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# How Puppet Masters Create Genocide: A Study in the State-Sponsored Killings in Rwanda and Cambodia

Joel H. Feigenbaum

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## STUDENT NOTE

### How Puppet Masters Create Genocide: *A Study in the State-Sponsored Killings in Rwanda and Cambodia*

Joel H. Feigenbaum\*

#### ABSTRACT

This paper calls on the United States to assess where its true interests lie in evaluating genocide and mass killings. Through an examination of the social and political factors which were paramount in bringing about the atrocities in Cambodia in the late 1970s and Rwanda in the mid-1990s, the U.S. is urged to take heed of the tried-and-true methods used by ruthless regimes throughout history in bringing about the destruction of their own citizenry. Consideration of the psychological imperatives necessary for ordinary men or women to depart from the standard boundaries of civilized society and butcher their neighbors and countrymen is worthwhile in understanding how individuals permit, if not facilitate, genocide in their own backyards.

Many believe that genocides are inevitable and caused by ancient ethnic or religious strife. Governments understand these tensions and use them to exploit their own people and gain political leverage. Genocide does not occur over night. Bringing about the conditions necessary to permit such a grave injustice is cultivated over many years, often decades. When governments enact laws and issue directives, no matter the content, the legitimacy of such edicts cannot be overlooked by the average citizen, especially the ill-educated and impoverished. By looking at the legislation and government programs enacted prior to mass-murder, clear and systematic evidence of intent cannot be overlooked. The goal of this article is to spread awareness of the methods and techniques employed leading up to genocide so that the freedom-loving nations of the world may act proactively and prevent tragedies before needless blood is spilled.

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## I. INTRODUCTION

Only 16 of the world's 193 countries currently remain untouched by war.<sup>1</sup> At any given time, an average of 50 nations are engaged in armed conflict.<sup>2</sup> Prolific writer and professor emeritus at the University of Hawaii, Rudolph Rummel, estimates that in the twentieth-century about forty million people were killed in wars, but 140 million noncombatants died.<sup>3</sup> Civilians comprise well over half of this latter figure, not killed accidentally, but deliberately.<sup>4</sup> By starvation, overwork, "outright slaughter" in concentration camps and prison, and as helpless refugees fleeing persecution or cowering in their homes, killing in such astronomical numbers requires a great deal of organization and a "gross asymmetry of power in favor of the perpetrators."<sup>5</sup>

What is it that drives an ordinary person to commit the most heinous acts imaginable against their neighbors? What precisely breaks the moral fiber of an individual and leads them to participate in an organized campaign of mass murder? When looking specifically to the genocides in Cambodia and Rwanda, one gains an understanding of how governments can manipulate the morality and culture as well as the legal and social systems which govern a society, thus creating an ideal set of circumstances for a bloodbath. In both Cambodia and Rwanda, state-sponsored killings were the result of a methodical and carefully contrived political and social agenda, which effectively, over time, garnered them the support of their citizenry.

In both circumstances, the top-down, contrived scheme, designed by puppet masters in government offices, was paramount in annihilating a segment of the population. A keen understanding of the social, ideological, and demographically oriented history of the region and its inhabitants set the stage for the events which unraveled on the ground. The Communist Khmer Rouge ("Khmer") regime in Cambodia and the elected Hutu in Rwanda each utilized different strategies in securing the confidence of their citizenry. In a military coup, the Khmer established Democratic Kampuchea ("DK") in today's Cambodia and under a new constitution, ruled from 1975-1979. The DK was recognized by the United Nations and a majority of the international community, including the United States, as the legitimate representative of the Cambodian people.<sup>6</sup>

Following the assassination of Rwandan President Habyarimana, the Rwandan Armed Forces ("RAF") took control of the government with the Hutu Presidential Guard at the helm. This force had a loose control of Rwanda for roughly 100 days, in which no legislation or "official" directives were given. Both governments relied heavily on tactics including propaganda and preying on mortal fears, as well as the desire to achieve upward mobility and elevating designed segments of the population.

Through an examination of the critical political and social conditions made possible by authorities in these two nations, one can put together two coherent and complimentary blueprints of how genocides commence. It is this article's aim to bring attention to these models and suggest that the United States not only consider them, but prioritize them in evaluating future humanitarian crises. No longer can the

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<sup>1</sup> STEVE K. BAUM, *THE PSYCHOLOGY OF GENOCIDE: PERPETRATORS, BYSTANDARDS, AND RESCUERS* 9 (Cambridge University Press, 2008).

<sup>2</sup> *Id.* citing C.P. SCHERRER, *STRUCTURAL PREVENTION OF ETHNIC VIOLENCE* (Palgrave Macmillan, 2002).

<sup>3</sup> DANIEL CHIROT & CLARK MCCAULEY, *WHY NOT KILL THEM ALL? THE LOGIC AND PREVENTION OF MASS POLITICAL MURDER* 57 (Princeton University Press, 2006); *But see* PIERRE HASSNER, *FROM WAR AND PEACE TO VIOLENCE AND INTERVENTION: PERMANENT MORAL DILEMMAS IN HUMANITARIAN INTERVENTION*, *in* *HARD CHOICES: MORAL DILEMMAS IN HUMANITARIAN INTERVENTION* 17 (Jonathan Moore ed., 1998) (suggesting that about 150 million people have been killed in cold blood by their own governments, compared to the 35 million who were killed in all of the twentieth-century wars, including both world wars and all civil wars).

<sup>4</sup> CHIROT & MCCAULEY, *supra* note 3, at 58.

<sup>5</sup> *Id.* at 57.

<sup>6</sup> Linda L. Schlueter, *The Constitution of Democratic Kampuchea*, *MOD. L. SYS. CYCLOPEDIA*, vol. 9, 2002, at 9.1610.19, available at HeinOnline 9 Mod. Legal Sys. Cyclopedica 9.160.19.

U.S. sit idly by and watch innocent men and women be slaughtered by the hundreds of thousands, while it knowingly prioritizes domestic concerns and political capital over innocent lives.

The article will begin with an introduction to the dissonance theory and mob mentality—psychological principles that help explain the phenomena of mass-killing performed by ordinary men and women from the general populace. Common dissonance techniques will then be discussed as they relate to the Cambodian genocide. An analytical inspection of the nation’s Communist constitution will assist the reader in understanding the governmental initiatives which led to the “Killing Fields.” By looking at the Rwandan genocide next, one gains a greater appreciation for the similar methods employed by ruthless regimes to bring about the destruction of a distinct population. The role of identification cards by the Hutu government will be highlighted. The article will then discuss the United States’ understanding of these two atrocities and its role in handling the humanitarian crisis. Lastly, there is a call for the U.S. to take a more proactive approach to genocide prevention and prioritize the value of human life above what are considered less consequential concerns.

## II. HOW KILLING BECOMES EASY

### A. MOB-MENTALITY

In his 1895 book, *La Psychologie Des Foules* (“The Psychology of Crowds”), French sociologist and journalist Gustav Le Bon stated, “A man descends several rungs in the ladder of civilization . . . by the mere fact he forms part of an organized crowd. Isolated, he may be a cultivated individual: in a crowd, he is a barbarian – this is, a creature acting by instinct.”<sup>7</sup> Austrian neurologist and philosopher Sigmund Freud agreed with Le Bon, believing that crowds were excitable, impulsive, suggestive[,] and lacked self-criticism.<sup>8</sup> Freud argued that people in groups: 1) exhibit a loss of individual personality; 2) focus their thoughts and feelings into the common direction; 3) see a surge in the unconscious power of emotion of reason and judgment; and 4) are compelled to immediately carry out their intentions.<sup>9</sup>

Violence in the group becomes possible because individuals, who have lost their conscience and values, now look to the group leader as their moral compass.<sup>10</sup> Although the individuals in the group may be good and moral, groups are *inherently* selfish and uncaring.<sup>11</sup> The American Founding Fathers were quite wary of mob mentality. In conceiving their new government, they feared that the “mob” might overtake Congress and cripple the young nation. Under the pseudonym Publius, James Madison shared his concerns to the people of New York in *The Federalist No. 55*. He said, “In all very numerous assemblies, of whatever character composed, passion never fails to wrest the sceptre from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.”<sup>12</sup>

M. Scott Peck, an American psychiatrist and best-selling author suggests, “Any group will remain inevitably[,] potentially conscienceless[,] and evil until such a time as each and every individual holds

<sup>7</sup> JAMES WALLER, *BECOMING EVIL: HOW ORDINARY PEOPLE COMMIT GENOCIDE AND MASS KILLINGS* 34-36 (Oxford University Press, 2d ed. 2007) *citing* GUSTAVE LE BON, *THE CROWD: A STUDY OF THE POPULAR MIND* 12 (Norman S. Berg ed., 1968) (describing group immaturity, or the notion that human groups behave at a level that is more primitive and immature than one might expect).

<sup>8</sup> WALLER, *supra* note 7, at 34.

<sup>9</sup> *Id.*; Ravi Bhavanani, *Ethnic Norms and Interethnic Violence: Accounting for Mass Participation in the Rwanda Genocide*, 43 J. PEACE RES. 6, 653 (2006).

<sup>10</sup> WALLER, *supra* note 7, at 35; BAUM, *supra* note 1, at 199 (according to historian Ben Valentino, the number of perpetrators in the average population ranges between 2 and 15 percent).

<sup>11</sup> Reinhold Niebuhr of the Union Theological Seminary in New York City believed that all collectives are more arrogant, hypocritical, self-centered, and ruthless in the pursuit of their ends than the individual. WALLER, *supra* note 7, at 35 *citing* REINHOLD NIEBUHR, *MORAL MAN AND IMMORAL SOCIETY: A STUDY IN ETHICS AND POLITICS* ix (Charles Scribner’s Sons ed., 1932).

<sup>12</sup> THE FEDERALIST NO. 55 (James Madison).

himself or herself directly responsible for the behavior of the whole group—the organism—of which he or she is a part.”<sup>13</sup> Falling back on group absolution, Lt. Col. David Grossman, who coined the term “killology” while a professor of military science at Arkansas State University, argues that individuals believe the group is a killer, not themselves personally.<sup>14</sup> By diffusing responsibility, individuals in a group commit acts they would never dream of doing alone.<sup>15</sup> Over time, group goals overshadow and become indistinguishable from personal ones.

## B. AN INTRODUCTION TO DISSONANCE

It is relatively easy to get soldiers to fight and kill others in battle who are clearly intent on killing them first. The “dissonance theory” helps to explain the psychology necessary to overcome the natural reluctance to kill those that pose little to no threat.<sup>16</sup> Dissonance can be described as “an unpleasant arousal that comes from seeing ourselves as having chosen to do something wrong, stupid, or sleazy—that is something at odds with our positive self-image.”<sup>17</sup> To eliminate these feelings, it is necessary to change one’s beliefs about what is right and wrong. Dissonance commonly takes form in: 1) dehumanizing victims; 2) employing euphemisms to mask deeds; 3) moral restructuring and justification; and 4) becoming acclimated to killing and denying responsibility for individual actions.<sup>18</sup> These methods of dissonance have commonly been employed by genocidal regimes, and were seen in both Cambodia and Rwanda.

## C. COMMON FORMS OF DISSONANCE IN GENOCIDE

### *i. Dehumanization*

Psychologist Erik Erikson advocates that through pseudospeciation, killers dehumanize their victims. He explains, “People lose the sense of being one species and try to make other people into a different and mortally dangerous species, one that doesn’t count, one that isn’t human . . . You can kill them without feeling that you have killed your own kind.”<sup>19</sup> In many cases of genocide, victims are categorized as animals—subhuman—or as demons and monsters—inhuman.<sup>20</sup> Dehumanization is most prevalent where a group can be easily identified as belonging to a distinct racial, ethnic, religious, social or political group that the killers regard as inferior.<sup>21</sup> Perpetrators first deprive victims of their individual identity by defining them by their “category.”<sup>22</sup> They then exclude those of the “category” from all others in the community, thereby laying the groundwork in separating this smaller community from the morals governing community as a whole.<sup>23</sup>

<sup>13</sup> WALLER, *supra* note 7, at 37 citing M. SCOTT PECK, *PEOPLE OF THE LIE: THE HOPE FOR HEALING HUMAN EVIL*, 218 (Simon and Schuster ed., 1983).

<sup>14</sup> CHIROT & MCCAULEY, *supra* note 3, at 57 (saying “Membership in a group of killers creates powerful bonds of solidarity that can legitimize killing and reduce any dissonance felt by those who murder.” Cohesion in a group that is assigned a horrid task makes it difficult for an individual to shirk their responsibilities for they know their load will be shifted onto their cohorts); WALLER, *supra* note 7, at 37.

<sup>15</sup> WALLER, *supra* note 7, at 37.

<sup>16</sup> CHIROT & MCCAULEY, *supra* note 3, at 54.

<sup>17</sup> *Id.*; W. Michael Reisman, *Legal Responses to Genocide and Other Mass Violations of Human Rights*, 973 YALE FACULTY SCHOLARSHIP SERIES 78 (1996); See also Daniel M. Greenfield, *The Crime of Complicity in Genocide: How the International Criminal Tribunals for Rwanda and Yugoslavia Got it Wrong, and Why it Matters*, 98 J. CRIM. L. & CRIMINOLOGY 3, 931.

<sup>18</sup> Alexander Laban Hinton, *Agents of Death: Explaining the Cambodian Genocide in Terms of Psychological Dissonance*, 98 AM. ANTHROPOLOGIST 4, 824 (1996); WALLER, *supra* note 7, at 202.

<sup>19</sup> WALLER, *supra* note 7, at 206 citing Elizabeth Hall, *A Conversation with Erik Erikson*, PSYCHOL. TODAY 30 (1983).

<sup>20</sup> WALLER, *supra* note 7, at 206-208 (saying that in World War II, the Japanese would perform medical experiments on human prisoners, calling them *maruta*—logs of wood. Similarly, the Nazis referred to the Jews as “parasites,” “vermin,” and “excrement.” When counting the corpses of those gassed to death in the concentration camps, Gestapo officials denoted the numbers as “merchandise” and “pieces,” as opposed slaughtered human beings).

<sup>21</sup> *Id.* at 207.

<sup>22</sup> Anthony Oberschall, *Preventing Genocide*, 29 CONTEMP. SOC. 1, 2 (2000); WALLER, *supra* note 7, at 207.

<sup>23</sup> WALLER, *supra* note 7, at 207.



### *ii. Euphemisms*

By camouflaging evil in “innocuous or sanitizing jargon, the evil loses much of its moral repugnancy . . . language can obscure, mystify or otherwise redefine acts of evil.”<sup>24</sup> Through euphemism, bombing runs are surgical strikes, killed innocents are collateral damage, and enemies are “wasted” or “liquidated,” not killed.<sup>25</sup> Mass murder becomes “ethnic cleansing” in Bosnia, “bush clearing” in Rwanda, and “cleansing diseased elements” in Cambodia.<sup>26</sup> In Nazi Germany, Jews were referred to by medical vocabulary and their extermination was characterized as a calculated public health decision.<sup>27</sup> While simply calling murder by another name does not completely remove the connotation to the average perpetrator, it does however lead to “dissociation, disavowal, and emotional distance.”<sup>28</sup>

### *iii. Moral Justification*

People are normally unable to engage in extraordinarily evil acts without justification; the necessity to kill is often rationalized in terms of one’s own personal safety and security—self-defense.<sup>29</sup> Genocide and mass killings “are made personally and socially acceptable by portraying it as serving socially worthy or moral purposes.”<sup>30</sup>

### *iv. Acclimation to Killing and the Denial of Personal Responsibility*

Denial and becoming acclimated to killing, or to evil, is often critical for the perpetrators of genocide.<sup>31</sup> As Elie Wiessel, Holocaust survivor and Nobel Laureate, conveys in *Night*, humans tend toward denial because reality is too inconvenient to deal with.<sup>32</sup>

## III. THE CAMBODIAN GENOCIDE

People often used to characterize Cambodia as a “gentle land” inhabited by nonviolent Buddhists who were always courteous, friendly, and ready with a smile. Beginning in the late 1960s, however, the country was rocked by socioeconomic unrest, civil war, intense U.S. bombings, and, finally, social revolution. While 600,000 of Cambodia’s 8 million inhabitants perished during these years, up to a million and a half people later died from disease, starvation, overwork, and execution during the Democratic Kampuchea (1975-79). Survivor accounts are replete with stories of how the Khmer Rouge shot, bludgeoned, stabbed and tortured legions of their own country’s people. This type of violence demands the attention of scholars.<sup>33</sup>

The social and political landscapes that developed in Cambodia resulted from a series of key campaigns designed to alter citizen ideology. The most fundamental need of the Communists upon taking

<sup>24</sup> *Id.* at 211.

<sup>25</sup> Bhavnani, *supra* note 9, at 666; WALLER, *supra* note 7, at 211.

<sup>26</sup> WALLER, *supra* note 7, at 211.

<sup>27</sup> Hinton, *supra* note 18, at 825 (stating that in being prepared for “special treatment” at Auschwitz, Jews appeared before “disinfection squads” that poured cyanide into their “shower” rooms).

<sup>28</sup> WALLER, *supra* note 7, at 212 (suggesting that by using euphemisms, “perpetrators are able to mask the true nature of their actions with expressions that make them seem benign or even respectable”).

<sup>29</sup> *Id.* at 202.

<sup>30</sup> *Id.* at 203; Oberschall, *supra* note 22, at 10.

<sup>31</sup> See generally ELIE WIESEL, *NIGHT* (Bantam Books, 1982).

<sup>32</sup> See generally WIESEL, *supra* note 31; Gregory H. Stanton, *The 12 Ways to Deny Genocide*, GENOCIDE WATCH (Sept. 13, 2004), <http://www.genocidewatch.org/genocide/12waystodenyen genocide.html>.

<sup>33</sup> Hinton, *supra* note 18, at 818; ROBERT G. SUTTER, *THE CAMBODIAN CRISIS & U.S. POLICY DILEMMAS* 14 (Westview Press ed., 1991) (saying that scholars estimate the dead range from one and a half to three million).

power was to challenge and change the political hierarchy of the nation.<sup>34</sup> Through advancing the power of rural peasants and eliminating the opposition threats that existed in the wealthy, educated, urban, and political realms, the Khmer Rouge turned Cambodia upside down. Kaylanee Mam, a Yale University professor, writes, “When the KR [Khmer Rouge] came to power in 1975, their aim was to achieve a communist revolution that would place state power in the hands of the work-peasant . . . and radically transform the Cambodian social order.”<sup>35</sup>

### A. THE URBAN EVACUATION

After seizing power on April 17, 1975, the Khmer Rouge immediately began a brutal evacuation of the two million citizens living in the Cambodian capital of Phnom Penh and the provincial capitals.<sup>36</sup> Thousands died of exhaustion, starvation, and execution in this evacuation and the others that followed in cities across the country.<sup>37</sup> Most treks lasted from two weeks to four months, however longer voyages were not uncommon.<sup>38</sup> Meas Sokhom, who was forced to evacuate from Phnom Penh to Takeo, walked for six months before reaching her destination.<sup>39</sup>

Dispersing the urban population was a design to: 1) control the citizenry; 2) level class distinctions; 3) create a strong labor base for the new agrarian, communist society; and 4) weed out opposition.<sup>40</sup> The “forced rustification,” as it was called, witnessed the closure of hospitals, schools, factories and monasteries.<sup>41</sup> Money, wages, and personal property were abolished, and libraries destroyed.<sup>42</sup> A campaign to identify potential traitors, such as teachers, students, bureaucrats, technical workers, and professionals was undertaken.<sup>43</sup> Most of these “class enemies” were killed while others were sent to be “re-educated” at special camps or farms.<sup>44</sup>

In relocating the urban population to the countryside, these outcasts automatically became a disadvantaged class of people who, upon arriving in rural settings, were seen as “new.”<sup>45</sup> The youngest and poorest individuals were chosen as local leaders because they were believed to be the most malleable and could be easily convinced of the “class enemy.”<sup>46</sup> By exploiting social cleavages that existed between the rural and city dwelling populations, the Communists made a key strategic gain.<sup>47</sup> By putting those that had previously enjoyed the least power and influence in positions of authority, the Khmer appointed those who most likely harbored the strongest ill will toward the previous elites and were most willing to exercise their newfound rights.<sup>48</sup>

<sup>34</sup> WILLIAM SHOWCROSS, LESSONS OF CAMBODIA, *in* THE NEW KILLING FIELDS: MASSACRE AND THE POLITICS OF INTERVENTION, at 39 (Nicolaus Mills & Kira Brunner eds., 2002).

<sup>35</sup> KAYLANEE MAM, THE ENDURANCE OF THE CAMBODIAN FAMILY UNDER THE KHMER ROUGE REGIME: AN ORAL HISTORY *in* GENOCIDE IN CAMBODIA AND RWANDA: NEW PERSPECTIVES, at 119 (Susan E. Cook ed. 2006).

<sup>36</sup> *Id.* (stating that Khmer Rouge soldiers soon forced all families, urban and rural alike to abandon their homes for relocation. Soldiers were told to bring as little as possible with them, only a little food. They said that *Angkar* (*Angkar* is Khmer for the “organization”) would bring them everything they needed); *see also* Hinton, *supra* note 18, at 823 *citing* ELIZABETH BECKER, WHEN THE WAR WAS OVER: THE VOICES OF CAMBODIA’S REVOLUTION AND ITS PEOPLE (Touchstone ed., 1986); WALLER, *supra* note 7, at 163.

<sup>37</sup> WALLER, *supra* note 7, at 163; SUTTER, *supra* note 33, at 13-14; MAM, *supra* note 35, at 121-22 (saying that in Phnom Penh, the trek death rate was approximately 0.53 percent or a total of 10,600 out of two million evacuees).

<sup>38</sup> MAM, *supra* note 35, at 121.

<sup>39</sup> *Id.*

<sup>40</sup> Hinton, *supra* note 18, at 823.

<sup>41</sup> WALLER, *supra* note 7, at 164.

<sup>42</sup> *Id.*; MAM, *supra* note 35, at 131, 133-34.

<sup>43</sup> Hinton, *supra* note 18, at 823.

<sup>44</sup> *Id.* (saying that eradicating any potential sources of opposition, the Khmer Rouge instituted several social and ideological reforms that created an environment in which genocide could prosper); MAM, *supra* note 35, at 121 (suggesting that 93 percent of those interviewed confirmed that their families were deported to another place, while an additional 33 percent said that they were separated from their families while evacuating).

<sup>45</sup> Hinton, *supra* note 18, at 825.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*; MAM, *supra* note 35, at 140.

<sup>48</sup> Hinton, *supra* note 18, at 825.

## B. THE CONSTITUTION OF DEMOCRATIC KAMPUCHEA

On January 3, 1976 the Council of Ministers approved the constitution by which their new government would be run.<sup>49</sup> It came into effect two days later on January 5<sup>th</sup> when Hu Nim, Cambodian Minister for Information and Propaganda, read the document over the radio.<sup>50</sup> A special National Congress had met in April 1975, soon after the coup, and was empowered to draft a constitution.<sup>51</sup> The constitution was not drafted by scholars or intellectuals, nor was it the product of painstaking research and consultation of foreign documents; the people—workers, peasants, and soldiers created this document so that it would be easy to understand and recall.<sup>52</sup>

The Kampuchean Constitution proclaimed that Cambodia was a “State of the people, workers, peasants, and all other Kampuchean labourers [sic].”<sup>53</sup> Conspicuously missing from this list are students, artists, authors, and professional.<sup>54</sup> Vast portions of the Cambodian populace were excluded from this list and left to wonder where they will fall in this new society.<sup>55</sup> It is later promulgated that the legislature, the Kampuchean People’s Representative Assembly, would be filled with only workers peasants and laborers.<sup>56</sup> This legislature was charged with appointing the nation’s president, vice presidents, and judiciary.<sup>57</sup>

In a purposely vague and amorphous decree, Article X, Chapter III, states that any “dangerous activities in opposition to the people’s State must be condemned to the highest degree.”<sup>58</sup> In failing to explain what would constitute treason, much less the punishment imposed for such a violation, the Khmer were provided the legitimacy and authority to carry out mass executions and re-education campaigns without worrying about constitutional safeguards against their abuse of power.<sup>59</sup> The rights of Cambodians under this regime were few:

Every citizen of Democratic Kampuchea is guaranteed a living. All workers are the masters of their factories. All peasants are the masters of their rice paddies and fields. All other labourers [sic] have the right to work. There is absolutely no unemployment in Democratic Kampuchea.<sup>60</sup>

The rights of a citizen were summed up in no more than five short sentences, which only guaranteed the (compulsory) right to work.<sup>61</sup> There is no mention of home, family, inheritance, health,

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<sup>49</sup> Schlueter, *supra* note 6, at 9.160.19; Broadcast: *Daily Report: Pacific and Far East*, U.S. Department of Commerce, Foreign Broadcast Information Service (FBIS) (Jan. 5, 1976); SUTTER, *supra* note 33, at 14; David P. Chandler, *The Constitution of Democratic Kampuchea (Cambodia): The Semantics of Revolutionary Changes*, 49 PAC. AFF. 3, 506 (1976).

<sup>50</sup> SUTTER, *supra* note 33, at 15.

<sup>51</sup> Chandler, *supra* note 49, at 506 (saying drafters included all cabinet members, 500 farmer’s representatives, 300 worker’s representatives, and 300 representatives of the Cambodian Revolutionary Army).

<sup>52</sup> *Id.*; See generally A.P. BLAUSTEIN & G.H. FLANZ, CONSTITUTIONS OF COUNTRIES OF THE WORLD (1971).

<sup>53</sup> DEMOCRATIC KAMPUCHEA CONSTITUTION (1975-1979), available at Cornell University Libraries, Ithaca, NY [hereinafter DK CONSTITUTION].

<sup>54</sup> Chandler, *supra* note 49, at 511 (noting that the absence or abolition of patrons, landlords, money-lenders, merchants, and other white-collar workers is telling).

<sup>55</sup> DK CONSTITUTION, *supra* note 53 (saying, not coincidentally, these individuals would likely be the most equipped to challenge the new government); Chandler, *supra* note 49, at 508 (stating that the preamble divided society into “workers, poor farmers, middle farmers, lower-level farmers, and all other laborers”).

<sup>56</sup> DK CONSTITUTION, *supra* note 53; See also *Cambodia: Thieves be Gone* 258 ECONOMIST 6907, 40 (Jan. 10, 1976) [hereinafter *Thieves*] (saying neither the constitution nor any other statements has shed any light on how the legislature would be elected and the qualifications to run for a seat).

<sup>57</sup> DK CONSTITUTION, *supra* note 53 (saying that this 250 member body selected through general election was responsible for appointing every official in the country); Steven R. Ratner, *The United Nations Group of Experts for Cambodia*, 93 AM. J. INT’L L. 4, 950 (1999).

<sup>58</sup> DK CONSTITUTION, *supra* note 53.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

education, or rights before the law, which are common among most constitutions, even communist constitutions.<sup>62</sup> Prominently, the overriding purpose of Cambodian life is said to be *chivaphead* (“livelihood”) instead of the more common word *chivit* (“life”).<sup>63</sup> Noteworthy, all “reactionary religions” deemed detrimental to the nation and its people are absolutely forbidden<sup>64</sup> and the use of guerrilla warfare is legitimized.<sup>65</sup>

### C. WORLD TURNED UPSIDE DOWN

Cambodia was cut off from the world. Foreign and minority languages were banned, communication and travel between villages was eliminated and the Theravada Buddhist religion, to which ninety percent of the population belonged, was outlawed.<sup>66</sup> By banning the practice of law, medicine, engineering, and science, farming became the national (unpaid) occupation.<sup>67</sup> Founder of the Cambodian Genocide Program at Yale University, Ben Kiernan, estimates that 1.7 million people—nearly a quarter of the total population—were “worked, starved or beaten to death.”<sup>68</sup>

A culture of harmony was further eroded by the execution of the country’s leading monks immediately after the revolution.<sup>69</sup> The rest of the Buddhist leaders were removed from their posts.<sup>70</sup> Temples were destroyed, religious texts burned, and artifacts desecrated.<sup>71</sup> “If a Cambodian child had previously received her or his earliest lessons on mortality at the temple, she or he was now indoctrinated into an ideology that glorified revolutionary violence and blood sacrifice . . . communism replaced Buddhism as the new ‘religion.’”<sup>72</sup>

The vertical, hierarchical structure of Cambodian society—where people are differentiated in terms of power, status, and patronage—lays the groundwork for a cultural model of obedience to, and respect for, authority.<sup>73</sup> The Khmer Rouge was able to tap into an existing cultural model that undermined the gentle ethic previously characterized through communal interactions.<sup>74</sup> Families were previously the core unit of Cambodian life and therefore constituted a threat to the new regime.<sup>75</sup> By stripping away the social and economic functions of the family, employed for generations, the Khmer Rouge destroyed the

<sup>61</sup> Chandler, *supra* note 49, at 510-13 (noting that the specific rights and obligations of citizens, and institutions of government were left out).

<sup>62</sup> *Id.*; Ben Kiernan, *Coming to Terms with the Past*, 54 HIST. TODAY 9 (2004), available at <http://www.historytoday.com/print/1284> (saying that three-quarters of Cambodia’s 20,000 teachers perished, or fled abroad).

<sup>63</sup> Chandler, *supra* note 49, at 511.

<sup>64</sup> DK CONSTITUTION, *supra* note 53.

<sup>65</sup> *Thieves*, *supra* note 56, at 40 (saying “Alone among the world’s constitutions, this one provides for guerrillas as a major subdivision of the armed forces).

<sup>66</sup> WALLER, *supra* note 7, at 164.

<sup>67</sup> *Id.*

<sup>68</sup> *Id. but see* Douglas Preston, *The Temples of Angkor: Still Under Attack*, NAT’L GEOGRAPHIC 198 (2000) (estimating that the true death toll Pol Pot was responsible for in Cambodia was between three and four million).

<sup>69</sup> Hinton, *supra* note 18, at 823.

<sup>70</sup> *Id.* (stating less than two thousand of the nation’s seventy thousands Buddhist monks survived the executions, forced labor, rampant disease and torture that claimed the lives of their brethren).

<sup>71</sup> *Id.*; Keirnan, *supra* note 62.

<sup>72</sup> KARL D. JACKSON, THE IDEOLOGY OF TOTAL POWER, in *CAMBODIA, 1975-1978: RENDEZVOUS WITH DEATH*, at 39 (Karl D. Jackson ed., 1989); Hinton, *supra* note 18, at 823; May Ebihara, *A Khmer Village in Cambodia* (1968) (Ph.D. dissertation) (on file with the Columbia University Department of Anthropology); STEVE HEDER & JUDY LEDGERWOOD, POLITICS OF VIOLENCE: AN INTRODUCTION, in *PROPAGANDA, POLITICS, AND VIOLENCE IN CAMBODIA*, at 19 (Steven Heder & Julia Ledgerwood eds., 1996).

<sup>73</sup> MAM, *supra* note 35, at 119-120 (suggesting that before the Khmer Rouge, Cambodian’s identity was bound to their class, religion and family. To achieve their objectives, the Khmer “attempted to weaken these traditional loyalties and supplant them with new loyalty to *Angkar*”); WALLER, *supra* note 6, at 181.

<sup>74</sup> Hinton, *supra* note 18, at 823.

<sup>75</sup> *Id.*; MAM, *supra* note 35, at 123.

basic societal unit, uprooting Cambodian life from its core.<sup>76</sup> Families were separated by housing restrictions, relocation, communal meetings, and segregated work details. This separation was designed to foster allegiance to the government in place of familial loyalty.<sup>77</sup> By controlling contact between family members, the Khmer aimed to weaken family bonds, and replace them with a bond to the revolution.<sup>78</sup>

Children who had been raised to respect their elders suddenly became equals to their parents and grandparents.<sup>79</sup> Children were indoctrinated and told that they no longer needed to show deference to their elders; they were all “comrades” now.<sup>80</sup> The Khmer pitted children against their parents and offered reasons why parents should be hated: parents stole from *Angkar*, were disloyal to the regime, and deserved to be punished.<sup>81</sup> The cadres also expanded upon some cultural ideologies and traditions that were already a part of Cambodian heritage. For instance, the Communists glorified the concept of disproportionate revenge, which involves severe retaliation against enemies as to diminish their capability to cause harm or retaliate.<sup>82</sup>

Cambodians are hailed as a people who never forget; most in the lower classes remembered the inferior status they endured and the plight of past generations as a result of the wealthier urbanites who were now ousted from their positions of power.<sup>83</sup> Even in the next generation, people saw this new set of circumstances as an opportunity to avenge what they and their forefathers had struggled through.<sup>84</sup>

There is also a “warrior heritage” in Cambodia that pre-existed the arrival of Buddhism.<sup>85</sup> This is one of the few “national traditions” discussed in the DK Constitution.<sup>86</sup> From a young age, children learned the merits of being a warrior, someone who distinguishes themselves through bravery, fulfilling their duty, and heroically fighting the enemy.<sup>87</sup> Alexander Hinton, an Emory University anthropologist, suggests that “this type of ‘Cambodian machismo’ was premised upon an honor code that held those who dared to kill a sociopolitical enemy in battle gained face, while those who did not were shamed.”<sup>88</sup>

## D. SOCIAL CAMPAIGNS FOR GENOCIDE

### *i. Dehumanization*

In Cambodia, the State established initiatives to stamp out individuality. The Khmer Rouge arsenal included two key weapons: 1) Exclusion, where a group of people lose their personal identity and are viewed in terms of a group by the larger society; and 2) Devaluation, whereby the society marginalizes the excluded group.<sup>89</sup> Working and eating took place communally;<sup>90</sup> everyone was required to cut their hair

<sup>76</sup> Hinton, *supra* note 18, at 823; Laura Hill & Patricia Schoor, *CAMBODIA: The Continuing United States Role*, 3 HARV. HUM. RTS. J. 177, 179 (1990).

<sup>77</sup> Hinton, *supra* note 18, at 824; *See also* MAM, *supra* note 35, at 121 (saying that the Khmer Rouge fractured the family structure with deportation, execution, and the collectivization of work and living arrangements).

<sup>78</sup> MAM, *supra* note 35, at 121.

<sup>79</sup> Hinton, *supra* note 18, at 823.

<sup>80</sup> *Id.*; MAM, *supra* note 35, at 143 (noting children were told their old families done, *Angkar* was their family now).

<sup>81</sup> MAM, *supra* note 35, at 143; Hill et al., *supra* note 76, at 178.

<sup>82</sup> Alexander Laban Hinton, *A Head for an Eye: Revenge in the Cambodian Genocide*, 25 AM. ETHNOLOGIST 3, 353 (1998) [hereinafter *Head for an Eye*].

<sup>83</sup> *Id.*; Ratner, *supra* note 57, at 952.

<sup>84</sup> *Head for an Eye*, *supra* note, 82, at 354.

<sup>85</sup> Hinton, *supra* note 18, at 822.

<sup>86</sup> Chandler, *supra* note 49, at 512.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*; *See generally* SUTTER, *supra* note 33, at 91.

<sup>89</sup> Hinton, *supra* note 18, at 824; *See generally* SUTTER, *supra* note 33, at 91.

<sup>90</sup> MAM, *supra* note 35, at 133 (citing that the bitterness towards collective dining halls was triggered by the fact that families could not eat together and the meager rations”); Hinton, *supra* note 18, at 824.

short, wear identical black garbs, and speak as well as act in a manner deemed appropriate with a “proper revolutionary.”<sup>91</sup> All of these radical adjustments were designed to drown out the individual and create a homogeneous mass.<sup>92</sup>

Relocated from the cities or as rural refugees, New People were labeled “class enemies” because they were said to have supported Lon Nol, whom the Khmer Rouge ousted in a military coup.<sup>93</sup> New People were treated as outsiders and subjected to dehumanizing practices.<sup>94</sup> Forced into overcrowded trucks for relocation, they died of suffocation and were forced to defecate and urinate as they stood crammed next to one another for hours on end like cattle.<sup>95</sup>

New People were treated as “war slaves.”<sup>96</sup> Soldiers would often shout, “Prisoners of war! You are pigs. We have suffered much. Now you are our prisoners and you must suffer.”<sup>97</sup> The Khmer Rouge was indoctrinated not to have feelings for the enemy; one cadre stated, “We were brainwashed to cut off our heart from the enemy, to be willing to kill those who had betrayed the revolution, even if the person was a parent, sibling, friend or relative. Everything we did was supposed to be for the [P]arty.”<sup>98</sup> Public executions of anyone considered unreliable or to have links with the past government were common; torture centers were established where detailed records were kept.<sup>99</sup>

To make their deaths viewed less critically, New People were dehumanized by the Khmer Rouge. One “outsider” recalls, “we were being treated worse than cattle, the victims of methodical, institutional contempt . . . we [were] no longer human beings.”<sup>100</sup> A survivor of the genocide remembers, “[K]illing us was like swatting flies, a way to get rid of undesirables.”<sup>101</sup> The Communists advocated that the educated people were undesirable because they posed the greatest threat to State power; the peasant class was brainwashed to believe the New People were not their countrymen and therefore inferior.<sup>102</sup>

### *ii. Acclimation to Killing and Denying Responsibility*

A notable initiative sponsored by the Khmer government was desensitization of the population to the prospect of killing. The “revolutionary spirit” was stressed at various propaganda meetings and ideological training sessions.<sup>103</sup> Killing, it was explained, was a part of their civic duty and the more experience they got with it, the less it affected them.<sup>104</sup>

<sup>91</sup> Hinton, *supra* note 18, at 824 (stating that the Communists desired to create a homogeneous population in which the urban elites particularly no longer had advantage over their rural brothers and sisters. Those “outsiders” who, as a result of being expelled from their city homes, arrived in the countryside, finding themselves treated as enemies).

<sup>92</sup> *Id.* at 824-25 (noting that everyone was not equal in this mass however- there were clear societal divisions. The “true Khmer” were a part of the *Angkar* and those who were against it were “enemies” and therefore treasonous).

<sup>93</sup> BEN KIERNAN, *THE POL POT REGIME: RACE, POWER, AND GENOCIDE IN CAMBODIA UNDER THE KHMER ROUGE, 1975-79* 31 (Yale University Press, 1996).

<sup>94</sup> *Id.*; Hinton, *supra* note 18, at 825 (stating that once they reached the villages, the New People were subjected to brutally long work days, fed very little, and could be executed at any time).

<sup>95</sup> *Id.*; SOMETH MAY, *CAMBODIAN WITNESS* 165 (Random House, 1986) (noting that the living conditions endured were so horrific that illnesses such as cholera, malaria, dysentery, diarrhea and skin infections were rampant— all sense of hygiene was lost. A survivor stated, “We were hungry, too tired to wash or clean our clothes, and we lost all sense of hygiene. We didn’t care what we ate . . . where we had a shit, or who saw us.”).

<sup>96</sup> Hinton, *supra* note 18, at 825.

<sup>97</sup> NANCY MOYER, *ESCAPE FROM THE KILLING FIELDS* 81 (Zonervan Publishing House, 1991) (saying that enemies were expected to work hard and be obedient. Their execution is no loss).

<sup>98</sup> Hinton, *supra* note 18, at 825 (saying that this ideology of exacting sympathy from an excluded and dehumanized enemy enabled many rank and file Cambodians to “protect” their neighbors and “serve” their county).

<sup>99</sup> *Id.* at 825-26.

<sup>100</sup> MATS BERDAL & MICHAEL LEIFER, *CAMBODIA, in THE NEW INTERVENTIONISM 1991-1994: UNITED NATIONS EXPERIENCE IN CAMBODIA, FORMER YUGOSLAVIA AND SOMALIA* 79 (James Mayall ed., 1996); Hinton, *supra* note 18, at 825.

<sup>101</sup> *Id.*

<sup>102</sup> Hinton, *supra* note 18, at 824; BERDAL et al., *supra* note 100, at 71.

<sup>103</sup> *Head for an Eye, supra* note 82, at 857.

<sup>104</sup> *Id.*; HEDER et al, *supra* note 72, at 59.

The people's drive to comply with the directives they were issued and overlook the cruel, inhumane duties they were charged with, can further be attributed to the strong culture of obedience and the ingrained killing mechanism that the Khmer installed.<sup>105</sup> Individuals felt forced to obey orders as a result of intimidation, criticism, and the threat of physical harm to them and their family.<sup>106</sup> Through diligent training, which emphasized the necessity of killing and an obligation to follow instructions, as a means by which to also gain honor, a committed force of followers arose.<sup>107</sup> Although some took solace in the thought of transferring blame for any wrongdoings they committed onto a higher up if they were ever questioned about their actions.<sup>108</sup>

### *iii. Euphemisms*

In transforming directions to kill into medical jargon, which included such phrases as "cleansing" and extracting "diseased elements," the order, and consequentially the act, became masked and appeared as something perhaps far removed from murder.<sup>109</sup> In 1976, Pol Pot said, "There is a sickness in the Party . . . we cannot locate it precisely. The illness must emerge to be examined . . . if we wait any longer, the microbes can do real damage."<sup>110</sup> As historian Laurence Picq noted, "the race to eliminate this 'infection' led to increasingly violent purges both on the local level and within the upper echelons of the [P]arty itself."<sup>111</sup> A "pro-Vietnamese virus" that "infected" or "contaminated" many in the East Cambodia border region was cited as the rationale behind slaughtering a series of villages.<sup>112</sup> In employing a tactic made famous in Nazi Germany, the Communists were able to convince the majority of their populace that there was an "infection" within them that needed to be "surgically removed" with all due force and haste.<sup>113</sup>

### *iv. Moral Justification*

The Party convinced the rural, uneducated masses that the campaign they had embarked on was morally justified. For Comrade Chev and many like him in Cambodia at the time, killing "enemies" was a political necessity and a moral imperative: "If he purged enough enemies, he satisfied his conscience. He had done his duty to *Angka*."<sup>114</sup> Chev was taught that these New People were traitors: they stole food, attempted to escape, conspired against the State, and did not display "proper" revolutionary spirit.<sup>115</sup> It was his duty to punish or execute them. Illustrated by the numerous references to blood in the national anthem, political speeches and revolutionary songs, violence against enemies was glorified by the Khmer Rouge regime.<sup>116</sup>

A later justification for their actions came through retrospective analysis. The Khmer Rouge claimed that their revolutionaries had suffered far worse conditions than the "class enemies" of today, thereby negating the overwork, disease, starvation, living conditions, and executions newly-created societal enemies were enduring.<sup>117</sup> Perhaps the most powerful means by which the State had to justify their actions came directly from those they persecuted. Through torture and forced confessions, their policies came to be defensible, for they had "proof" that there was in fact an enemy working against the People's Party.<sup>118</sup>

<sup>105</sup> HEDER et al, *supra* note 72, at 59; Hinton, *supra* note 18, at 824.

<sup>106</sup> Hinton, *supra* note 18, at 824; *See generally* MOYER, *supra* note 97.

<sup>107</sup> Hinton, *supra* note 18, at 827.

<sup>108</sup> *Id.*

<sup>109</sup> *See* JOAN D. CRIDDLE & TEEDA BUTT MAM, *TO DESTROY YOU IS NO LOSS* 164 (Anchor ed., 1987).

<sup>110</sup> David P. Chandler, Ben Kiernan & Muy Hong Lim, *Pol Pot Plans the Future: Confidential Leadership Documents from Democratic Kampuchea, 1976-1977*, 33 MONOGRAPH SERIES 183 (Yale University Southeast Asia Studies, 1988).

<sup>111</sup> LAWRENCE PICQ, *BEYOND THE HORIZON: FIVE YEARS WITH THE KHMER ROUGE* 100 (St. Martin Press, 1989).

<sup>112</sup> MARTIN STUART-FOX, *THE MURDEROUS REVOLUTION* 112 (Alternative Publishing Cooperative Ltd., 1985).

<sup>113</sup> Hinton, *supra* note 18, 825.

<sup>114</sup> HAING NGOR, *A CAMBODIAN ODYSSEY* 229 (Warner, 1987).

<sup>115</sup> PICQ, *supra* note 111, at 104; *See generally* MOLYDA SZYMUSIAK, *THE STONES CRY OUT* (Hill & Wang, 1986).

<sup>116</sup> BECKER, *supra* note 36, at 40; *See generally* JACKSON, *supra* note 72.

<sup>117</sup> Hinton, *supra* note 18, at 826.

<sup>118</sup> *Id.*

### E. COMPLACENCY OF THE UNITED STATES

In her Pulitzer Prize winning work, *A Problem from Hell*, Samantha Power, who currently serves as President Obama's Special Assistant on the National Security Council, stated:

Neither President Ford nor President Carter, who took office in January 1977, was going to consider sending U.S. troops back to Southeast Asia. But it is still striking that so many Americans concluded that *nothing at all could be done*. Even the 'soft' response options that were available to the United States were passed up.<sup>119</sup>

President Ford, aware of the situation, initially denounced the Khmer Rouge's actions; however after less than a month of rhetoric he became silent.<sup>120</sup> There is no record of President Carter uttering a word about the massacres in Cambodia for the first two years of his presidency.<sup>121</sup> In April, 1978, Carter makes his first public denouncement of the Khmer in a message to an independent Norwegian commission.<sup>122</sup> He said:

America cannot avoid the responsibility to speak out in condemnation of the Cambodian government, the worst violator of human rights in the world today. Thousands of refugees have accused their government of inflicting death on hundreds of thousands of Cambodian people through the genocidal policies it has implemented over the past three years. It is an obligation of every member of the international community to protest the policies of this or any nation which cruelly and systematically violates the right of its people to enjoy life and basic human dignities.<sup>123</sup>

As Carter notes himself, America sat idly by for three years.<sup>124</sup> In 1979, Carter's National Security Advisor, Sgigniew Brzezinski, said "I encouraged the Chinese to support Pol Pot. Pol Pot was an abomination. We could never support him, but China could."<sup>125</sup> The following year, Ray Cline, former Deputy Director of the CIA, visited a Khmer Rouge camp inside Cambodia as a senior foreign-policy adviser to then-President-elect Ronald Reagan. A Khmer Rouge press release reports that Cline "was warmly greeted by thousands of villagers."<sup>126</sup>

The United States supported the Khmer in an effort to exact revenge against Vietnam and to foster an alliance with China, an ancient foe of Vietnam.<sup>127</sup> The U.S. encouraged Chinese arms shipments to the DK through Thailand and facilitated Khmer diplomats serving as representatives to the United Nations long after their government ceased to exist in January 1979.<sup>128</sup> Richard Holbrooke, Former Secretary of State and the U.S. Representative to the United Nations, stated that the United States insisted on feeding the Khmer Rouge and through exerting influence on the World Food Program, over

<sup>119</sup> SAMANTHA POWER, *A PROBLEM FROM HELL: AMERICA AND THE AGE OF GENOCIDE* 123 (2003).

<sup>120</sup> *Id.*; Kiernan, *supra* note 62 (saying that Ford told Indonesian President Suharto on December 6, 1975 that he encouraged Thailand and China to support the Khmer in Cambodia so as to slow the growing influence of the North Vietnamese).

<sup>121</sup> POWER, *supra* note 135, at 126.

<sup>122</sup> *Id.*

<sup>123</sup> Jimmy Carter, Human Rights Violations in Cambodia Statement by the President (April 21, 1978), <http://www.presidency.ucsb.edu/ws/?pid=30693>.

<sup>124</sup> Ben Kiernan, *The Cambodian Genocide and Imperial Culture*, AZTAG DAILY (Beirut), available at <http://www.yale.edu/cgp/us.html> [hereinafter *Imperial Culture*] (saying it cannot be overlooked that in its war with neighboring Vietnam, the U.S. dropped half a million tons of bombs and killed over 100,000 peasants); WILLIAM BLUM, PETER SCOTT & LARRY BLEIDNER, *KILLING HOPE: U.S. MILITARY AND CIA INTERVENTIONS SINCE WWII* 155 (1995).

<sup>125</sup> *Imperial Culture*, *supra* note 124.

<sup>126</sup> BLUM et als., *supra* note 124, 150.

<sup>127</sup> Ratner, *supra* note 57, at 950.

<sup>128</sup> Hill & Schoor, *supra* note 76, at 177.



\$12 million in food was given to between 20,000 and 40,000 Khmer guerillas via the Thai Army in 1980.<sup>129</sup>

By November 1981, the CIA had fifty agents overseeing Washington's Cambodian operations from Thailand according to Ray Cline, former Deputy Director of the CIA and a foreign policy advisor to President Reagan.<sup>130</sup> The U.S. government made a cogent, proactive, and ultimately regretful decision to support a government it knew was abhorrent to further its foreign policy objectives. Having been embarrassed in Vietnam, a humbled American executive branch chose to enable murders so that it could obtain a degree of satisfaction in watching the struggles of a former adversary.

#### IV. THE RWANDAN GENOCIDE

“When I came out, there were no birds,” said one survivor who had hidden throughout the genocide. “There was sunshine and the stench of death.” The sweetly sickening odor of decomposing bodies hung over many parts of Rwanda in July 1994: on Nyanza ridge, overlooking the capital, Kigali, where skulls and bones, torn clothing, and scraps of paper were scattered among the bushes; at Nyarubuye in eastern Rwanda, where the cadaver of a little girl, otherwise intact, had been flattened by passing vehicles to the thinness of cardboard in the front of the church steps; on the shores of idyllic Lake Rivu in western Rwanda, where pieces of human bodies had been thrown down the steep hillside; and at Nyakizu in southern Rwanda, where the sun bleached fragments of bone in the sand of the schoolyard and, on a nearby hill, a small red sweater held together the ribcage of a decapitated child.<sup>131</sup>

In Rwanda, the conditions that led to genocide slowly developed over approximately a thirty-year span of time. Shortly after the Hutus gained control of the government through the nation's first legislative elections in 1961, a period of neglect and state-sponsored subjugation of the minority Tutsi population began.<sup>132</sup> By allowing criminal actions against this faction to go unchecked, even relished, a culture of disregard and disrespect for the Tutsis quickly escalated.<sup>133</sup> When the small-scale and rather isolated butchery of the minority population went completely unimpeded and uncensored by the authorities, the proverbial ball was already well on its way, rolling toward its eventual objective of genocide.<sup>134</sup>

##### A. ORGANIZATION

The Hutu government progressed by exaggerating conditions and circumstances that were already in place. Shortly after Rwandan President Habyarimana's plane was shot down on April 6, 1994, official orders came down from interim government spokespersons, including the Municipal Judge of Kibungo, for the general population to kill the Tutsi.<sup>135</sup> Within thirteen weeks after President Habyarimana's death, at least half a million

<sup>129</sup> LINDA MASON & ROGER BROWN, *RICE, RIVALRY & POLITICS: MANAGING CAMBODIAN RELIEF* 135, 159 (University of Notre Dame Press, 1983); WILLIAM SHAWCROSS, *THE QUALITY OF MERCY: CAMBODIA, HOLOCAUST & MODERN CONSCIENCE* 289, 345, 395 (Andre Deutsch ed., 1984).

<sup>130</sup> WILLIAM SHAWCROSS, *SIDESHOW: NIXON, KISSINGER & THE DESTRUCTION OF CAMBODIA* (Andre Deutsch ed., 1979).

<sup>131</sup> ALISON DES FORGES, *LEAVE NONE TO TELL THE STORY: GENOCIDE IN RWANDA I* (Human Rights Watch, 1999).

<sup>132</sup> Peter Uvin, *Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence*, 31 *COMP. POL.* 3, 261 (1999) (discussing the tolerance, as well as moral and financial support, by the highest levels of government).

<sup>133</sup> JEAN HATZFELD, *MACHETE SEASON: THE KILLERS IN RWANDA SPEAK* 55 (Farrar, Straus & Giroux, 2003).

<sup>134</sup> PHILIP VERWIMP, *PEASANT IDEOLOGY AND GENOCIDE UNDER HABYARIMANA*, in *GENOCIDE IN CAMBODIA AND RWANDA: NEW PERSPECTIVES*, at 30 (Susan E. Cook ed., 2006) (suggesting that from 1990-1993, over two thousand Tutsis were murdered by the regime. Their deaths were covered up in similar fashion to the Nazis in the years prior to WWII); *But see* Uvin, *supra* note 132, at 260 (proposing that as many as ten thousand Tutsi were arrested).

<sup>135</sup> HATZFELD, *supra* note 133, at 10; DES FORGES, *supra* note 131, at 6 (stating that early organizers included military and administrative officials, politicians, businessmen, and others with no post at all).

people were killed, including as many as three-quarters of the Tutsi population.<sup>136</sup> Simultaneously, thousands of Hutus were killed because they opposed the campaign of annihilation against their Tutsi neighbors.<sup>137</sup> Authorities organized and conducted daily assemblies of their loyal Hutu forces, giving instructions for the day's activities.<sup>138</sup> They would arrange patrols, settle disputes over loot, and lay out objectives for their manhunts.<sup>139</sup> In the early days of the killing, government officials distributed the names, addresses and in some instances license plate numbers of high-priority targets that needed to be "dispatched."<sup>140</sup>

Reports and minutes were taken daily at local-level meetings and then distributed up the chain of command through administrative channels.<sup>141</sup> Interim President Sindikubwabo identified his government as "a government of saviors" that would come directly to the people "to tell you what it expects of you."<sup>142</sup> Ministers and other high-ranking officials went to the countryside, giving rousing speeches and insisting on support for the genocide, promising rewards for supporters and threatening opponents.<sup>143</sup> Without this organization from the top, some argue that the farmers and laymen who actually did all of the killing would be unsure of what to do and eventually go home to their fields.<sup>144</sup>

## B. THE ROLE OF IDENTIFICATION CARDS

In Nazi Germany, only a few months prior to *Kristallnacht*, in July 1938, the "J-stamp" was introduced on national ID cards and later on passports.<sup>145</sup> Ethnic classification on ID cards was first instituted in Rwanda by the Belgian colonial government in 1933 and was retained after independence.<sup>146</sup> Prior to independence, nine Hutu leaders declared their intention to retain the classification cards in what has been dubbed the "Hutu Manifesto" on March 24, 1957.<sup>147</sup> They wrote, "We are opposed vigorously, at least for the moment, to the suppression in the official or private identity papers of the mentions 'mu*hutu*' [or] 'mu*tutsi*' [emphasis added]."<sup>148</sup> Of the nine authors of this document, Gregoire Kayibanda became Rwanda's first president in 1961 and Juvenal Habyarimana succeeded him in 1973— both retained the ethnic group

<sup>136</sup> DES FORGES, *supra* note 131, at 1.

<sup>137</sup> *Id.*

<sup>138</sup> *Id.* at 8 (describing how orders were handed down through the ranks all the way to local leaders who conducted meetings throughout the communes and read instructions to the population); Uvin, *supra* note 132, at 262.

<sup>139</sup> *Id.* (suggesting that local police, soldiers, and the National Police (*gendarmes*) played a significant role. They were responsible for the first major killings in the capital and other urban centers and later directed all of the most devastating massacres across the nation).

<sup>140</sup> HATZFELD, *supra* note 133, at 161; DES FORGES, *supra* note 131, at 9, 99-101 (citing that assailants went, systematically, from home to home in certain neighborhoods killing Tutsis and Hutus opposed to the new government).

<sup>141</sup> DES FORGES, *supra* note 131, at 8.

<sup>142</sup> Uvin, *supra* note 132, at 260; DES FORGES, *supra* note 131, at 322.

<sup>143</sup> DES FORGES, *supra* note 131, at 232-33 (saying it was made clear that the orders came from the top. Creating an atmosphere where citizens became determined to provide their own security was a major objective. All meetings were mandatory; whistles and drums were used to summon the population).

<sup>144</sup> HATZFELD, *supra* note 133, at 182 (saying that it was only after the military and police began savagely murdering the Tutsis that the civilians stepped in with their machetes, hammers and clubs; Uvin, *supra* note 148, at 260 (noting that it was the administrators who drove the Tutsi from their homes and to government buildings, churches and schools, where the Hutu masses could massacre them, dispose of the corpses, and direct them on the properties to loot and the land to be confiscated).

<sup>145</sup> Jim, Fussell, Prevent Genocide International, Address at the Seminar Series of the Yale University Genocide Studies Program (Nov. 15, 2001), available at <http://preventgenocide.org/prevent/removing-facilitating-factors/IDcards/index.htm> (saying that these actions preceded the yellow Star of David badges on clothing).

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

affiliation display on ID cards.<sup>149</sup> In November 1990, Habyarimana announced his intention to abolish the ethnicity display, but the U.S. Ambassador to Rwanda, Robert A. Flaten encouraged him to retain them.<sup>150</sup>

In “shaping, defining and perpetuating ethnic identity,” ID cards with the designation “Tutsi” was a marking of death once the 1994 genocide began; the identification cards were a great facilitator of genocide.<sup>151</sup>

Soldiers had orders to take identity cards from those whom they killed. According to one witness, [Captain Ildephonse] Nizeyimana regularly received these cards from his men as they reported on the progress of the killings. They often appeared at his house shortly after a volley of gunfire was heard and handed the cards to the captain with the report, “Mission accomplished.” In the captain’s absence, his wife received the cards.<sup>152</sup>

In addition to facilitating the location of Tutsis with greater ease, the ID cards created a psychological distance between victims and killers thus making the nature of the killers’ tasks easier.<sup>153</sup> While the majority of countries around the world issue national identification cards to all adults over the age of 15, the U.S., Britain, Canada, and Australia have not pursued plans to adopt such measures after heated debates about government control and privacy issues.<sup>154</sup>

### C. MOTIVATION TO KILL

Those who showed bravery in the field or who happened to possess the most adept weaponry for killing were appointed to leadership positions.<sup>155</sup> Only through success in achieving the ultimate objective of killing the most Tutsis as possible could one hope to attain respect and upward mobility in this system.<sup>156</sup> There were tangible incentives for those who participated.<sup>157</sup> Food, alcohol, military uniforms, and cash were very powerful enticements for the impoverished and hungry.<sup>158</sup> Many were told if they did not take Tutsi’s property they would lose their own.<sup>159</sup>

Through exerting influence from the top and using the financial benefits of looting as leverage, the Rwandan government was successfully able to use their station of power to nurture and later command a

<sup>149</sup> PHILIP GOUREVITCH, *WE WISH TO INFORM YOU THAT TOMORROW WE WILL BE KILLED WITH OUR FAMILIES: STORIES FROM RWANDA* 90 (Farrar, Straus, & Giroux eds., 1998).

<sup>150</sup> *Id.* (saying that the French ambassador discouraged the group affiliation from appearing on the cards discontinued assistance to Rwanda in April, 1991, until such a time when the group affiliation was removed).

<sup>151</sup> *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR 96-4-T, Judgment, ¶ 123 (Sept. 2, 1998); Fussel, *supra* note 161 (suggesting that in times of crisis, classification of targeted persons on the basis of group affiliation makes such individuals readily identifiable for possible detention, deportation, or death).

<sup>152</sup> DES FORGES, *supra* note 131, at 501.

<sup>153</sup> CHRISTOPHER R. BROWNING, *ORDINARY MEN: RESERVE POLICE BATTALION 101 AND THE FINAL SOLUTION IN POLAND*, ch. 18 (Harper ed., 1993).

<sup>154</sup> Fussel, *supra* note 145; *See also* Gregory H. Stanton, *Blue Scarves and Yellow Stars: Classification and Symbolization in the Cambodian Genocide*, Presented at the Annual Meeting of the American Anthropological Association (1987), available at <http://www.genocidewatch.org/images/AboutGen89BlueScarvesandYellowStars.pdf>.

<sup>155</sup> HATZFELD, *supra* note 133, at 55.

<sup>156</sup> *Id.*

<sup>157</sup> CHARLES K. MIRONKO, *IBITERO: MEANS AND MOTIVE IN THE RWANDAN GENOCIDE*, in *GENOCIDE IN CAMBODIA AND RWANDA: NEW PERSPECTIVES*, at 168 (Susan E. Cook ed. 2006) (saying that a severe shortage of land in a country that was becoming increasingly overpopulated was in the minds of many as was the confiscating property, businesses and cattle); *See* G. PRUNIER, *THE RWANDA CRISIS: HISTORY OF A GENOCIDE* 142 (Columbia University Press, 1995).

<sup>158</sup> DES FORGES, *supra* note 131, at 10-11 (stating that pillaging farms for animals and crops, confiscating building materials, homes, and vehicles were all encouraged. Hutus who only wanted to pillage and not physically harm the Tutsis were often punished).

<sup>159</sup> MIRONKO, *supra* note 157, at 168; Uvin, *supra* note 132, at 260.

genocidal force composed of the general population.<sup>160</sup> Like the organizers, “the killers who executed the genocide were not demons nor [sic] responding to ineluctable forces. They were people who chose to do evil. Tens of thousands, swayed by fear, hatred, or hope of profit, made the choice quickly and easily,” though hundreds and thousands of others chose to participate under duress or fear for their own lives.<sup>161</sup> The culture of fear that existed in Rwanda has been characterized as a “systematic, centralized, and unconditional.”<sup>162</sup>

#### D. PROPAGANDA

In supporting public speeches and demonstrations against the Tutsis, coupled with denunciations from the mainstream media, the Hutu populace was showered with propaganda from all sides condoning the suppression of their neighbors.<sup>163</sup> The Hutus were also instructed via political meetings and the radio to cease sharing land and cooperating in farm related tasks with Tutsis.<sup>164</sup> Hutus were told not to intermarry with the Tutsi because it would pose conflicts when it was time to kill them off in the future.<sup>165</sup>

The Nazi’s had a similar outlook in the years leading up to the Holocaust. Declared at the annual Nazi rally in Nuremberg in 1935 and approved on September 15<sup>th</sup> of that year, *Gesetz zum Schutze des Deutschen Blutes un der Duetschen Ehre* (“Law for the Protection of German Blood and German Honor”) forbade marriage and sexual relations between Jews and those of German blood.<sup>166</sup> This law, coupled with *Reichsbürgergesetz* (“Law of the Reich Citizen”), which was designed to deprive Jews of German citizenship, were two of the early Third Reich race laws.<sup>167</sup> These laws are substantively similar to those edicts issued by the Hutu in Rwanda in the years prior to genocide.<sup>168</sup>

“With a high illiteracy rate and many people living in rural areas, where movement is greatly restricted, tight government control of the airwaves enabled the Rwandan authorities to suppress crucial information about the war and the killing of Tutsi civilians.”<sup>169</sup> Propagandists created events to deceive the public into believing the necessity of force.<sup>170</sup> The “attack” on Kigali on October 4, 1990<sup>171</sup> and the foiled plot to

<sup>160</sup> MIRONKO, *supra* note 157, at 168 (saying that the author, Dr. Mironko of Yale University, argues that the reasons why ordinary Hutu peasants killed their neighbors was not because of race or ethnicity, but rather promise or expectation of economic gain, settling old scores, rivalries unrelated to ethnicity, and most notably the coercion).

<sup>161</sup> DES FORGES, *supra* note 131, at 2.

<sup>162</sup> MIRONKO, *supra* note 157, at 157 *citing* G. PRUNIER, *THE RWANDA CRISIS: HISTORY OF A GENOCIDE* 141 (C. Hurst ed., 2d ed. 1998); Uvin, *supra* note 132, at 265-266.

<sup>163</sup> HATZFELD, *supra* note 133, at 179; *See also* DES FORGES, *supra* note 131, at 10-12 (stating that both on the radio and in public meetings, authorities “disseminated detailed false information” such as Tutsis storing weapons in churches, killing local officials and plotting to overthrow the government).

<sup>164</sup> BROADCASTING GENOCIDE: CENSORSHIP, PROPAGANDA & STATE-SPONSORED VIOLENCE IN RWANDA 1990-1994 26 (International Centre Against Censorship, 1996) [hereinafter BROADCASTING ] (saying that in one month, six to seven thousand persons were detained in the capital, ninety percent Tutsi, because they were targeted. President Habyarimana explained that so many Tutsi intellectuals were arrested because in order to prepare for an attack, only Rwandans of the same ethnic group could be trusted).

<sup>165</sup> HATZFELD, *supra* note 133, at 179; MIRONKO, *supra* note 173, at 163.

<sup>166</sup> EDWIN P. HOYT, *HITLER’S WAR* 21 (McGraw-Hill Book Co., 1988); ISRAEL GUTMAN, *ENCYCLOPEDIA OF THE HOLOCAUST* (Macmillan Publishing Co., 1990).

<sup>167</sup> *Id.*

<sup>168</sup> Socio-economic and varying governmental differences between the two societies helps to account for why formal, published directives appear only the case of Nazi Germany and not Rwanda.

<sup>169</sup> BROADCASTING, *supra* note 164, at 45 (explaining that most countries in sub-Saharan Africa to this day still do not have an independent broadcasting service or any accountability).

<sup>170</sup> DES FORGES, *supra* note 131, at 66, 73 (saying that radio commentators and newspaper journalists touted “Tutsi Unity” on a daily basis to spread fear of an uprising); BROADCASTING, *supra* note 164, at 28 (describing that. “on several occasions, Radio Rwanda provided patently false and inflammatory reports”).

<sup>171</sup> *See* BROADCASTING, *supra* note 164, at 25 (saying “Government officials and Radio Rwanda convincingly reported that the city had been the target of an RPA onslaught, and some reports even claimed that corpses of rebels had been found in the capital. This explanation of events was relayed by most of the international media, including the *New York Times* and several wire services).

murder Hutu leaders in Bugesera in March 1992, were “created” events by State-run Radio Rwanda, like many others in the years before the outbreak of genocide to spread hatred for Tutsis.<sup>172</sup> Throughout the genocide, Radio Rwanda and Radio-Television Libre des Millnes Collines (RTL)M<sup>173</sup> instigated slaughter and gave specific directions on how to carry out their orders.<sup>174</sup> On April 12, 1994, this message came across the Radio Rwanda airwaves:

We ask that people do patrols, as they are doing, in their neighborhoods. They must close the ranks, remember how to use their usual tools [i.e., weapons] and defend themselves . . . I would ask that each neighborhood try to organize itself to do communal work to clear the brush, to search houses, beginning with those that are abandoned, to search to marshes of the area to be sure that no *inyenzi* have slipped in to hide themselves there . . . so they should cut this brush, search the drains and ditches . . . put up barriers and guard them, choosing reliable people to do this, who have what they need . . . so that nothing can escape.<sup>175</sup>

RTL)M broadcasted this advisory directed to listeners in the Rubungo commune:

Courage! Don’t wait for the armed forces to intervene. Act fast and don’t allow these enemies to continue their advance! If you wait for the authorities, that’s your problem. They are not the ones who are going to look out for your houses during the night! You must defend yourselves.<sup>176</sup>

Many newspapers and journals, most notably *Kangura*, were instrumental in targeting and gaining the support or at the very least, complacency of educated officials and businessmen for the genocide.<sup>177</sup>

## E. SOCIAL CAMPAIGNS FOR GENOCIDE

### *i. Moral Justification*

Playing off of the ethnic strife that was developing even before Rwanda’s independence in 1962, the Communist government sought to foster an “us versus them” perspective.<sup>178</sup> If a Hutu did not go along with the system underway, they too risked being killed. If a Hutu resisted the call to arms against the Tutsi, those close to them would be in danger.<sup>179</sup> Some citizens believe that their government, a “moral authority,” gave them legitimate orders that absolved them of the evil they were committing.<sup>180</sup>

<sup>172</sup> DES FORGES, *supra* note 131, at 66; *See generally* BROADCASTING, *supra* note 164, at 25-28.

<sup>173</sup> BROADCASTING, *supra* note 164, at 109, 120-32 (explain that the RTL)M reached its height during the genocide and broadcasted twenty-four hours a day for the first several weeks after the President’s plane crash and then on a more limited schedule thereafter. The RTL)M was also instrumental in tracking down influential Tutsis who were trying to escape the county and identifying potential hiding places used by Tutsis).

<sup>174</sup> DES FORGES, *supra* note 131, at 248; BROADCASTING, *supra* note 164, at 84-97.

<sup>175</sup> DES FORGES, *supra* note 131, at 249.

<sup>176</sup> *Id.* at 251, 316 (stating “the importance of RTL)M was underscored by a group of men from the Nyarwungo sector, Musebeya, who stated that from the time of the plane crash, they started listening to the radio. Those who had no radios visited neighbors who had them so that they could know what might be coming next. The genocide, they said, was a concept they understood from the radio, not having known before what it meant.”).

<sup>177</sup> DES FORGES, *supra* note 131, at 66; *See* BROADCASTING, *supra* note 164, at 35, 62-70 (saying that *Kangura* was the first and most notorious newspaper to publish systematic and abusive material about the Tutsis. *Kangura* was also responsible for the well-known “10 Hutu Commandments.” In issue number 7 in December 1990, the paper published a list of forty-one Tutsi merchants in Kigali, claiming the list came directly from the authorities and that these were the names of traitors).

<sup>178</sup> MIRONKO, *supra* note 157, at 168.

<sup>179</sup> *Id.*; DES FORGES, *supra* note 131, at 12; *See generally* RICHARD ORTH, RWANDA’S HUTU EXTREMIST INSURGENCY: AN EYEWITNESS PERSPECTIVE *in* GENOCIDE IN CAMBODIA AND RWANDA: NEW PERSPECTIVES, at 215 (Susan E. Cook ed. 2006).

<sup>180</sup> DES FORGES, *supra* note 131, at 12; ORTH, *supra* note 179, at 220.

Community leaders and clergy members told the masses that they were justified in their actions.<sup>181</sup> In their meetings, local leaders called for “self-defense” against “accomplices.”<sup>182</sup> Platforms of political parties had included killing off the Tutsis since 1992.<sup>183</sup> In his November 1992 speech, one candidate insisted that the Tutsis leave while they still could.<sup>184</sup> He said:

The time has come for us also to defend ourselves. Why do we not arrest these parents who have sent their children away and who do we not exterminate them? I would like to tell you that we are now asking for those people to be put on a list and for them to be brought to court so that they can be judged before us. If they [the judges] refuse . . . we should do it ourselves by exterminating this scum.<sup>185</sup>

When confronted with reports of the first killings, authorities simply denied them.<sup>186</sup> As a result of the inaccessible location of many of the massacres this seemed to be an easy solution.<sup>187</sup> When a massacre could not be covered up, authorities declared the Tutsis had brought it upon themselves by declaring an unjust war and by attacking Hutus.<sup>188</sup>

### *ii. Acclimation to Killing and Denying Responsibility*

In creating genocide, Hutu officeholders gradually developed an atmosphere of disregard and hostility for the minority Tutsi population.<sup>189</sup> By first allowing for crime against Tutsis to go unpunished and then encouraging the public to rally behind their extermination—which ultimately led to the approval of violent rampages—Hutu politicians set the stage for the Tutsis demise.<sup>190</sup> They slowly added fuel to the fire until the circumstances compounded enough for a total war against this ethnic group to develop.

A prime factor leading to the genocide in Rwanda was provided by the population’s numbness to death as a result of war.<sup>191</sup> Jean Hatzfeld, a war correspondent for the French newspaper *Libération* and author of the book *Machete Season* states that “all genocides in modern history have occurred in the midst of war . . . it systematizes death, normalizes savagery, fosters fear and delusions . . . and unsettles morality and human values.”<sup>192</sup> War appears to undermine the ethical integrity of a society as well as its populace at an individual basis, enabling such ideas as mass-murder to appear sane if not ethical.<sup>193</sup> Lubrication of the value system was further aided by the vast role of alcoholism in the Hutu ranks.<sup>194</sup>

Constant inebriation dulled the murderer’s senses making their tasks easier to accomplish. Even so, over time, the duties they performed became habitual and routine, even mundane.<sup>195</sup> Killing, while at first shocking and emotionally charged, slowly developed into a daily activity, seen as a societal necessity. Survivors and witnesses speak of the killers approach as if they were “government workers putting in a day

<sup>181</sup> DES FORGES, *supra* note 131, at 10.

<sup>182</sup> *Id.* at 8.

<sup>183</sup> ORTH, *supra* note 179, at 222; HATZFELD, *supra* note 133, at 177; DES FORGES, *supra* note 131, at 83-87.

<sup>184</sup> *See generally* DES FORGES, *supra* note 131, at 99-101.

<sup>185</sup> *Id.*

<sup>186</sup> ORTH, *supra* note 179, at 223; DES FORGES, *supra* note 131, at 90-91.

<sup>187</sup> DES FORGES, *supra* note 131, at 90 (saying that certain areas that were far from the capital and could not be accessed by investigators as they were controlled by the military).

<sup>188</sup> *Id.* at 91; HATZFELD, *supra* note 133, at 177.

<sup>189</sup> *See generally* MIRKANKO, *supra* note 157, at 180-83.

<sup>190</sup> Bhavnani, *supra* note 9, at 653.

<sup>191</sup> DES FORGES, *supra* note 131, at 212 (describing at Mugonero hospital, after hours of slaughter, assailants tossed tear gas canisters in among the bodies so that if any survivors coughed among the bodies they could be located and killed).

<sup>192</sup> HATZFELD, *supra* note 133, at 54.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> DES FORGES, *supra* note 131, at 212; *But see* Michael N. Barnett, *The UN Security Council, Indifference, and Genocide in Rwanda*, 12 *CULTURAL ANTHROPOLOGY* 4, 570 (1997).

at the office . . . killers quit at day's end, go home and feast on food and drink they had pillaged or been given, ready to come back the next morning, rested and fit for 'work.'"<sup>196</sup>

### *iii. Euphemisms*

Shortly after the President's plane crash, voices on the radio began calling for the extermination of these "cockroaches" from their midst.<sup>197</sup> Killing was known as "work" and machetes and guns were called "tools."<sup>198</sup> As hunting was common in this mostly rural nation, the use of hunting metaphors during the genocide was common.<sup>199</sup> Hutu "hunters" were not ordered to kill Tutsis, but rather told, "Let no snake escape you."<sup>200</sup> Hutu's often used hunting dogs to track down Tutsi and flush them out of the bushes they may have hidden in.<sup>201</sup> *Ibirtero*— machetes, spears and clubs— the weapons used to kill Tutsis were the same as if they were killing a common animal.<sup>202</sup>

## F. WAS IT INEVITABLE? THE UNITED STATES AND THE UNITED NATIONS' ROLE IN RWANDA

In the words of one expert, "This [Rwanda] was the most easily preventable genocide imaginable."<sup>203</sup> If there is anything worse than genocide it is the knowledge that it did not have to happen; the Rwandan genocide was not inevitable. In a 1998 report to The Carnegie Commission on Preventing Deadly Conflict, Col. Scott Feil of the U.S. Army concluded that a force of merely 5,000 well-equipped and trained men inserted into Rwanda between April 7 and 21, 1994 could have prevented genocide.<sup>204</sup> UN Assistance to Rwanda ("UNAMIR") Commander General Romeo Dallaire stated, "The killings could have easily been prevented if there had been the international will to accept the costs of doing so . . ."<sup>205</sup> Dallaire's statement begs the question, what is the cost of human life and why was the international community, namely the United States, unwilling to commit?

In 1998, President Clinton apologized to the Rwandan people for the "ignorance" of the United States in not intervening, however scholars insist that the fear of domestic political backlash was the rationale for not acting.<sup>206</sup> President Clinton stated:

During the 90 days that began on April 6 in 1994, Rwanda experienced the most intensive slaughter in this blood-filled century we are about to leave . . . as you know better than me, [this] took at least a million lives. Scholars of these sorts of events say that the killers, armed mostly with machetes and clubs, nonetheless did their work five times as fast as the mechanized gas chambers used by the Nazis.<sup>207</sup>

The politics of the United States were simple enough. In October 1993, the U.S. had lost eighteen Army Rangers in Somalia and it would have been politically difficult at home to engage in another peacekeeping mission so soon.<sup>208</sup> The U.S. made a conscious decision.

<sup>196</sup> *Id.*

<sup>197</sup> MIRKANKO, *supra* note 157, at 182.

<sup>198</sup> DES FORGES, *supra* note 131, at 8 (suggesting that killing of Tutsis was called environmental culling or sanitation).

<sup>199</sup> MIRKANKO, *supra* note 157, at 182.

<sup>200</sup> *Id.* at 182-83.

<sup>201</sup> *Id.*; DES FORGES, *supra* note 131, at 10; Barnett, *supra* note 195, at 578.

<sup>202</sup> MIRKANKO, *supra* note 157, at 182.

<sup>203</sup> HOWARD ADELMAN, *GENOCIDISTS AND SAVIORS IN RWANDA* 4 (1999).

<sup>204</sup> Scott R. Feil, *Preventing Genocide: How Early Use of Force Might Have Succeeded in Rwanda* (Washington D.C.: Carnegie Commission on Preventing Deadly Conflict, 1998).

<sup>205</sup> Romeo Dallaire & Bruce Poulin, *Rwanda: From Peace Agreement to Genocide*, 24 *CAN. DEFENSE Q.* 3 (1995).

<sup>206</sup> Richard N. Haas, *The Squandered Presidency: Demanding more from the Commander-in-Chief*, 79 *FOREIGN AFF.* 3 (2000).

<sup>207</sup> President Bill Clinton, Address to the Rwandan People at Kigali International Airport (March 25, 1998), *available at* [http://www.cbsnews.com/2100-202\\_162-5798.html](http://www.cbsnews.com/2100-202_162-5798.html).

<sup>208</sup> DES FORGES, *supra* note 131, at 176 (stating that the U.S. was not ignorant, but rather no stake in Rwanda, no interests to guard, and there were "political interests at home to cater to").

While many might accept the reluctance of Americans to come to Rwanda's aid, it is quite another thing to prevent others. A full two weeks into the genocide, the United States Ambassador to the United Nations, Madeleine Albright, was the most vocal advocate of removing all but a skeletal UN team from Rwanda.<sup>209</sup> She said that the United States "adamantly refused to accept publicly that a full-fledged, Convention-defined genocide was in fact taking place"—an already depleted UNAMIR force was then reduced to 270 men.<sup>210</sup> As Tony Marley, a Political Military Advisor for the U.S. State Department from 1992-95 and a Clinton Administration insider, explained, "If we acknowledge it was genocide, that mandated by international law that the US had to do something . . . If we acknowledged it was genocide and didn't do anything . . . what [would be] the impact on U.S. foreign policy relations with the rest of the world following inaction after admitting it's genocide . . ." <sup>211</sup>

Just as was the case in Cambodia, the U.S. Government chose to ignore its moral obligation to save lives it knew were in serious jeopardy. While the United States did not covertly aid the genocidal force in Rwanda, as it did in Cambodia, it used its political might to thwart the efforts of the other, more conscientious, nations to come to the aid of the innocent Rwandans in danger through its clout in the United Nations. This course of action is perhaps more objectionable than directly aiding in the massacres.

## V. WHAT DOES THE UNITED STATES STAND FOR?

*[Rwanda] sits as the greatest regret I have from the time I was U.N. ambassador and maybe even as [S]ecretary of [S]tate, because it is a huge tragedy, and something that sits very heavy on all our souls, I think.*

- Former U.S. Secretary of State Madeleine Albright, February 25, 2004<sup>212</sup>

*You look at something like Darfur, and it just breaks your heart.*

- Former U.S. Secretary of State Colin Powell, September 20, 2008<sup>213</sup>

*[O]ne of the real regrets I've had is that we haven't been able to do something about Sudan.*

- Former U.S. Secretary of State Condoleezza Rice, November 13, 2008<sup>214</sup>

Is there a reason why apologizing for inaction in genocide has become so common among outgoing U.S. Secretaries of State? Will Secretary Clinton be apologizing for a new travesty in January 2013 or will the nation have to wait until 2016? It is time to evaluate the United States' policy on intervening upon the observation of pre-genocide symptoms.

After examining the U.S. role in Cambodia and Rwanda, one is confronted with a very self-serving, underhanded, and deceitful view of American foreign policy. The American Government was fully aware of the genocidal campaigns underway in both nations and had an opportunity to do something, anything, to assist, and yet it did nothing. In the case of Cambodia, the U.S. covertly aided the Khmer regime while it was in power and continued to do so after its heinous deeds were well-known. Though supporting arms and food shipments to the Khmer Rouge as well as providing tactical support through a well-manned CIA mission in neighboring Thailand, the United States' stance in this matter is unmistakable. In Rwanda, the U.S. used its political might as a U.N. Security Council member to prevent peacekeeping troops from coming to the aid of a desperate Tutsi population.

<sup>209</sup> U.N. Security Council resolution adjusting UNAMIR's mandate and authorizing a reduction in its strength, U.N. Doc S/RES/912 (April 21, 1994); BOUTROS BOUTROS-GHALI, UNVANQUISHED: A US-UN SAGA (Random House, 1999).

<sup>210</sup> *Id.*

<sup>211</sup> Tony Marley, *The Triumph of Evil*, PBS *Frontline* interview, available at <http://www.pbs.org/wgbh/pages/frontline/shows/evil/interviews/marley.html>.

<sup>212</sup> FRONTLINE: GHOSTS OF RWANDA (PBS television broadcast Feb. 25, 2008).

<sup>213</sup> THE NEXT PRESIDENT: A WORLD OF CHALLENGES (CNN television broadcast Sept. 20, 2008).

<sup>214</sup> MEET THE PRESS WITH DAVID GREGORY (NBC television broadcast Dec. 21, 2008).



While one can rationalize, even appreciate, the U.S. desire to keep American boots off the ground in Cambodia following the war in Vietnam and conflicts in both Rwanda and Somalia, it would have been better had they done nothing at all. Unfortunately, the U.S. acted out of vengeance, distain, and perhaps even fear when confronted with these situations. Ignoring grave human rights violations, the American government knowingly funded a regime that was annihilating its own population in hopes of irritating the Vietnamese. When dealing with Rwanda, the Government showed its true colors in hiding behind the legalese of international human rights treaties so as to avoid confrontation. By refusing to provide a name to the horrific actions that were taking place in Africa, perhaps the U.S. thought their problem would go away. It did not.

The U.S. has not done enough when faced with genocide. Undoubtedly, when confronted with devastating reports of mass murder, many considerations need to be taken into effect. However, the Government would have increasingly more flexibility in its response if it were to recognize genocide before it takes place. By taking notice of methods discussed, U.S. foreign services, clandestine agencies, aid workers, and Armed Forces can put their government in a position to react to a fluid situation before it is too late. The U.S. must keep vigilant, expanding its surveillance and physical presence in regions of the world that are war-torn, impoverished, and historically rich with ethnic strife.

When a new constitution is adopted that calls into question the citizenship large segments of a nation's population, the U.S. should be ready to react. When a politician who vows to annihilate an ethnic minority is elected to office, the U.S. should be ready to react. When the doors on every library, hospital, place of worship, and law office are shuttered in unison, the U.S. should be ready to react. Through advanced recognition and the diligent pursuit of the truth, the United States may act before there is bloodshed, thereby saving itself infinite resources and protecting the lives of countless innocents.

## VI. CONCLUSION

In 2000, the leading Republican presidential candidate was asked by a television interviewer what he would do as President "if God forbid, another Rwanda should take place." George W. Bush replied, "We should not send our troops to stop ethnic cleansing and genocide outside our strategic interest. I would not send the United States troops into Rwanda."<sup>215</sup>

How many times can the United States sit on the sidelines and say "never again" as if it was a catch phrase from a timeless movie? Where do our interests truly lie? We must learn from the past and have the fortitude and forthrightness to stand up for what is right, even if it may initially be unpopular in some circles. Instead of focusing our efforts commemorating genocide victims or punishing the perpetrators as it did in Cambodia and Rwanda, the U.S. needs to act proactively and look for the early warning signs discussed, particularly in poverty-stricken and war-torn areas.<sup>216</sup> By rejecting and condemning policies that make genocide more likely, the United States of America will ensure its status as a moral beacon in the international community, save the lives of more innocent non-combatants, and protect its own national security.

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<sup>215</sup> *This Week* (ABC television broadcast Jan. 23, 2000) (transcript available with ABC).

<sup>216</sup> Fussel, *supra* note 145.