

for human rights therefore conflicts with the priorities underlying the international legal order. While a Universal Declaration of Human Rights was promulgated under the auspices of the United Nations, the Charter of the United Nations first enshrines the principle of national independence with the concurrent right of each sovereign state to demand noninterference in its internal affairs. There is a limit on the extent to which constituted international authorities, themselves the creation of autonomous sovereign states, can pursue human rights issues. The international system resists tampering with the internal affairs of its member states.

Fortunately, international law relies on more than the covenants and treaties of sovereign states for its authority. Though of little moment in recent decades, custom and the scholarship of individuals still furnish sources of the rules applicable among the governments of nations. What a community of interdependent persons expects as acceptable behavior becomes a standard against which behavior in the community can be measured. A commission of inquiry could find its authority in its appeal to the conscience and moral standards of the world community.

Privately fashioned international custom can also establish criminality. Modern legal theory holds that domestic crimes may only be defined by legislative acts putting citizens on notice as to exactly what behavior will be proscribed. But since the international community has no central authority to establish criminal codes, an older definition of crime becomes relevant. Blackstone defined a crime as any act injurious to the commonwealth, including acts in derogation of those mutually accepted principles that sustain community life. Hitler's genocide and Pol Pot's slaughters deny the most basic rules of a just social order in any human community. In that sense their mass killings can be found to be crimes against humanity. Further, the precedent of Nuremberg puts leaders like Pol Pot on notice that fundamental inhumanity can be legally denounced under standards of international law.

Once a legal standard is applied to the current government of Cambodia, a foundation will have been laid to seek specific actions from other governments.

The commission should be organized in the most sober and thorough fashion. It must be devoted to strict attention to verifiable information, with advo-

cates of all points of view, including advocates of the Phnom Penh regime, invited to testify before an internationally respected impartial panel, which could examine the evidence presented and render an opinion.

Our response to Pol Pot must not be a wringing of hands and an acceptance of helplessness. Setting forth a rule of international law regarding regimes such as the one now ruling Cambodia can be a limited but necessary first step in dealing justly with organized inhumanity.

*Stephen B. Young is an Assistant Dean at Harvard Law School and was a member of the Citizens Commission on Indochinese Refugees that visited Southeast Asia in February, 1978.*

## EXCURSUS III

### *Israel Mowshowitz on The Survivor*

One of the most fascinating and least-known sites in New York City is the Tri-Faith Plaza situated across from Kennedy Airport's arrivals building. On it are erected three houses of worship—Catholic, Protestant, and Jewish—each one approximately the same size. They stand at this gateway to America and the United Nations as a symbol of the Judeo-Christian tradition on which America was founded and nurtured. While each chapel has its own unique design, the architects worked cooperatively to create out of the three a harmonious, aesthetic unit.

One of these chapels, the International Synagogue, houses the Ferkauf Museum. It was planned that this Museum have at least one religious art object from every Jewish community in the world as a token of the synagogue's international status and of the religious fellowship in which Jews throughout the world are united. As chairman of the board of the International Synagogue, I undertook in the summer of 1965 a trip around the world to collect such religious objects for the Ferkauf Museum.

The Berlin Jewish community decided to contribute to the Ferkauf Museum a Torah with an unusual history. This Torah belonged to one of the Berlin synagogues that was desecrated on the infamous *Krystallnacht*, November, 1938, when hundreds of Jewish houses of worship in Germany were desecrated by Nazi hoodlums. When found in the morning amidst the ruins of the synagogue, the Torah was taken to the Berlin Jewish cemetery and hidden there throughout the Hitler period. Now this historic Torah was to be Berlin Jewry's gift to the Ferkauf Museum to represent the agony and tragedy of German Jewry. I accepted this precious gift with gratitude, and upon my return to the United States placed it in a position of honor in the Holy Ark of the International Synagogue.

### UPDATE

Adolfo Perez Esquivel, the imprisoned Argentinian human rights activist who was the subject of Thomas Cornell's "Excursus" in the April *Worldview*, was released from jail in late June. He was imprisoned for fifteen months without charge or trial, according to his colleagues at the International Fellowship of Reconciliation. In the view of Jim Forest, director of IFOR, "the most significant factor was Mairead Corrigan and Betty Williams nominating him for the Nobel prize."

— The Editors

When my congregation, the Hillcrest Jewish Center, was planning a Holocaust commemoration service for Saturday, April 16, 1977, I suggested that we borrow this Torah from the Ferkauf Museum and that we bring it into the synagogue at the beginning of the service accompanied by a guard of honor of four concentration camp survivors. I further suggested that this precious Torah be met and welcomed from the pulpit by four of our own Torahs, carried by four children of survivors of concentration camps.

The planning committee suggested that having brought the Berlin Torah to the Ferkauf Museum, I should have the honor of carrying it into the sanctuary. I insisted that this honor should properly go to a Jew who is a native of Berlin and a concentration camp survivor. I knew we had such a member, Markus Safirstein, a Berliner by birth and a survivor of Auschwitz. On Wednesday evening prior to the April 16 Sabbath service, a member of the committee telephoned Mr. Safirstein to notify him he was to have the honor of carrying the Berlin Torah.

On Thursday morning Mr. Safirstein called to ask for an immediate appointment. He walked into my study, nervous and agitated. He told me that he hadn't been able to sleep all night. And then he told me why. The morning after *Krystallnacht* he and his father had gone to their local synagogue to see how it had fared. It was completely destroyed. However, among the debris of broken chandeliers, overturned furniture, and desecrated religious articles they found one Torah that had been miraculously untouched. They took this solitary and holy remnant of the synagogue to the Berlin Jewish cemetery, where they buried it for safekeeping.

Some time later both Markus and his father were sent to Auschwitz. His father perished in its gas chambers, but Markus survived and came to the United States. Now he was to carry at a memorial service for the six million martyred dead the very same Torah he and his father had buried thirty-nine years earlier!

On Saturday morning, as Markus Safirstein walked into the sanctuary to begin the Holocaust memorial service holding in his arms the Berlin Torah pressed hard to his bosom, tears flowed freely from his eyes. Neither he nor any other member of the congregation was consciously concerned with the open expression of emotion that seized them all. They knew we were living through a profound spiritual experience that symbolized to us the mystique and drama of Jewish survival.

As the children of the survivors, carrying four Torahs, left the pulpit to meet and serve as an escort for the Berlin Torah, the entire congregation chanted one of the Thirteen Articles of Faith formulated by Maimonides, the song of faith chanted by Jews as they marched into the gas chambers: "I believe with a perfect faith in the coming of the Messiah of Redemption."

*Israel Mowshowitz is Rabbi of Hillcrest Jewish Center, Flushing, N.Y.*

## AFRICA UPDATE

### *The Terror in Ethiopia— A Personal Account*

The following account of one 17 year old university student's experience, received by AI from a reliable source, is a horrifying, yet typical, example of the "Red Terror" campaign occurring in Ethiopia.

Since the Red Terror began in November 1977, AI has received numerous reports of a consistent pattern of widespread arbitrary arrests, systematic torture, large scale political killings, and mass political education in custody being carried out by the military government against suspected "counter-revolutionaries." AI estimates that at least 3,000 alleged opponents have been killed in Addis Ababa alone.

The youth must remain anonymous for fear of reprisals against him and his family. His brother was one of approximately 2,500 people killed on suspicion of antigovernment political activity in the first phase of the Red Terror campaign.

The student, who denies any involvement in political activities, was arrested by *kebele* (urban association) guards in Addis Ababa in January. He was detained for a few days and tortured under interrogation. The *kebele* guards eventually accepted his pleas of innocence but demanded that he prove his support for the Revolution by torturing girls held in the *kebele* prison. He refused. He was then thrown into a van with several other youths who were to be killed and their bodies left by the roadside as a warning to others. Like them, he had a label attached to his back giving the reasons for his "execution." None of them had been tried.

One of the *kebele* officials guarding the condemned youths recognized him and succeeded in persuading the other guards that he had never been involved in political activities and there was no good reason to kill him. He was released and returned home. There he was examined and secretly treated by a medically qualified friend of the family.

According to that person's description of his physical state, he had severe lacerations from flogging across the back, and bruising on the neck, shoulders, chest and feet from further beating. His hands were weak and his wrists showed black marks caused by the rope from which he had been suspended during beatings. He had burns on the head and experienced great difficulty in swallowing, which supported his statement that he had been tortured by electric shocks to the head and throat. His body was dehydrated and he had to be drip-fed. He felt great pain in the ribs, indicating that they may have been fractured, but it was not possible to X-ray him to confirm this.

Furthermore, he suffered from severe depression and other symptoms of disorientation, for which he later received hospital treatment, though the depression continued because his position was still insecure. His case was still to be reviewed by the local *kebele*, whose armed guards frequently torture and kill those they accuse of being "counter-revolutionaries."

AI has no further information about his fate, but "Red Terror" continues throughout Ethiopia, particularly against youths and students and, recently, against employees in government and commercial institutions.

—Reprinted from *Amnesty Action*, June