brought together a number of genocide studies scholars. The event began on April 7th with public lectures given by Joyce Apsel, Alex Hinton (Rutgers-Newark), Ernesto Verdeja and Paul D. Williams (George Washington), followed by a public reception at the university. The public event

was well attended by members of Notre Dame and surrounding universities.

The following two days consisted of presentations in closed sessions on a number of thematic issues. The first panel concerned the state of contemporary genocide research. Maureen Hiebert (Calgary) presented a paper on the major theoretical approaches in comparative work and identified the opportunities and difficulties facing a field characterized by multidisciplinary. Hiebert called for greater methodological awareness in comparative studies, and identified specific ways in which research can be made more methodologically rigorous. Alex Hinton encouraged a systematic analysis of the assumptions and presuppositions of the field in a paper on critical genocide studies, and explored the topics and questions that have remained unexamined as the field's 'canon becomes enconced.' The following panel examined research, resources and new directions in teaching. Joyce Apsel discussed the ways in which teaching about genocide has changed over the past several decades and highlighted how course offerings can include current advances in comparative research. Apsel also noted how teaching and research can expand links between genocide studies and work on human rights, globalization, and development

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studies. Adam Jones (British Columbia-Okanagan) presented on the challenges of writing a textbook that remains sensitive to the numerous research areas and disciplinary perspectives in genocide studies, and he addressed the difficulty of representing mass atrocity in text and images.

The third panel concerned current research on various categories and methods of destruction. Christian Davenport (Notre Dame) presented on the difficulty of conducting comparative quantitative research on genocide, given that many political conflict databases use different definitions of genocide and select different cases for studies. Davenport called for genocide studies scholars to engage the broader political conflict studies community in order to expand the kinds of cases and theories open to analysis. Roger Smith (William and Mary, Zoryan Institute) focused on the politics of rape within the genocidal process, with particular attention to the meaning, functions and consequences of such acts. Smith emphasized the ways in which rape and sexual violence are part of a policy process, rather than ‘excesses’ of individuals, and laid out a research agenda for linking studies of sexual violence and genocide. A third paper by Sheri Rosenberg (Cardozo School of Law) and Everita Silina (New School) drew on a number of case studies to examine how genocide can develop through a long, systematic process of attrition. Rosenberg and Silina called for introducing extreme forms of structural violence into the analysis of genocide, which has remained underexplored in the field.

The following day included a panel on military interventions, prosecutions, and issues of justice and reconciliation. Paul Williams assessed the ‘responsibility to protect’ doctrine that sanctions military intervention to stop genocide and mass

atrocities. Williams discussed the practical and theoretical obstacles to justifying intervention, and noted a variety of ways in which interventions can be placed on firmer political and legal footing. Luc Reydam (Notre Dame) explored the politics behind international prosecutions for human rights violations. Reydam encouraged scholars to focus on the international politics surrounding the establishment and functioning of justice mechanisms. Ernesto Verdeja examined current research on reconciliation and justice and its relation to genocide studies, and presented a theory of reconciliation based on mutual respect and tolerance.

Joyce Apsel and Ernesto Verdeja are currently assembling an edited volume of the papers, which will also include contributions from other scholars. Helen Fein (Kennedy School-Harvard) provided invaluable assistance for the April workshop. The workshop received support from a variety of organizations at Notre Dame, including the Kroc Institute for International Peace Studies, the Kellogg Institute for International Studies, the Institute for Scholarship in the Liberal Arts, the Office of Research, and the Nanovic Institute for European Studies.

*Available abstracts for the papers follow:*

“Explaining Genocide: The Opportunities and Challenges of Multidisciplinarity”

Maureen S. Hiebert

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Since its inception genocide studies has been a goal-oriented area of scholarship that has sought to make the post-Holocaust injunction, “never again” a reality. Whether comparative or single case studies much of genocide research has focused on unlocking the secret of why whole groups of

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people are targeted for destruction simply because of who they are, so that we might find the key to preventing such outrages in the future. This eminently worthwhile project has attracted scholars from a number of disciplines in the social sciences and humanities as well as the interest of artists, journalists, human rights activists and others. The primary objective of this paper is to map the trajectory of one aspect of genocide studies, namely the development of explanatory theories of genocidal violence, highlighting the arguments outlined in some of the most important works in the field to date. The paper will then turn to a brief discussion of how the multidisciplinary of genocide studies has yielded distinct advantages including the use of multiple theoretical and methodological approaches to account for and address the highly complex phenomenon that is genocide as well as challenges such the problem of conceptual disunity and methodological underdevelopment. The discussion will briefly outline possible solutions to these problem: the need to accept definitional pluralism in genocide studies and the importance of making our underlying theoretical assumptions, research designs, and methods explicit so that we may have maximum confidence in our findings.

“Critical Genocide Studies:  
A New Direction in Genocide Research”

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Over the last two decades, the interdisciplinary field of genocide studies has dramatically extended and matured. Genocide studies no long stands in the shadow of Holocaust studies. It is now the primary subject of journals, textbooks, encyclopedias, readers, handbooks, special journal issues, bibliographies, workshops, seminars, conference, websites, a United Nations unit, government

agencies, non-governmental organizations, research centers, and international organizations. If not yet fully theorized, the discipline is characterized by a number of debates and approaches.

As the dust settles and outlines of the field emerge more clearly, the time is right to engage in critical reflections about the state of the field, or what might be called critical genocide studies. The goal is not to be critical in a negative sense but to consider, even as a canon becomes ensconced, what is said and unsaid, who has voice and who is silenced, and how such questions may be linked to issues of power and knowledge. It is, in other words, a call for critical thinking about the field of genocide studies itself, exploring our presuppositions, biases, and blind spots in the hope of further enriching this dynamic field. My use of the term overlaps in many ways with that of Dirk Moses, whose important historiography of genocide studies reveals much about the state of the field even if our emphases are somewhat different: mine is more concerned with Derridian deconstruction and a Foucaultian archeology of knowledge and his more with traditional critical theory in the tradition of the Frankfurt School and recent work on empire and world systems theory. This essay examines the field of genocide studies and suggests new directions for research from the perspective of critical genocide studies.

“Research and Teaching about Genocide:  
History, Challenges and New Directions”

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This paper traces the roots of study of comparative genocide and the emergence of scholarship and teaching about genocide. Particular emphasis is on comparative and transnational history and the development of different approaches by a series

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of historians. Case study, comparative, thematic and transnational analysis are key approaches in scholarship and courses. New directions in genocide studies include reframing the significance of particular events and less use of particular events as archetypes. New links are made with studies of human rights and humanitarianism and writing in cases largely ignored earlier on such as colonial genocides. The critique and re-thinking of earlier frames point to further expanding the links in research and teaching between study of genocide and human rights, globalization, and development studies. Finally, the essay explores materials available for teaching and new developments and ongoing methodological challenges in the classroom.

“Studying Genocide, Preventing Genocide”

Adam Jones

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The pedagogical challenges of genocide education are numerous and storied. Since its first publication in 2006, my book *Genocide: A Comprehensive Introduction* (Second Edition, Routledge 2010) has become perhaps the most widely used undergraduate and graduate textbook in genocide studies. It has also demonstrated some appeal for general readers, and for students down to the elementary school level. Its success invites reflection on its conception and content, to illustrate some of the challenges and key choices involved in shaping the project; providing a coherent overview of a vast, tangled, and highly contentious subject; engaging readers across a broad age range and level of specialization; individualizing both the victim of genocide and the perpetrator; and directing the whole initiative not only to an abstract and dispassionate summation of the phenomenon of genocide, but to a normative-political project aimed

at suppressing genocidal outbreaks (whenever possible) and marginalizing genocide in human affairs (to the extent possible). All these issues have broader pedagogical implications. They also prompt consideration of how, as a teacher and a scholar, one can best contribute to promoting the values and sense of global citizenship required if the scourge of genocide is to be suppressed.

“Genocide and the Politics of Rape:  
Historical and Psychological Perspectives”

Roger W. Smith

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In an attempt to understand the systematic, sustained, and sanctioned rapes in Bosnia, those that have occurred previously and, unfortunately since, the paper explores the politics of rape within the genocidal process, with attention to the meaning, functions, and consequences of such acts. A range of historical cases of rape within genocide are used as illustrations; psychological theory is used to illuminate particular aspects of the politics of rape, such as the rituals of degradation. The study concludes with a discussion of the legal status of rape within the context of genocide. Throughout, the paper emphasizes that rape is part of a policy process rather than the “excesses” of individuals.

“Humanitarian Military Intervention after  
the Responsibility to Protect:  
Obstacles and Prospects”

Paul D. Williams

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Despite the persistent failure of governments all over the world to protect civilians from mass atrocities, humanitarian military intervention remains a deeply controversial idea within contemporary international society. Although by March 2011 the idea of “humanitarian war” gained

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sufficient political traction for the UN Security Council to authorize an invasion of Libya to protect civilians, the use of military force without the host government's consent raises fundamental ethical questions and poses huge practical challenges. Those interested in studying – and stopping – genocide and mass atrocities must therefore give renewed attention to thinking about the theory and practice of “humanitarian war.” In that spirit, this chapter analyzes the debate about this concept in the period since the “responsibility to protect” (R2P) principle was endorsed at the UN World Summit in 2005. It begins by discussing five clusters of obstacles to the theory and practice of humanitarian military intervention: legal challenges, legitimacy challenges, political challenges, strategic challenges, and prudential challenges. The second section then assesses how far the UN's endorsement of the R2P has overcome these hurdles and altered the prospects for saving strangers during the world's worst cases of mass killing. It suggests that the emergence and codification of the R2P principle is slowly enhancing the prospects for saving strangers in several respects. Ironically, given the controversial nature of the ongoing intervention in Libya, advocates of R2P may well try to shift the focus of responding to mass atrocities away from questions of military action and into the realms of prevention and early warning.

“Justice and Reconciliation After Genocide:  
Theoretical and Conceptual Challenges”

Ernesto Verdeja  
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Following genocide and significant human rights violations, societies are confronted with the difficult task of rebuilding and responding to the past. Over the last two decades, a number of scholars, political leaders and activists have

called for promoting reconciliation as a morally satisfactory response to mass violence. This paper explores the theoretical justifications and limitations of reconciliation discourse, and seeks to contribute to contemporary genocide studies debates about how best to conceptualize political reconciliation while taking seriously the obstacles these efforts face. The paper defends a minimalist account of reconciliation as a condition of mutual respect among former enemies, which requires the reciprocal recognition of the moral worth and dignity of others. This rests on a number of corollary moral goods: an accurate understanding of the past, accountability, victim recognition and the rule of law. As a normative theory, it stipulates certain moral criteria while recognizing that the dynamics of reconciliation work in different ways and often at cross purposes depending on what levels, or dimensions, of society one is analyzing.

## MEMORY IN BUENOS AIRES

BY JOYCE APSEL (NEW YORK UNIVERSITY)

*Joyce Apsel, New York University*

9th Biennial IAGS Conference in Buenos Aires:  
Genocide: Truth, Memory, Justice and Recovery

The 9th biennial conference of the International Association of Genocide Scholars was entitled *Genocidio: Verdad, Memoria, Justicia y Elaboracion Genocide: Truth, Memory, Justice and Recovery* was held in Buenos Aires, Argentina from July 10-22, 2011. This was the first time the international association of scholars meeting was held in the global south and it was organized by Professor Daniel Feirstein, Director of the Genocide Studies Center at the Universidad Nacional de Tres de Febrero in Buenos Aires and co-chaired with Alex Hinton, Director of the Center for Study of Genocide, Conflict Resolution, and Human Rights and Professor of Anthropology at Rutgers University. Over 200 scholars, students and community members participated in over 40 panel and plenary sessions. From the written program to plenary and individual sessions, the entire conference and its proceedings had simultaneous translations in Spanish and English.

As the introduction to the conference emphasized: “Over the last two decades, the field of genocide studies has quickly proliferated.

To date, however, the field has not fully addressed the aftermaths of genocide, including the ways in which post-conflict societies negotiate issues of truth and memory and seek justice and recovery.

This focus is particularly appropriate give the venue, Argentina, and the fact that this will be the first IAGS conference ever held in Latin America. During the 1980s and 1990s, the phrase “truth, memory and justice” became a key watchword of resistance and resilience.

Despite periodic attempts to focus on one of these issues alone (for example, seeking truth instead of justice), many people in Latin America have and continue to insist that only the three pillars together enable individual and social recovery from collective terror. Truth, Memory and Justice, then, are preconditions for the fourth pillar, Recovery.”

One important emphasis of the conference was providing testimonies and analysis of crimes carried out during the military dictatorship in Argentina during 1976-1983. There were a series of important panels on the subject including testimonies from members of the Asociacion Civil Abuelas de Plaza de Mayo to those of other survivors of the Argentinian “Dirty War” and from jurists and witnesses participating in trials to bring perpetrators to justice to members of civil society working toward recognition and recovery. From the disappeared to the children kidnapped and their stories, the conference provided participants with new perspectives and information on these crimes and the ongoing work for justice and recovery. Comparative analysis characterized many sessions such as those on Memory, representation and working through to New Challenges on Genocide Research to Ways of remembering: the representation of genocide and discussion about Museums. There were also a series of artistic events including a film series and talks and representations by artists. This multidisciplinary conference with representatives from Central and Latin America, Europe, North America, Asia and Africa brought together a range of voices and perspectives on the study and understanding of genocide and other crimes against humanity.

Anyone interested in submitting a proposal to sponsor one of the IAGS conferences in 2012, 2013, and 2014 will find further information on the IAGS web-site: [www.iags.org](http://www.iags.org)

# NORTH KOREA AND THE GENOCIDE MOVEMENT

BY ROBERT PARK, HARVARD INTERNATIONAL REVIEW

*Editor's Note: I am grateful to Milton Leitenberg for calling this to my attention. It is part of a call to worldwide protest on December 9, 2011, coinciding with the 63rd anniversary of the UN Genocide Convention.*

“Factionalists or enemies of class, whoever they are; their seed must be eliminated through three generations.” – Kim Il-sung (1972)

While it is certain that North Korea has committed a political and ideological genocide, which has claimed millions of innocent lives, it is often overlooked that the North Korean regime has also in every aspect violated the UN Genocide Convention, to which it is a state party.

Raphael Lemkin's Convention on the Prevention and Punishment of the Crime of Genocide was enacted in the wake of the Holocaust and the unprecedented devastation of World War-II. This was the first human rights treaty adopted by the United Nations, and was intended to serve as a legal infrastructure which, if followed faithfully, would not only assist in preventing genocide from happening again, but also facilitate intervention in the event of a genocide which is underway.

Article 2 of the 1948 Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures to prevent births within the group; forcibly transferring children of the group to another group.”

## GENOCIDE ON NATIONAL, ETHNICAL AND RACIAL GROUNDS

Hundreds of thousands of North Koreans have fled to China to survive. The majority are women, 80 percent of whom are sex-trafficked or sold into forced marriages. Yet even if the North Korean woman is married to a Chinese national the Chinese authorities will still repatriate every North Korean refugee they can find per a 1986 agreement with the DPRK, in contravention of its obligations under the UN Convention Relating to the Status of Refugees and its 1967 Protocol.

The DPRK continues to systematically and brutally exterminate every child believed to be fathered by non-North Koreans (usually Chinese or Chinese-Koreans) through infanticide and forced abortions. According to the U.S. State Department, “The reason given for this policy was to prevent the birth of half-Chinese children.” Thousands of babies have been killed on national, ethnical, and/or racial grounds; not one has been spared. This unwavering policy of elimination corresponds with the regime's obsession with racial purity, and the intent to destroy half-Chinese babies is clear and incontestable.

Ethnic infanticide and forced abortions qualify as two of the acts which constitute genocide: killing members of a group and

## GENOCIDE ON RELIGIOUS GROUNDS

Before the division of Korea, the north was considered to be the center of Christianity in East Asia with millions of believers; 25 to 30 percent of the population in Pyongyang was Christian. Today, North Korea is internationally recognized as the worst violator of religious freedom in the world and true religious belief is not tolerated.

## NORTH KOREA AND THE GENOCIDE MOVEMENT

Christians are either publicly executed or forcibly transferred to concentration camps where they are systematically starved, tortured and worked to death along with their entire families to three generations, including non-religious relatives and children. The cruelty and barbarity occurring in these camps has no parallel in the world today. In 2002, the National Association of Evangelicals stated that North Korea is “more brutal, more deliberate, more implacable, and more purely genocidal” than any other nation in the world.

Every method which constitutes genocide as outlined in the Convention is being utilized by the regime to destroy its indigenous religious population through the widespread practice of public executions, systematic use of torture, deliberate deprivation of food and medicine in concentration camps, persecution of the children of religious believers, and the forcible transfer and imprisonment of children.

### INHUMANITY WHICH HAS NO PRECEDENT

In May of this year, Amnesty International released a report and satellite images, which indicate that the “mass political prison camps” in North Korea have grown dramatically over the last ten years. Most of the prisoners are held in areas known as “Total Control Zones” from which they will never be permitted to come out. All of the prisoners in these areas are being exterminated for perceived political offenses; in other words they have committed no crime whatsoever.

Ahn Myong Chol is a former guard and one of the first witnesses to focus international attention on the mass atrocities taking place in the camps. He told MSNBC in 2003, “They trained me not to treat the prisoners as human beings. If someone is against socialism, if someone tries to escape

from prison, then kill him. If there’s a record of killing any escapee, then the guard will be entitled to study in the college... Beating and killing is an everyday affair.”

Kwon Hyok is the former head of security at North Korea’s Prison Camp 22. He was the first to disclose to the world about the extensive use of gas chambers and the conducting of medical experiments on prisoners, including children in the “Total Control Zone”. Hyok told BBC in 2004, “It would be a total lie to say I felt sympathy for the children dying such a painful death... In the society and the regime I was under, I just felt they were enemies; so I felt no sympathy or pity for them at all.”

About one-third of the over 200,000 innocent human beings in North Korea’s camps today are children condemned as guilty-by-association according to Kim Il-sung’s 1972 proclamation.

In reference to the atrocities being committed against North Korean children, N.C. Heiken, director of the film “Kimjongilia”, who is of Jewish background, said to the Daily NK in June, “The most shocking thing is that there is such a thing as a totally closed prison camp, and that a child could be born in this camp with no hope to ever leave it. Essentially, that child is being raised as a slave or an animal, and I think that is the most debased thing I have ever heard of in the history of humanity.”

### THE INTERNATIONAL RESPONSE

During talks in July between the United States and the DPRK, as expected, there was no allusion to the “issue” of arbitrary killings, mass starvation, the enslavement of children, or heinous and systematic torture happening every day in North

## NORTH KOREA AND THE GENOCIDE MOVEMENT

Korea's prison camps. Likewise the six-party talks since its inception in 2003 has not included even the mere mention of the term "human rights" in any one of its sporadic meetings, while innumerable North Koreans have been exterminated in absolute silence.

The utter failure of the international community in North Korea is at least on par, if not more egregious than its failure to act during the Rwandan genocide (1994), the Srebrenica massacre (1995), or in Darfur (since 2003). Yet the horrific and tragic reality remains that the world's superpowers have

become complicit through essentially making genocide and mass atrocities in North Korea out to be a non-issue in all critical international discussions.

Pursuant to Article 8 of Lemkin's Convention, member states have not only the moral responsibility but also the legal obligation to undertake all measures necessary in order to end the genocide taking place in North Korea today.

## NEW GLOBAL ASSESSMENT OF COUNTRIES AT RISK OF GENOCIDE AND POLITICIDE

BY BARBARA HARFF

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My latest global list of twenty countries at risk of genocide and politicide in the near future was released in October. The six countries at highest risk, based on risk factors measured in 2010, are Myanmar, Syria, PR China, Sudan, Pakistan, and Ethiopia. The indicators used are those empirically linked to genocides in previous research: (1) the occurrence of prior genocides and politicides; (2) a ruling elite based on an ethnic or religious minority; (3) a ruling or challenging elite that advocates an exclusionary ideology; (4) an autocratic regime; (5) low trade openness, an indication of a country's isolation from international norms and influence; (6) state-led discrimination against one or more minorities; and (7) a high risk of future instability.

See the Genocide Prevention Advisory Network's

website, <http://GPANet.org>, tab Genocide Risks, for the list of 20 countries, their ratings on the seven risk variables, and a summary description of the procedures used. The site also summarizes assessments prepared in previous years. The 2011 assessment was prepared in April and shared with Francis Deng and Edward Luck's offices. The analysis also is being published in *Peace and Conflict 2012* (edited by J. Joseph Hewitt, Jonathan Wilkenfeld, and Ted Robert Gurr), available from Paradigm Publishers.

# HUMANITARIAN CRISIS AND INTERVENTIONS IN SOMALIA/SOMALILAND/PUNTLAND

BY TED ROBERT GURR

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In the face of a crisis in which four million people are in need of food aid and 750,000 at risk of starvation, there have been urgent proposals for humanitarian intervention in southern Somalia. In mid-October the Kenyan government dispatched military forces to the area, supposedly to prevent kidnappings by militants or bandits. Any such intervention in Somalia, however well-intentioned, needs to consider these propositions:

- The great majority of the population is pastoral/agrarian. The Somalis collectively probably have the smallest modern/urban/literate sectors of any country in the world.
- The traditional bases of authority and loyalty among Somalis are the clan and subclan. Any efforts to establish security or a larger sphere of governance depend on clan leadership and cooperation. The key element of the internationally-backed efforts to reestablish a central government in Mogadishu has been to incorporate representatives of as many clans as possible - however shaky the outcomes thus far.
- The Communist-supported regime of Siad Barre was toppled in 1991 mainly because he failed to recognize and share power and resources with most clans. The (relative) stability of Somaliland since 1991 has been due to the coalition established around the dominant Isaaq clan. Something similar has happened in Puntland.

- Al-Shabaab and its precursor, the Islamic Courts Union, are threats to traditional clan authority. So is the presence of any expeditionary or peace-keeping force, whether US, Ethiopian, African Union, Kenyan, or any other. Clan leaders' occasional cooperation with these forces is most likely expedient rather than principled.

- The idea of refugee camps with a protective international military force on/near the southern borders of Somalia is useful, provided the cooperation of southern clan leaders can be secured. Some are said to have allied with Al-Shabaab, but I would guess those alliances are expedient and could be weakened by international inducements for cooperation re refugees. Such a plan would help ensure the delivery of humanitarian assistance. It also could relieve Kenyan concerns about the uncontrolled and potentially destabilizing influx of refugees into areas inhabited by Kenya's own Somali minority.

## ACQUIESCENCE BEFORE MASS HUMAN DESTRUCTION IN SUDAN'S BORDER REGIONS: BLUE NILE AND SOUTH KORDOFAN FACE CATASTROPHES

BY ERIC REEVES

*Eric Reeves  
Smith College  
October 24, 2011*

For two months now the world has watched as the brutal regime in Khartoum continues to deny all relief access to large populations of acutely vulnerable civilians in Blue Nile State, which lies immediately north of the border dividing what are now North and South Sudan. The same embargo, extending even to independent humanitarian assessment missions, has been in place in neighboring South Kordofan State for five months. This scandalous fact bears repeating, since it has been so poorly reported: the National Islamic Front/National Congress Party regime in Khartoum has barred all international relief organizations from responding to what substantial evidence makes clear are major humanitarian crises in Blue Nile and South Kordofan—and both crises are on the verge of becoming overwhelming catastrophes, involving many hundreds of thousands of civilians.

There is an eerie familiarity to all this, for what we are seeing is an accelerated reprise of Khartoum's strategy of obstructing relief efforts in Darfur, a strategy the regime committed to aggressively once it recognized its "error" in allowing an international humanitarian presence in Darfur. Regime officials now repeatedly make clear that they won't allow "another Darfur" to emerge in either South Kordofan or Blue Nile—there won't be any witnesses to the massive suffering and destruction that are well underway. And of course, in addition to banning all relief efforts, the regime allows no journalists or human rights monitors into either of these states.

We should remember that this regime has a decades-long history of obstructing humanitarian aid in Sudan, including the total embargo on relief efforts

imposed by Khartoum on the Nuba Mountains throughout the 1990s—part of a jihad that is widely acknowledged to have been genocidal in ambition. Throughout the bloody civil war, which claimed well over 2 million lives in the South and border states—mainly from disease and malnutrition related to violence—Khartoum frequently cut off all humanitarian aid to the South for long periods of time. Because virtually all of Sudan was and remains inaccessible except by air—there are almost no roads, and in the long rainy season these are mainly impassible—airlift capacity and access are what's critical. So all that Khartoum had to do to shut down humanitarian relief was deny air access to the large international humanitarian organizations based in Lokichokio, northern Kenya. In early July 2002, for example, the UN estimate for those being denied humanitarian assistance in the South was 1.7 million human beings.

So how has the U.S. responded to this most recent chapter in the regime's deployment of its crude "weapon of mass destruction" Officials of the Obama administration continue to go through the motions of demanding humanitarian access as well as an independent investigation of the well-documented, large-scale atrocity crimes in Kadugli, capital of South Kordofan; but it does so without either conviction or determination (the U.S. special envoy for Sudan, Princeton Lyman, first called for such a independent human rights investigation over two months ago, and can point to no progress whatsoever). There is very strong evidence that similar atrocity crimes are being committed in Blue Nile, certainly in the form of continuous, indiscriminate aerial attacks on civilians throughout much of the state (see my October 15 update to an analysis of such attacks over the past twelve years, at [www.sudanbombing.org](http://www.sudanbombing.org)). And yet condemnation by the U.S. has been tepid at best.

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