

“Nothing to offer in return”: Refugees, human rights, and genocide in Cambodia, 1975–1979

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journals.sagepub.com/home/ijx**Laura Madokoro** Department of History, Carleton University, Ottawa,
Canada**Abstract**

From 1975 to 1979, Canadian politicians and diplomats observed and discussed the possibility that a genocide was taking place in Cambodia. The situation was difficult to ascertain, however, given the limited history between the two countries and the deep isolation in which the Khmer Rouge regime operated after rising to power, as well as the Canadian government’s limited interest in international human rights until the late 1970s. It wasn’t until large numbers of refugees began to cross into Thailand in 1977–78, and began to tell their stories to Western diplomats, that human rights discussions at the United Nations began to focus more closely on the situation in Cambodia. Exploring the Canadian government’s use of refugee testimonies, this article explores the relationship between narratives of mass violence and the burgeoning human rights agenda of the late 1970s to highlight the role of refugees in shaping an international human rights agenda.

Keywords

Refugee, genocide, Cambodia, human, rights

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Against the weight of an uncertain present and a shadowing past, and torn between the desire to forget and the pressure to remember, between the fear of speaking and the need to speak, refugees struggled to give form and meaning to their experiences in a country where few were willing to listen.

—Khatharya Um¹

Genocide in Cambodia

In 1975, following a five-year civil war, the Khmer Rouge led by Pol Pot came to power in Cambodia, which was officially renamed Democratic Kampuchea in January 1976. Backed with significant financial and military support from the People's Republic of China, the Khmer Rouge took over a country rattled by conflict, including an extensive US bombing campaign launched by President Richard Nixon in 1970, with supporting incursions by South Vietnamese forces. The Khmer Rouge regime pushed an aggressive, and violent, ruralization campaign that targeted particular groups, including former government officials and ethnic minorities, including Chinese, Vietnamese, Cham, and Khmer Loeu communities.² The widespread punitive violence, which included murder, torture, forced relocations, forced labour, and mass starvations, led to the deaths of an estimated 1.7 to 2.1 million Cambodians, approximately one-quarter of the population.

As political scientist Katharya Um observes, “Even in a century of mass atrocities, the Cambodian experience under the Khmer Rouge (1975–1979) stands out as one of the most extreme and traumatic instances in human history.”³ Six hundred thousand people fled their homeland and almost 100,000 were ultimately resettled to the US. Seven thousand Cambodians were resettled to Canada.⁴ Although refugees, escapees, and journalists warned of human rights violations

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1. Katharya Um, *From the Land of Shadows: War, Revolution and the Making of the Cambodian Diaspora* (New York: NYU Press, 2015), 14. This article is inspired by a panel convened at the Bill Graham Centre at the University of Toronto in February 2020 on the subject of Canada's response to the challenge of genocide in Asia. My thanks to Greg Donaghy for the invitation to participate, as well as fellow panelists David Webster, Bob Rae, and Rosemary McCarney. I also wish to thank Jennifer Tunnicliffe and Paul-Étienne Rainville for their help with the research for this article. My gratitude as well to Vinh Nguyen, Y-Dang Troeng, and two anonymous reviewers for their generous comments.
 2. Elliott Tepper, *Southeast Asian Exodus: From Tradition to Resettlement: Understanding Refugees from Laos, Kampuchea, and Vietnam in Canada* (Vancouver: Canadian Association of Asian Studies, 1980).
 3. Um, *From the Land*, 2.
 4. United Nations High Commissioner for Refugees, *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action* (New York: Oxford University Press, 2000), 99. Although the resettlement of Indochinese refugees, including Cambodian refugees, is incorporated into celebratory post-Vietnam narratives, many encountered significant challenges compounded by the derelict conditions of the places to which they were resettled. See Eric Tang, *Unsettled: Cambodian Refugees in the New York City Hyperghetto* (New York: NYU Press, 2015). Aihwa Ong underscores similar challenges, or precarity, in her study of Cambodian refugees and citizenship status in the US. See *Buddha is Hiding: Refugees, Citizenship, the New America* (Berkeley, Los Angeles: University of California Press, 2003).

as early as 1975, these cautions were often dismissed on the basis that they were unreliable, with voiced suspicions about the motives of people leaving the regime in recounting atrocities as they did.⁵ This, despite the fact that the US government knew about some of the regime's brutalities and made a calculated decision to support it regardless, while several leftist intellectuals were blinded by the language of revolution, ignoring realities on the ground.⁶ Even human rights monitoring organizations, such as Amnesty International, were reluctant to call out abuses in Cambodia in the early years of the Khmer Rouge regime.⁷ Only the sheer number of similar stories, across the years and from a variety of sources, convinced Western countries, such as Canada, that something needed to be done (though it would take decades before any of the perpetrators were brought to justice).⁸

Scholars have celebrated the 1970s as a "human rights moment" and a critical period in the consolidation of the international human rights framework as a result of the development of human rights instruments such as the 1975 Helsinki Accords and the ratification of international covenants on human rights. However, this article emphasizes that these changes also stemmed from the experiences and testimonies of the victims themselves.⁹ In the case of Cambodia, the isolation in which the Khmer Rouge regime operated, after expelling journalists and diplomats in 1975, meant that governments and advocates overcame their initial suspicions and ultimately relied on accounts from departing refugees to understand what was happening in the country. They also used this evidence to make a human rights case against the regime, which culminated in hundreds of pages of submissions to the United Nations Commission on Human Rights (UNCHR) in September 1978 and efforts to introduce a fact-finding mission in 1979.¹⁰ In using refugee testimonies to document the suffering people had endured, governments and humanitarian actors gave substance to the meaning of human rights and human rights violations.¹¹ However, contemporaries and scholars have generally overlooked the importance of these refugee contributions. Without the evidence provided by departing refugees, there would have been little in the way of a case against the

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5. Jamie F. Metzl, *Western Responses to Human Rights Abuses in Cambodia, 1975–1980* (New York: Macmillan Press Ltd, 1996), 52.
 6. James A. Tyner, *Landscape, Memory, and Post-Violence in Cambodia* (London: Rowman & Littlefield, 2016); See "Chapter 10, Cambodia: Holocaust denial," in Larry Clinton Thompson, *Refugee Workers in the Indochina Exodus, 1975–1982* (Jefferson: McFarland & Company, 2010).
 7. Metzl, *Western Responses*, 63; Thompson, *Refugee Workers*, 130.
 8. Steven R. Ratner, "The United Nations group of experts for Cambodia," *The American Journal of International Law* 93, no. 4 (1999): 948–953.
 9. Samuel Moyn and Jan Eckel, eds. *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2014).
 10. Mimi Nguyen, *The Gift of Freedom: War, Debt, and Other Refugee Passages* (Durham: Duke University Press, 2012), 135.
 11. While this rights discourse has been celebrated, it also has been the subject of criticism by those who see human rights as a form of liberal imperialism. As such, any arguments about the making of a human rights agenda also need to carefully consider the character, and limitations, of the agenda itself. See discussion in Bonny Ibhawoh, *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History* (Albany: State University of New York Press, 2007), 8.

Khmer Rouge regime. But who gets credit for this work? Just as scholars have only recently drawn attention to the valuable information imparted by participants in civilian exchanges in the early years of the Second World War and by displaced persons after the war, it is important to recognize how refugee testimonies were central to the “human rights moment” of the 1970s.¹²

By calling attention to how refugee testimonies contributed to the evolving human rights discourse in this period, this article connects with foundational work in the field of Critical Refugee Studies, which has complicated understandings of refugee resettlement and discourses around refugees in the US in the wake of the American War in Vietnam and the bombing campaigns in Cambodia. As scholar Mimi Nguyen contends, images of grateful refugees being resettled to America worked in part to restore the image of the US as a benign liberal empire.¹³ They became a kind of “gift” that suppressed impressions of American violence in Indochina. As such, refugee resettlement was more than blind or innocent humanitarianism; it also worked to counter histories of violence, racism, and exclusion.¹⁴

Building on this and other work in Critical Refugee Studies, which invites questions about responsibility, accountability, and asks why certain refugees are assisted and celebrated when others are not, this article considers the very tangible ways in which Cambodian refugees proved productive to Western governments as they constructed a human rights case against the government of Democratic Kampuchea. Given the Canadian government’s removed and somewhat ambivalent approach to human rights as well as the situation in Cambodia until the 1970s, this article explores how Canadian officials, along with their counterparts in other Western countries including the US and the UK, used refugee testimonies to build a human rights case against the Khmer Rouge regime. Moreover, the evidence of human rights violations and the use of UN bodies in the pursuit of justice furthered the idea of human rights as a vehicle for legal and structural change internationally. Importantly, progress in advancing a human rights agenda rested on the words and experiences of the victims themselves. By documenting how and why the Canadian government came to use refugee testimonies to address human rights violations in Cambodia, this article shows the mix of interests that shaped the Canadian response, to the genocide in Cambodia. The article also demonstrates how the evidence provided by refugees both tested the government’s emerging commitment to international human rights and, ultimately, enabled it to pursue a morally expansive position that gave substance to the human rights discourse that was just beginning to flourish. Refugee testimonies were key to all of

12. See David Miller, *Mercy Ships: The Untold Story of Prisoner-of-War Exchanges in World War II* (London: Bloomfield Academic, 2008); Daniel Cohen, *In War’s Wake: Europe’s Displaced Persons in the Postwar Order* (New York: Oxford University Press, 2012).

13. Mimi Thi Nguyen, *The Gift of Freedom: War, Debt, and Other Refugee Passages* (Durham: Duke University Press, 2012).

14. Laura Madokoro, *Elusive Refuge: Chinese Migrants in the Cold War* (Cambridge: Harvard University Press, 2016).

this, even if the question of justice for the victims of the Cambodian genocide was never fully addressed.

Genocide in Cambodia as a human rights issue

Scholars generally attribute the blossoming international human rights agenda of the postwar period to the 1948 Universal Declaration of Human Rights or to the heady days of international human rights discourse in the 1970s, characterized by the negotiation of the 1975 Helsinki Accords.¹⁵ Such analyses, most notably those offered by historian Samuel Moyn, tend to discount the critical work on the ground in response to communist victories in Indochina and the oppression that followed, which also shaped the discourse of human rights internationally.¹⁶

Attending to the language of human rights and the ways it was used by government actors, in particular, facilitates an exploration of how an international human rights discourse came to be, as well as the character of previously disregarded relationships.¹⁷ For instance, Canada and Cambodia had a very limited history prior to 1975. Canadians had participated in the International Control Commissions in 1954, and the Canadian government had supplied military material to the US over the course of the American War in Vietnam, while also accommodating thousands of draft dodgers and resisters and their supporters after 1965. However, beyond a limited French-Canadian missionary presence in Cambodia, the countries had very little in the way of deep connections before 1975. Nevertheless, the government of Canada was one of the first to recognize Pol Pot's government, announcing on 26 April 1975 that it was, "gratified that the long years of bloodshed and human suffering can now come to an end."¹⁸ The warm language, including reference to continued friendship and cooperation, betrayed the Canadian government's own complicity in US activities in Vietnam and Cambodia and ignored concerns raised in Parliament through the spring of 1975 about communist advances.¹⁹ These concerns became more pronounced over the course of the following year, and again in 1978 (prior to the invasion of Democratic Kampuchea by Vietnamese forces in December).

15. Akira Iriye, Petra Goedde, and William Hitchcock, *The Human Rights Revolution: An International History* (New York: Oxford University Press, 2012), 9.

16. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2012).

17. Andrew Lui, *Why Canada Cares: Human Rights and Foreign Policy in Theory and Practice* (Montreal: McGill-Queen's University Press, 2012).

18. "New regime recognized by Canada," *The Globe and Mail*, 26 April 1975, 14.

19. In the early months of 1975, as it became clear that the North Vietnamese and the Viet Cong were going to be victorious in Vietnam, strong strands of anti-communism were visible in the Canadian parliament. In March 1975, Donald Munro (Conservative MP for Esquimalt-Saanich) insisted, "surely we can stretch our humanitarianism to the point at which we are capable of responding to the plight of refugees seeking to avoid communist domination, just as we did when communist centres were being attacked." *House of Commons Debates* (Ottawa: Government of Canada), 30th Parliament, 1st Session, Volume 5, 25 March 1975, 4463.

Despite the relatively fragile human rights agenda in Canada at the time, from the earliest expressions of interest in the Cambodian situation, Canadian advocates adopted the language of human rights to advance their case. As a result, commitments to international human rights became increasingly difficult to avoid. This language was significant for two reasons. First, as historian Jennifer Tunncliffe has observed, Canada's commitment to the international instruments and machinery intended to make the Universal Declaration of Human Rights more robust was somewhat ambivalent. Indeed, she describes a history of resistance to rights, of Canadian governments and Canadian policy-makers being "historically opposed" to efforts at "the UN to introduce and implement international treaties relating to human rights."²⁰ The Canadian government only signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights in May 1976, after a decade of deliberations, a year after mass human rights violations in Cambodia were first mentioned, and after the organisation of a sustained public campaign, which called on the government, "to take action in the area of international human rights."²¹ As political scientist Andrew Thompson has shown of Canada's engagement with the human rights organs of the United Nations, specifically the UNCHR established in 1946, the government's motivations on human rights issues were sometimes genuine and, on occasion, "self-serving, parochial and overtly obstructionist depending on the human rights issue in question and on the geopolitical realities of the day."²² It is, therefore, noteworthy that advocates used the language of human rights to advance their concerns about the situation in Cambodia, and to encourage engagement with human rights issues in other parts of the world (including Israel, South Africa, and Latin America) in the lead up to Canada's official acceptance of the covenants.

The second reason that early discussions of human rights were significant was that, in some respects, they compensated for the lack of evidence about the violations taking place in Cambodia. In the case of the Khmer Rouge regime, advocates were confronted with an unfolding situation about which they had little immediate information, given the removal of Western journalists from Phnom Penh in April 1975 and the general restrictions on entry. In the year after Pol Pot and the Khmer Rouge came to power, journalists and escapees provided scattered accounts of mass killings and torture. In response, long-time peace advocate Douglas Roche

20. Jennifer Tunncliffe, *Resisting Rights: Canada and the International Bill of Rights, 1947–76* (Vancouver: UBC Press, 2019), 5. Historian David Webster has also documented Canada's complicated relationship with international human rights. See, for instance, "Self-fulfilling prophecies and human rights in Canada's foreign policy: Lessons from East Timor," *International Journal*, 65, no. 3 (September 2010): 739–750. See also Andrew Lui, *Why Canada Cares: Human Rights and Foreign Policy in Theory and Practice* (Montreal: McGill–Queen's University Press, 2012); Stephanie Bangarth, *Voices Raised in Protest: Defending Citizens of Japanese Ancestry in North America, 1942–49* (Vancouver: UBC Press, 2008).

21. Tunncliffe, *Resisting Rights*, 140.

22. Andrew Thompson, *On the Side of Angels: Canada and the United Nations Commission on Human Rights* (Vancouver: UBC Press, 2017), 5.

(Edmonton – Strathcona) demanded to know, “in what way Canada is protesting this massive violation of human rights, and specifically whether Canada has yet launched a protest with the UN commission on human rights?”²³ In reply, Allan MacEachen (Secretary of State for External Affairs) reminded the House of Commons that there “was an almost total lack of information on the situation in Cambodia at the present time,” but reassured his colleagues that the government was “following up the question of violations with the UN commission on human rights.”²⁴ Undeterred, Roche consistently used his time in Question Period to draw attention to alleged events in Cambodia and to also make the case for a Canadian intervention at the United Nations.²⁵ What advocates wanted to see was a commitment to human rights that would ultimately transgress conventional limitations on state interventions in the domestic affairs of others. They used the case of Cambodia to do so.²⁶ In relying on the language of human rights to effect change, advocates inspired what historian Samuel Moyn describes as the “drama of human rights.” Although Moyn describes this drama as emerging “seemingly from nowhere,” it emerged from decades of lobbying and activism.²⁷ Crucially, it gained considerable traction because, by the 1970s, there was both language that could be evoked, and specific instances where a discourse of human rights could be applied.

Such was the case in Canada in the early months of Khmer Rouge rule in Cambodia. As with many early human rights interventions, there was an initial flurry of interest and discussions of the situation in Cambodia peppered the political landscape after 1975, with the UNCHR discussing the issue of Cambodia in March 1977. Yet, this interest was difficult to sustain, given the isolation with which the regime operated.²⁸ As Ben Kiernan depicts in his detailed account of the rise and fall of the regime, the period between 1975 and 1977 might best be

23. *House of Commons Debates* (Ottawa: Government of Canada), 30th Parliament, 1st Session, Volume 12, 24 March, 1976, 12097.

24. *Ibid.*

25. *House of Commons Debates* (Ottawa: Government of Canada), 30th Parliament, 1st Session, Volume 12, 1 April 1976, 12397.

26. Critically, the whole question of sovereignty was one that was under duress in the face of growing concerns about human rights violations. US President Jimmy Carter, in his address to the assembly declared that, “no member of the United Nations can claim that mistreatment of its citizens is solely its own business.” *Address by President Jimmy Carter to the UN General Assembly*, 17 March 1977, <https://2009-2017.state.gov/p/io/potusunga/207272.htm> (accessed 7 April 2020).

27. Moyn, *The Last Utopia*, 3. See also Samuel Moyn, “The return of the prodigal: The 1970s as a turning point in human rights history,” in Samuel Moyn and Jan Eckel, eds. *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2014). The collection notably does not contain any discussion of the genocide in Cambodia. Similarly, Jan Eckel does not discuss Cambodia in *The Ambivalent Good: Human Rights in International Politics Since the 1940s*, trans. Rachel Ward (Oxford: Oxford University Press, 2019). See also Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge: Harvard University Press, 2014), which contains a discussion of civil rights and the Vietnam war, and Sarah B. Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (Cambridge: Cambridge University Press, 2011) on civil society activism.

28. For a detailed study of the shortcomings of the UN Commission on Human Rights with regards to Cambodia, see Jamie Metz, “The U.N. Commission on Human Rights and Cambodia, 1975-1980,”

characterized as the Khmer Rouge's consolidation of power, defined by aggressive ruralization and ethnic cleansing, followed by a crumbling of authority and control by 1978.²⁹

Indeed, it was only in 1978, as the scope of the violence became more commonly known following the publication of a series of testimonies from refugees, escapees, and journalists (including French writers François Ponchaud and Jean Lacouture), that the subject of human rights violations in Cambodia gained more traction.³⁰ Once again, advocates and concerned governments focused on human rights in order to make arguments about some kind of intervention, diplomatic, humanitarian, or otherwise. On 8 March 1978, the British government submitted a 667-page brief to the UNCHR in which, based on refugee interviews, it documented gross human rights violations. After discussion and debate, much of which was opposed by the Soviet Union, summary documents were transmitted to the government of Democratic Kampuchea with a request for a response to be considered at the commission's next meeting. Canadian delegates supported this initiative, but it amounted to very little.³¹

Against this backdrop of growing international and civil society interest in the situation in Cambodia, on 8 April 1978, the Canadian House of Commons unanimously endorsed a motion to condemn the murder of two million men, women, and children. Introduced by Pierre de Bâné, a Liberal MP from Quebec whose family were Palestinian refugees, the motion read in part:

the entire world was horrified on learning from many concordant sources about the terrible genocide of two million babies, children, women and men; the deportation of any living soul from the capital of Phnom-Penh and from every city, with no exception made for dying persons confined to hospital; the fact that the government called the communist party of Kampuchea have used children to shoot all those who were executed. For those reasons, all members of the Canadian parliament express their horror of that genocide, which is one of the worst crimes in the history of mankind, and urge the government of Democratic Kampuchea to stop that inconceivable blood bath. . .³²

This motion received broad attention. The Canadian government conveyed it to the government of Democratic Kampuchea via its embassy in Peking and also

Buffalo Journal of International Law 33, no. 1 (1996): 67–98. Metztl describes the organization as “wholly unprepared.” 78.

29. See chronology in Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–1979*, Third Edition (New Haven: Yale University Press, 2008).

30. Early discussions at the United Nations were deeply politicized and hardly effective in terms of inspiring a substantive engagement with the issue. Indeed, it was the government of Israel that first raised the issue of genocide in Cambodia as a way of deflecting concerns about its own human rights record. Metztl, *Western Responses*, 87.

31. *Ibid.*

32. Pierre de Bâné, *House of Commons Debates* (Ottawa: Government of Canada), 30th Parliament, 3rd Session, Vol. 5, 7 April 1978, 4236.

directed it to the government in Beijing for its assessment of human rights violations in Cambodia. US President Jimmy Carter referenced the House of Commons motion in his 21 April 1978 statement in which he described the Pol Pot regime as “the worst violator of human rights in the world today.” He elaborated: “Thousands of refugees from Cambodia have accused their government of inflicting death on hundreds of thousands of the Cambodian people through the genocidal policies it has implemented over the past 3 years.”³³

In referencing the accusations made by refugees specifically, President Carter revealed the belated impact that years of making claims had on the international community. The value of refugee testimonies assumed all the more significance in these years because the regime was so closed. Although refugee narratives had been greeted with skepticism in the preceding years, increased media attention and the sheer volume and consistency with which refugees detailed atrocities eventually convinced observers and politicians that something was afoot, and that something needed to be done.³⁴ It also helped that people, including doctors and activists who had connections to Cambodia, became increasingly forthright in their arguments for some kind of intervention or humanitarian assistance.³⁵ The language of human rights was a way to address the situation in Democratic Kampuchea, and refugee testimonies became increasingly central to the evidentiary agenda that emerged alongside discussions of human rights violations.

Refugee intelligence

By 1977 and over the course of 1978, increasingly large numbers of refugees were making their way to Thailand, with many congregating in the Aranyaprathet

33. Scholars are generally critical of President Carter’s handling of the human rights situation in Cambodia, underscoring how America’s own entangled presence in the conflict and the post-Vietnam war mood in the US discouraged active intervention in the region. See Barbara O’Donogue, “Ford, Carter, and Cambodia: US foreign policy and the Khmer Rouge,” PhD Thesis, University College Cork, 2015; Jacqueline Loh, “The Carter Paradox: Human rights, the Cambodian genocide, and China, 1977-1979,” Honours thesis, School of Historical and Philosophical Studies, University of Melbourne, 2014. Other scholars have also demonstrated the significance of “old-fashioned geopolitics” in assessing President Carter’s lack of engagement on Cambodia (it is barely mentioned in his memoirs), Kenton Clymer, “Jimmy Carter, Human Rights, and Cambodia,” *Diplomatic History*, Vol. 27, No. 2 (April 2003), 246.

34. Clymer, “Jimmy Carter,” 249; Metz, *Western Responses*, 46.

35. In the Canadian case, Marcel Roy (a doctor who worked in Cambodia and adopted two Cambodian refugees) and Gaetana Enders, the wife of the US Ambassador to Canada took the lead in advocating for refugees. Both figures caused the government a fair bit of grief. Dr. Roy, for instance, was viewed with some suspicion. As one official wrote, “His sincerity and truthfulness are sometimes open to doubt—he has presented questionable documents to our officers and drops names continuously, i.e., At one time he claimed to be related to Trudeau.” Gaetana Enders, for her part, complicated the government’s fairly aloof stance by offering to visit refugee camps in February 1978 and select refugees (few were deemed admissible). The situation got even more awkward when she distributed letters to refugee camps on US Embassy letterhead indicating that the Canadian government would help refugees and giving the impression that they were being considered for resettlement. See Memorandum for the Minister: Gaetana Enders and Cambodian Refugees, 11 July 1978, RG 25, Vol. 14944, 45-CAMBOD-13, Library and Archives Canada (LAC).

refugee camp on the border with Democratic Kampuchea. The arrival of the refugees presented the Thai government with a significant challenge in terms of how it would respond: officials were reluctant to pursue permanent resettlement opportunities for fear of encouraging additional movement, but, at the same time, they were also worried about the political and economic impact of large numbers of refugees on the border.³⁶

For Western observers, including Canadian representatives, the presence of the refugees raised the question of humanitarian responsibility. What should and could they do on behalf of refugees? As this question was debated in embassies abroad and among policy-makers in Ottawa, officials also came to realize that the refugees represented a potential source of first-hand evidence about what had been occurring in Cambodia. Ambassador William Bauer, who had served on the International Commission for Supervision and Control in Vietnam, and would later become a member of the Immigration and Refugee Board in Canada, recognized the potential insights the refugees could offer. He argued that the Canadian government should interview Meo, Lao, Vietnamese, and Hoa refugees because "Canada would then be in position of leader in cause of human rights rather than that of back-up for USA and UK."³⁷ With this assessment, Bauer drew attention to efforts by officials in the US and Britain to use refugees to raise the issue of human rights violations by the Khmer Rouge at the United Nations. It was an effort that some Canadian observers found distasteful, detecting a kind of competition based on moral superiority and high-mindedness, or what one described as "the air of crusade," in which the British and Americans competed with each "other for top honors in pinioning Cambodia."³⁸

Despite these expressed reservations about the approach taken by Canada's closest allies to human rights issues in Cambodia, Ambassador Bauer's suggestions for conducting interviews with arriving refugees resonated with other interests in Ottawa. Officials in External Affairs recognized that the American government would be appreciative of additional insights that could help their case.³⁹ Moreover, there was considerable concern about the continued reliance on secondary sources for information, including the information that was used to pass the resolution on genocide in the House of Commons in April. Officials in External Affairs noted that any case they wanted to make to the UN Human Rights Commission would be "considerably weakened," if they weren't able to "document our expression of concern about the Cambodian situation from our independent sources." They therefore urged the ambassador and his team to proceed.⁴⁰ The government wanted to participate in the case against the government of Democratic Kampuchea at the United Nations, and it needed evidence in order to do so.

36. Courtland Robinson, *Terms of Refuge: The Indochinese Exodus & The International Response* (London: Zed Books, 2000), 66.

37. Telex, Bangkok to Ottawa, 27 July 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

38. Telex, New York to Ottawa, 27 July 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

39. Telex, Ottawa to Bangkok, 9 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

40. Telex, Ottawa to Bangkok, 1 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

Staff in Bangkok were subsequently instructed to gather evidence about the “human rights situation” in Democratic Kampuchea.⁴¹ The interviews were seen as potentially valuable in order to “meet public and other enquiries” about what action Canada had taken and as a substantive example of Canadian engagement when the subject of human rights in Cambodia was raised at the United Nations (there was a scheduled discussion in the fall of 1978).

Over the course of August 1978, Canadian officials interviewed refugees in the Aranyaprathet refugee camp in Thailand as well as refugees held at the Ta Phya police station. Some were also interviewed in hospital. One man, for instance, was part of a group killed on Cambodia’s border with Thailand by a landmine explosion, which caused him “extensive wounds on (his) arms and neck.” He was still receiving medical care when he was interviewed by officials.⁴² Refugees were selected on the basis of “random selection” and a “broad range of backgrounds.”⁴³ In total, Ambassador Bauer and his team interviewed 27 men and three women, aged 19 to 52, of whom they asked a series of questions that resulted in standardized summaries that captured the biographical history of the interviewee, living conditions, and what officials described as “administration/justice,” which was a pointed summary about the lack of human rights in Democratic Kampuchea. All of the interviewees mentioned family, including wives, children, and parents, left behind. Picking up on these references, Ambassador Bauer observed that “perhaps the most tragic aspect” of the violence was “the practice of eliminating entire families because of the social, intellectual, or political background of one parent.”⁴⁴

In asking questions about the conditions and the nature of justice in Cambodia, the interviewers attempted to ascertain and document the extent of the human rights violations they believed had occurred. In the surviving summaries, interviewees consistently described both stark inequalities in access to food and a lack of justice. The interviews also revealed the nature of the oppression taking place more broadly:

All lands ceded to state after April 1975 and formerly autonomous regions lost their autonomy. Could not move from village to village. In evening had to stay in house and could not talk freely there because of roaming village spies. 2 or 3 evening meetings a week with commune leaders to “discuss” how best to carry out work. Meetings consisted of leaders giving work instructions. Told villagers they “had no right to think or criticize, only to work.” Those who did complain about general conditions were “tortured, taken away or killed.”⁴⁵

Villagers were given one bowl each of thin rice gruel at each of 2 daily meals. The cadres ate well: ample amounts of rice, fowl and pork legs. Latter were also able to kill

41. Telex, Washington to Ottawa, 9 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

42. Interview #8, 7 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

43. Telex, Bangkok to Ottawa, 10 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

44. Telex, Bangkok to Ottawa, 10 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

45. Interview #1, 7 August 1978, RG 25, Vol. 15891, 45-CAMBOD-13, LAC.

animals themselves for the meat. No modern medicine for villagers. Had to receive permission of village/commune chief to marry. No real ceremony. Religious practices completely forbidden after April, 1975. Khmer Rouge destroyed everything in temples, including Buddha statues, and razed homes of monks. Priests disrobed and killed if they resisted. Latter forced to work like all others. All schools closed April 1975. None reopened.⁴⁶

...travel only rarely permitted to next village and then for reason such as visiting sick mother. Had to seek permission from commune chief to marry and then could only marry in large groups. Khmer Rouge could marry whomever and whenever they chose if commune chief agreed. Some girls in his commune were murdered (strangled and poisoned) for refusal to marry Khmer Rouge soldiers who had "proposed." His sister from nearby village told him attractive girls there often raped and then killed by Khmer Rouge. She fled to join brother after attempted rape by Khmer Rouge. Latter killed for unrelated reasons by another Khmer Rouge as he was in process of raping sister.⁴⁷

Interviewees described the hierarchies that distinguished villagers and peasants from Khmer Rouge cadres. As one man recounted:

Khmer Rouge and cadres ate together in closed off area behind common kitchen. Meals prepared and served by 2 or 3 women of village. 3 meals a day including ample amounts of rice, fish, chicken, before soldiers and cadres as result much more physically fit than villagers. Latter had modern western medicine and drugs before April 1975. After that period had to use roots and herbal medicines. Cadres given modern medicines. Villagers forced to work even when sick. Children worked in fields alongside others and only education they received was lectures on communism given by village chiefs. Subject received one part of shorts and shirt in 1976 and again in 1977.⁴⁸

And finally, interviewees proved forthcoming with their accounts of injustice including false trials, executions, and torture:

No trials ever held or any right of defence. Many executions over past 3 years though situation worsened somewhat in June, July, 1978. Executions by shooting were rare. Most victims killed with blows from blocks of wood or axes. Buried immediately afterward without religions ceremony. In mid-July, 1978 while working in field a few kilometres outside of village he saw 20 of his friends and neighbours beaten to death. Those killed were former school teachers and families of former minor Lon Nol officials and low-ranking soldiers. Khmer Rouge had marked all people

46. Interview #4, 7 August 1978, RG 25, Vol. 15891, 45-CAMBOD-13, LAC.

47. Interview #16, 22 August 1978, RG 25, Vol. 15891, 45-CAMBOD-13, LAC.

48. Interview #1, 7 August 1978, RG 25, Vol. 15891, 45-CAMBOD-13, LAC.

(including families as of mid-1978) in these categories for destruction. In late July saw Khmer Rouge enter village one evening on bicycles carrying cords with which they always tied people up before leading them away. He fled immediately with group of friends to avoid arrest.⁴⁹

15 disappeared from subject's village after arrests in post-1976 period. Saw 1 man tied up behind motorcycle and forced to run behind cycle out of village. Never returned. One girl who was cooperative cook complained that cooperative never received bananas even though Khmer Rouge had promised people could have desserts. She was tied up in public stocks for two days without food and beaten with sticks and stones by children of Khmer Rouge cadres before disappearing. Subject fled day after hearing from friend from next village with whom he was working in fields that 57/57 of 60/60 men in latter's village had been arrested and taken away in single group.⁵⁰

No tribunals or even empty show of justice. Subject was in Sisophon April 17, 1975. Public announcement called on soldiers, teachers to come together to help new regime. Soldiers gathered and were placed in trucks. Teachers group then forced to march to nearby village. En route saw bodies of over 100 soldiers who had been trucked away lying in fields. Shortly after that Khmer Rouge seized heads of 10 family units of village and executed them in front of other villagers. 1976 to 1978 subject stated several people who complained to Khmer Rouge about conditions were killed and buried in village so others would know fate of complainers. By his estimates over past 3 years approximately 40% of 300 families in his village "disappeared" after arrests. He was aware by seeing bodies that at least several of those who disappeared had been killed. Stated situation worsened considerably in 1978. July 1978 cadres stated that even if 3 traitors were left in commune they could form resistance group so all must be destroyed.⁵¹

In compiling their feedback to headquarters, Canadian officials included general observations about the conditions of the refugees. Ambassador Bauer, for instance, noted:

...recent arrivals are generally in bad condition—under nourished, sick, and in some cases, wounded. There is a blankness in their eyes and a flatness in their speech which reflects not only their own experiences, but also the knowledge that they have left their country and the closest members of their families, about whose whereabouts and condition they often have no knowledge. The interviews are intrusions which force them to revive memories of things they would rather forget, and are not easy for them, especially since we have nothing to offer in return. . .

49. Interview #4, 7 August 1978, RG 25, Vol. 15891, 45-CAMBOD-13, LAC.

50. Interview #10, 21 August 1978, RG 25, Vol. 15891, 45-CAMBOD-13, LAC.

51. Interview #20, 22 August 1978, RG 25, Vol. 15891, 45-CAMBOD-13, LAC.

This reference to having “nothing to offer in return,” captured in the title of this article, was somewhat disingenuous, for suggestions of humanitarian assistance, and later refugee resettlement, had been made in Canada since 1975. What Bauer perhaps intended to convey was that the government had no intention of compensating the refugees with any kind of material or immigration support. Rather, refugees were asked to, in Bauer’s words, “revive memories...they would rather forget,” with no tangible benefits in return, “except the assurance the Canadian government is seeking the information they can provide only in order to try to bring about an improvement of conditions in Cambodia.”⁵² Here we see a twist on the idea of a beneficent refugee, or a refugee that salvages the reputation of a liberal empire, such as the US, or a complicit nation, such as Canada. Here the exchange was different: it was the exchange of personal, first-hand insights for the knowledge of having contributed to raising awareness about the plight of one’s family, community, nation, and, more abstractedly, to the pursuit of justice.

As officials hoped, the interviews provided a snapshot of what life had been like under the Khmer Rouge regime after 1975, and the Canadian government ultimately used eight of the 30 summaries in a submission to the UN Commission on Human Rights to prove that “a generalized situation and a consistent and sustained policy [had been] carried out by the Cambodian government since May/June 1975.”⁵³ In distilling extensive transcripts to brief summaries, which are the only records that survive in the archives, the government essentially made data out of human trauma. The challenge for the authors was to establish a case that proved violations had taken place and to marshal sufficient evidence to do so. In compiling the report, embassy officials recognized the limitations of the task with which they were engaged. Ambassador Bauer conceded that “human rights is an open-ended term,” but argued that “the Universal Declaration of Human Rights serves as a useful bench-mark, and we are convinced that Cambodian government has been violating, and continues to violate, every article of the Declaration. These violations are not occasional but continuing, not random, but systematic, not inadvertent but conscious and deliberate.”⁵⁴

In what resembled a legal brief, staff in Bangkok then provided a list of violations they had identified, article by article, using the Universal Declaration of

52. Telex, Bangkok to Ottawa, 10 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

53. *Ibid.* See also, Report of submission to the United Nations, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, “Question of the violation of human rights and Fundamental freedoms,” E/CN.4/Sub.2/414, United Nations Archives (UNA), 14 August 1978; Government of Canada, “Report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII): submission from the Government of Canada under Commission on Human Rights decision 9 (XXXIV),” E/CN.4/SUB.2/414/ADD.1, 7 April 1978; Government of Canada, “Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories : report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) : submission from the Government of Canada under Commission on Human Rights decision 9 (XXXIV),” (UNA), 8 September 1978.

54. Telex, Bangkok to Ottawa, 10 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

Human Rights as the basis for their intervention. Article 1 of the Declaration states, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Referencing this article, the diplomats indicated, “for (the) vast majority of population, neither freedom nor equality, dignity nor rights, exist. They are subject to complete control of Khmer Rouge officials and soldiers, who live separate and apart and receive better treatment, food, etc. (until they fall out of favour).”⁵⁵ They identified violations in Articles 2 to 21 and, in a press release, highlighted the “wide range of violations of human rights,” by listing “arbitrary arrest, detention and execution, civil and/or unusual punishment, religious suppression, and denial of free expression other than that which is authorized by the state.”⁵⁶ In its submission to the UNCHR, the government insisted that the

testimony suggests that it is a persistent and sustained policy of the Government of Democratic Kampuchea to abrogate the commonly accepted rights of all persons. All evidence available to the Government of Canada, including recent interviews, indicates that Democratic Kampuchea has systematically violated the Human Rights of its citizens in a manner contrary to both the spirit and letter of the Universal Declaration of Human Rights.⁵⁷

Conclusions

The knowledge of the widespread violence garnered through interviews with arriving refugees in Thailand advanced discussions of human rights in Canada and internationally. In subsequent debates in the House of Commons, for instance, parliamentarians referenced the Cambodian situation as a cautionary example of how little the Universal Declaration of Human Rights meant without substantive intervention.⁵⁸ The refugee testimonies also had a significant impact on the Canadian government’s efforts to address the situation in Cambodia. This included the submission made to the UNCHR but also additional humanitarian assistance and refugee resettlement opportunities. For instance, the suspected conditions in Cambodia, confirmed by the interviews, led the government to immediately create a special admissions program, in which 20 families a month were resettled to Canada from Thailand, with preference for Cambodian refugees and an unannounced cap of 1000 people.⁵⁹ The government also tried to advance a fact-finding mission to

55. Telex, Bangkok to Ottawa, 1 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

56. Telex, Bangkok to Ottawa, 10 August 1978, RG 25, Vol. 14944, 45-CAMBOD-13, LAC.

57. See E/CN.4/SUB.2/414/ADD.7, (UNA), 8 September 1978.

58. Ray Hnatyshn (Saskatoon–Biggar), *House of Commons Debates* (Ottawa: Government of Canada), 30th Parliament, 4th Session, Volume 2, 8 December 1978, 1939.

59. Cabinet had made an initial decision to extend the existing resettlement programs on 20 July 1978. See Record of Cabinet Decision, 20 July 1978, RG 25, Vol. 14944, 45-CAMBOD 13, LAC. At the same time, it authorized the Canadian International Development Agency to provide C\$500,000 to the United Nations Special Appeal for Indochinese Refugees. The preference for Cambodian

Cambodia when Canada became chair of the UNCHR in 1979, but political divisions at the United Nations led to the defeat of this particular effort.⁶⁰

The interviews, therefore, resulted in tangible benefits for some. The interviews also had demonstrable, if somewhat intangible, benefits in terms of shaping the discourse around human rights in Canada and at the United Nations. And so, it is perhaps here, at this critical moment, when Canadian officials and parliamentarians were using refugee intelligence to further engage with an international human rights agenda, that the question of the deserving refugee and the idea of refugee gifts became more pronounced. The Canadian state profited from the knowledge that refugees were able to impart, as it was able to use their information and insights to present a human rights case and a national image that, in turn, has enabled successive governments to claim a kind of moral high ground in international relations. In broad terms, one could argue that the refugees ultimately benefited as the international community became increasingly convinced of the harm being perpetrated in Cambodia, and the need to take action as a result. As the international community sought to effect change in Cambodia, it used the language of human rights to do so. One can therefore describe the intelligence information offered by the refugees as a contribution to a greater good. Yet, if that is the case, it would also make sense to recognize that the relative strength of the “human rights moment” in the 1970s was not just a product of the shifting terrain of the global cold war and the coming into force of international legal instruments, as suggested by the scholarship to date. It was also born of gross human rights violations experienced by Cambodians, and others around the world, some of whom provided testimonies of their suffering.

The information provided through refugee interviews was all the more valuable because of the context in which observers had been functioning previously. For three years, they had essentially relied on rumour and speculation to determine what was happening Cambodia. The opportunity to give credible weight to human rights concerns, and to thereby advance the cause of human rights, was noteworthy. As the Canadian government itself observed when releasing the refugee accounts to the UNCHR:

...we had concluded that the self-imposed isolation of the Kampuchean government made it essential to take unusually strong steps. We felt compelled to urge the international community to pay heed to the tragic situation prevailing in that beleaguered country.⁶¹

refugees was largely a reflection of the Canadian government’s awareness that the Thai government preferred Vietnamese refugees over Cambodians due to their generally higher levels of education. Knowing that Cambodians would not be favourably treated in Thailand, the Canadian government opted to offer resettlement opportunities. As such, many of the people who benefited from this specific program were victims of the Khmer Rouge regime. It is unclear whether those interviewed were ever included in the special resettlement program.

60. Thomspon, *On the Side*, 67.

61. See correspondence in RG 25, Volume 15891, 45-CAMBOD 13, LAC.

As the foregoing makes clear, the Canadian government did not conduct interviews with arriving refugees in order to understand, and ease, the suffering of particular individuals. Rather, refugees were interviewed so that the government could obtain information to serve a larger human rights agenda. Being able to discuss the issue of genocide using evidence from those who had experienced mass violations, therefore, served a key purpose: it gave weight to the idea of human rights as an issue for which the international community was responsible, and it drew attention to the atrocities committed by the Khmer Rouge after 1975. It is clear that the refugee testimonies benefited the expanding human rights agenda of the 1970s. They may also have shaped some of the resettlement efforts in Canada after 1979 and the Canadian government's more recent contributions to de-mining activities in Cambodia.⁶² But justice on a grand scale remained elusive. It was only in 2018, four decades after refugees were first interviewed about mass atrocities in Cambodia, that an international tribunal determined, in a very limited manner, that the Khmer Rouge had committed genocide against the Cham and Vietnamese ethnic minorities.⁶³ For the Cambodian people as a whole, the search for justice continues.

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62. "Canada announced new initiative to eliminate landmines." *Global Affairs Canada*, 4 December 2017, https://www.canada.ca/en/global-affairs/news/2017/12/canada_announcesnewinitiativestoeeliminatelandmines.html (accessed 10 May 2020).

63. Hannah Beech, "Khmer Rouge's slaughter in Cambodia is ruled a genocide," 15 November 2018, <https://www.nytimes.com/2018/11/15/world/asia/khmer-rouge-cambodia-genocide.html> (accessed 6 April 2020).