

# The Phnom Penh Post

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## Defining genocide

Fri, 27 January 2006 Alex Hinton

Raymund Johansen (Post, December 16) reiterates the important point that, regardless of what we call it or what legal findings emerge during the tribunal, the violence that occurred during this period was heinous and deserving of our full condemnation.

Rupert Haw, in turn, raises questions (Post, January

13) about whether mass murder undertaken for a "political objective" can be considered a genocide (it can be, as illustrated by various ideological genocides that took place during the 20th century, ranging from the Armenian genocide to Rwanda and now Darfur). Their comments, even if we disagree at points, are productive and civil.

Touch Bora's latest letter (Post,

January 13), in contrast, throws up a smokescreen of figures, innuendo, and one-liners to cover poor reasoning and misunderstanding.

In my original

letter (Post, October 7), I stated that I view the DK violence as genocide both in the strict sense of the UN Convention and "in the broader sense used by most scholars of genocide (which encompasses systematic attempts to annihilate political and economic groups, among others)."

Touch Bora replied that

this "assertion is wrong in law and in fact" and that I was "incorrect to claim that (1) killing of political and economic groups is also genocide in the 'broad sense' of the convention and (2) that most scholars of genocide agree" (Post, November 4). Bora misread/misunderstood the first part of my argument, which held that the Cambodian case warrants the term genocide when defined more broadly, as originally intended by the person who coined the term genocide (Raphael Lemkin) and the preliminary 1946 UN General Assembly resolution that included "political and other groups."

Touch Bora now implicitly

acknowledges his misreading/misunderstanding of this point and concedes the part of my argument: he is now focusing only on the narrow definition promulgated in the 1948 UN Genocide Convention, which excluded "political and other groups" for political reasons.

So we are only left with the question of whether or

not a genocide took place in the narrow sense of the UN convention. Touch Bora's original letter answered this in the negative (Post, November 4), drawing on a fairly narrow range of documentary evidence to support his claims. Although I am not a lawyer, as Touch Bora notes, I was able to point out to him that a much broader range of evidence is relevant, including demographic studies, forensic

Genocide definition

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Evidence of intent lacking

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Correction

### CNRP lawmakers beaten

Two opposition lawmakers, Nhay Chamroeun and Kong Sakphea were beaten unconscious during protests in Phnom Penh, as over a thousand protesters descended upon the National Assembly.



### Student authors discuss "The Cambodian Economy"

Students at Phnom Penh's Liger Learning Center have written and published a new book, "The Cambodian Economy".



### Floating away

An ethnically Vietnamese community that has lived on the water in Phnom Penh for decades is given three weeks notice to cut their houses loose.

analysis, mapping surveys, eyewitness testimonies, and so forth (Post, December 2).

In his latest letter (Post, January 13), Touch Bora does not attack the gist of the argument, instead focusing on three sources of evidence I mention.

First, he critiques Ysa Osman's figures, which I cited, on the mortality of Chams. In doing so, he directly borrows from Ben Kiernan's 2003 article in *Critical Asian Studies*. Ironically, after using Kiernan's critique of Ysa Osman, Touch Bora dismisses Kiernan's detailed demographic work on the genocide of the Chams by simply saying his figures are "inflated." He presents no evidence to support this claim. While they differ in terms of the absolute numbers, the studies of Osman and Kiernan both highlight the key point "that Chams appear to have perished at a much higher rate than the general populace during DK (Kiernan's study lists the rate of Cham mortality as 36 percent versus 21 percent nationally). This suggests that there was a genocidal intent to destroy Chams, though, as I originally stated, such findings need to be supported by other types of evidence, including eyewitness accounts.

Second, Touch Bora states that I was mistaken when I stated that Ben Kiernan's demographic analysis holds that 20,000 ethnic Vietnamese died during DK. In fact, it is Touch Bora who is incorrect: Kiernan uses this figure on page 458 of *The Pol Pot Regime*, which represents the higher end of his projected mortality figures for ethnic Vietnamese (between 10,000 and 20,000 deaths). Even as he attempts to chip away at Kiernan's figures, Touch Bora again obfuscates the crucial point that most remaining ethnic Vietnamese appear to have perished during DK, another indication of genocide.

And, third,

Touch Bora suggests that I was either lied to or fabricated an interview in which a cadre who worked at a subdistrict office told me that he received a letter specifying that ethnic Vietnamese and Chams, among other enemy groups, should be "swept clean."

Touch Bora's unbecoming remark is once again based on a lack of understanding. Touch Bora claims that if such a letter existed, reference to it would exist in the S-21 archive and that the DK administrative system did not include subdistricts. If Touch Bora was familiar with the existing archival material, he would know that the S-21 holdings are incomplete and that very little documentary material on the Northern/Central Zone security apparatus appears to have survived.

Moreover, the subdistrict was a meaningful administrative unit in the Northern/Central zone and other locales during DK. Touch Bora can find confirmation of this point in academic sources (see, for example, Kiernan 1993:13) and Tuol Sleng confessions from Northern/Central Zone personnel, such as that of Koy Thuon's deputy, Sreng.

After repeating his erroneous claim that "certainly, there was no [subdistrict] office," Touch Bora argues that "the Cham were not anywhere near being 'swept clean.'" This is a strange argument for a lawyer to make: the Genocide Convention encompasses attempts to destroy given groups "in whole or in part."

Regardless, with regard to the area of Kampong Cham province where

I conducted fieldwork, there is evidence that, in some places, most or all of the Chams were "swept clean." Survey reports for the 1979 tribunal also suggest the widespread massacre of Chams in places like Kampong Siem and Kang Meas districts.

No doubt Touch Bora will try to undermine such sources of data. Accordingly, I'd like to suggest that he carry out his own field surveys of the area. (To date, he has provided no evidence that he has ever conducted any relevant primary field research on this issue.) I'd be happy to give him directions to relevant areas of the former Northern/Central Zone. If he took the time to conduct such primary research, he'd find evidence suggesting that genocide in the narrow sense of the UN Convention took place.

Lastly,

Touch Bora claims that the "fact that the majority of the DK top leaders were from various (Sino/Viet/Cham) ethnicities supports a lack of genocidal intent toward ethnic minorities" (Post, January 13), an assertion that echoes an argument he made in an earlier letter to the Post (January 26, 2005). This is an odd line of reasoning. On the one hand, the Khmer Rouge leadership did purge two high-ranking cadre who had strong ethnic identifications, Prasith and Sos Man. On the other hand, most of the top DK leaders were fully assimilated and identified as Khmer. If he were alive, Pol Pot, who once assumed the pen name "the original Khmer," would no doubt be befuddled to find Touch Bora referring to him as a member of an ethnic minority.

Touch Bora has worked hard for Cambodia and deserves to be commended for this. Unfortunately, his recent letters to the Post have been plagued by misunderstanding, faulty logic, and basic mistakes. I'm sure both of us look forward to the beginning of the tribunal when at least a handful of former Khmer Rouge leaders will be held accountable for the project of mass murder in which they participated. Time will tell if they are charged with and convicted of genocide in the narrow sense of the Genocide Convention.

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## Comments

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