



## Calhoun: The NPS Institutional Archive

---

Faculty and Researcher Publications

Faculty and Researcher Publications

---

2008-09-12

# Justice, forgiveness and the Khmer Rouge Tribunal

Ear, Sophal

Monterey, California, Naval Postgraduate School

---

<http://hdl.handle.net/10945/40415>



Calhoun is a project of the Dudley Knox Library at NPS, furthering the precepts and goals of open government and government transparency. All information contained herein has been approved for release by the NPS Public Affairs Officer.

**Dudley Knox Library / Naval Postgraduate School**  
**411 Dyer Road / 1 University Circle**  
**Monterey, California USA 93943**

<http://www.nps.edu/library>



NAVAL  
POSTGRADUATE  
SCHOOL

# Justice, Forgiveness, and the Khmer Rouge Tribunal

Sophal Ear, Ph.D. (sear@nps.edu)

<http://faculty.nps.edu/sear>

Assistant Professor

Department of National Security Affairs

12 September 2008

The Nation's Premiere Defense Research University

Monterey, California  
WWW.NPS.EDU



NAVAL  
POSTGRADUATE  
SCHOOL

## Table of Contents

1. Background on Cambodia
  - Brief Modern History
  - Demography and Geography
2. The Khmer Rouge Regime
  - Who Were the Khmer Rouge?
  - What Did They Want?
  - Who Were its leaders?
  - What Justice Has Been Borne?
3. What Does Justice Mean?
  - Justice as Desert
  - Restorative Justice
  - Karmic Justice
  - The Idea of *Bap* and *Bon*
  - *Chbap* ("Law")
  - Beyond *Bap*, *Bon*, & *Chbap*: *Kum*
4. Forgiving and the Khmer Rouge
  - Understanding Forgiveness
  - Forgiveness in Buddhism
  - On forgiving and pardoning
  - Justice or Prosecution vs. Forgiveness
  - Justice vs. Impunity
  - Justice by Questionnaire or TV



WWW.NPS.EDU

2



NAVAL  
POSTGRADUATE  
SCHOOL

## 1. Background on Cambodia



The Nation's Premiere Defense Research University  
Monterey, California  
WWW.NPS.EDU



NAVAL  
POSTGRADUATE  
SCHOOL

## Brief Modern History

- Cambodia gained full independence from France in 1953
- April 1975, after a five-year struggle, Communist Khmer Rouge forces captured Phnom Penh and evacuated all cities and towns
- 1.7 million died (circa 25% of population)



4

WWW.NPS.EDU



- 90% of Cambodians consider themselves to be ethnic Khmers, overwhelmingly Theravada Buddhists.
- More than 50% of the population is less than 21 years old.
- Country is slightly smaller than Oklahoma.
- 14 million population (Oklahoma has 3.6 mil).



## 2. The Khmer Rouge Regime

"To keep you is no benefit. To destroy you is no loss."

Khmer Rouge Proverb







## Who Were the Khmer Rouge?

- The Khmer Rouge or “Red Khmer” was a communist totalitarian regime with its origins in the Khmer People’s Revolutionary Party (1951), renamed the Khmer Worker’s Party (1960) and forerunner to the Communist Party of Kampuchea (1971).
- By the 1960s, the Khmer Rouge considered the farmers in the countryside to be the proletariat and the true representatives of the working class.



7



## What Did They Want?

### *Cambodia Reds Are Uprooting Millions As They Impose a ‘Peasant Revolution’*



Communists entering Phnom Penh from the north on Monivong Boulevard on morning of April 17, 1975.



8

## Who Were Their Leaders?



**Pol Pot** aka "Brother Number One"  
May 19, 1925 – April 15, 1998



**Ta Mok** aka "The Butcher" died on 22 July 2006.

**Ieng Thirith**, wife of Ieng Sary



## What Justice Has Been Borne?

- After Vietnamese invasion, the worst of the Khmer Rouge village chiefs were killed by villagers
- Domestic Tribunal in '79 tried Pol Pot & Ieng Sary in absentia and found them guilty of the Crime of Genocide. **Not** internationally recognized
- In 2006, Extraordinary Chamber in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea established with UN support





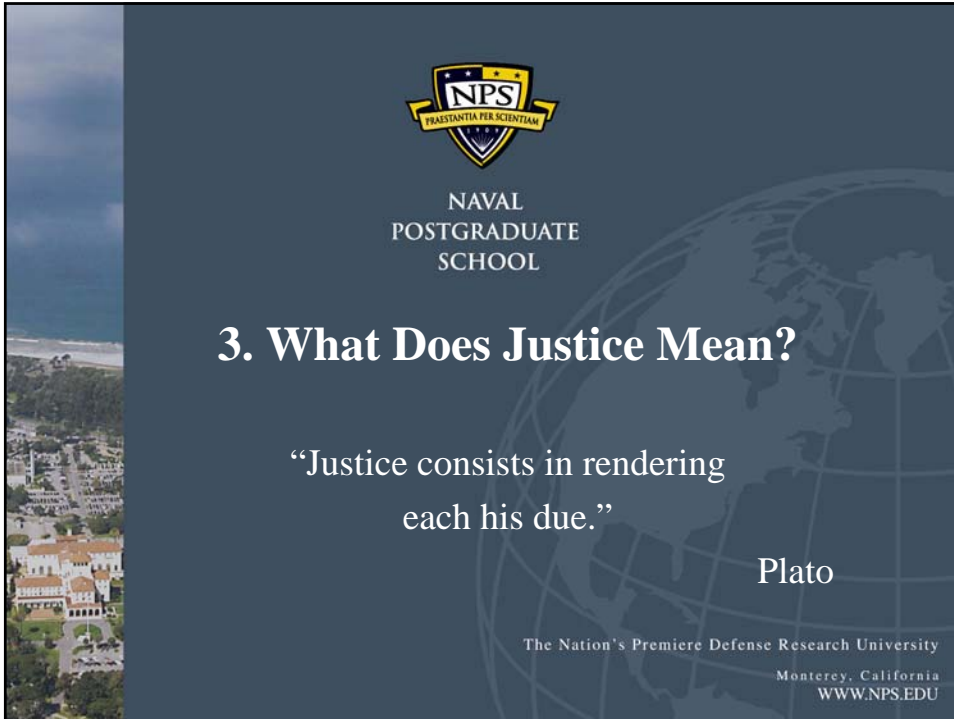
NAVAL  
POSTGRADUATE  
SCHOOL

### 3. What Does Justice Mean?

“Justice consists in rendering  
each his due.”

Plato

The Nation's Premiere Defense Research University  
Monterey, California  
WWW.NPS.EDU



NAVAL  
POSTGRADUATE  
SCHOOL

### Justice as Desert

- “Whatsoever a man sows that shall he also reap.”  
Paul (King James Bible)
- “Justice is rendering to every one that which is his due.”

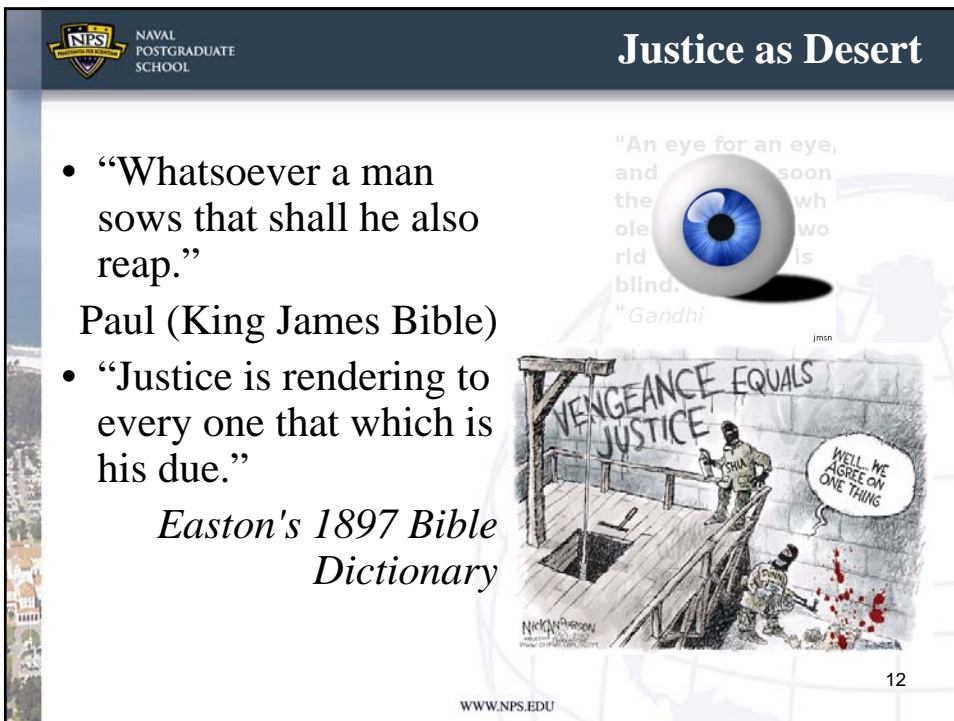
*Easton's 1897 Bible  
Dictionary*

“An eye for an eye,  
and soon  
the wh  
ole wo  
rld is  
blind.”  
"Gandhi"



12

WWW.NPS.EDU

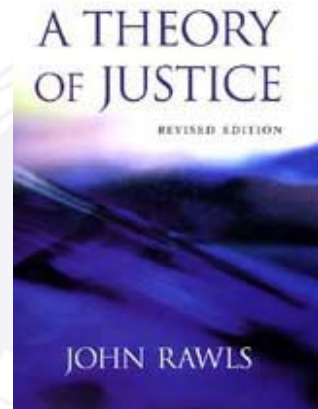






## Justice as Fairness

- Rawls' 'veil of ignorance'
  - adopt a principle of equality and liberty
  - “would require that any departure from equality should benefit everyone, and especially those who are least advantaged.”
- Distributive justice as opposed to procedural justice



13



## Restorative Justice

- Victim and offender meet in a process of mediation.
- Offender takes responsibility for the repair of damage.
- Offender is reintegrated into a normal life in the community.
- Repair the harm caused by criminal behavior through direct restitution.



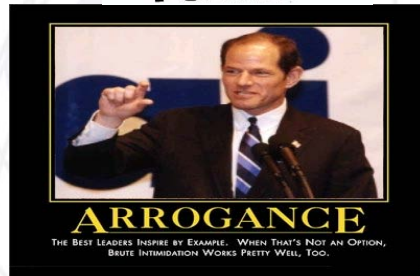
The Reconciliation of Jacob and Esau (from an 1893 German Bible.) 14





## Karmic Justice

- Karma means “action” or “deed”
- Good karma and bad karma (similar to “good and bad works” in western religions) are stored reactions that gradually unfold to determine our unique destiny.
- Thus, Karmic Justice takes place over time: “evil doers” are reborn as cockroaches, etc.



15



## In Khmer, the Idea of *Bap* and *Bon*

- “The concept of merit is central to Cambodian Buddhist beliefs. Good works produce *bon* and bad works produce *bap*. According to this philosophy, those in authority should have accumulated a lot of *bon* in order to have their current power.” – Douglas (2003: 162) in Iwamura (2003)
- “*Tver bon ban bon, tver bap ban bap.*” (literally “Merits beget merits, demerits beget demerits” aka “You reap what you sow.”)



16

By living according to the “law” (*chbap*) (i.e., the law of karma, abstaining from evil (*bap*), and earning merit in numerous ways, an individual moves forward on the righteous path. The concept of achieving merit and avoiding evil is the basic principle underlying the influence of religion on behavior, for living by the “law” involves numerous aspects of daily life.

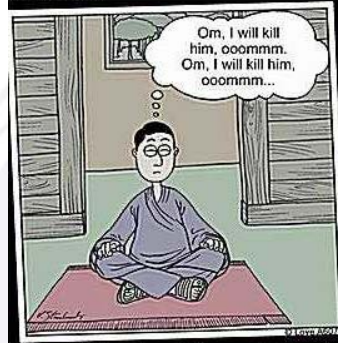
Ebihara (1966: 177)

WWW.NPS.EDU

© Original Artist

Reproduction rights obtainable from  
www.CartoonStock.com

### Snapshots



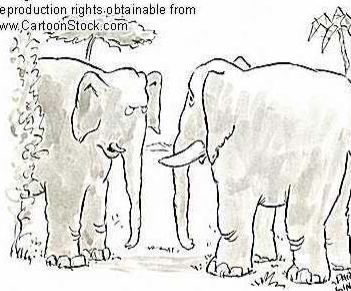
Jack would later be charged with premeditated murder.

17

“*Kum* is a Cambodian word for a particularly Cambodian mentality of revenge - to be precise, a long-standing grudge leading to revenge much more damaging than the original injury. If I hit you with my fist and you wait five years and then shoot me in the back one dark night, that is *kum* . . . Cambodians know all about *kum*. It is the infection that grows on our national soul.”

Ngor (1987 1<sup>st</sup> ed; 2003: 10-11)

© Original Artist  
Reproduction rights obtainable from  
www.CartoonStock.com



“ I CAN FORGIVE BUT I CAN'T FORGET ! ”

18

WWW.NPS.EDU



NAVAL  
POSTGRADUATE  
SCHOOL

## 4. Forgiving and the Khmer Rouge

“If we bring them [the KR] to trial it will not benefit the nation, it will only mean a return to civil war. We should dig a hole and bury the past.”

Prime Minister Hun Sen, December 1998

The Nation's Premiere Defense Research University  
Monterey, California  
WWW.NPS.EDU



NAVAL  
POSTGRADUATE  
SCHOOL

## Understanding Forgiveness

Forgiveness is the mental and/or spiritual process of ceasing to feel resentment, indignation or anger against another person for a perceived offense, difference or mistake, or ceasing to demand punishment or restitution



20

WWW.NPS.EDU



## Forgiveness in Buddhism

Forgiveness is seen as a practice to prevent harmful thoughts from causing havoc on one's mental well-being.

“If we haven't forgiven, we keep creating an identity around our pain, and that is what is reborn. That is what suffers.”



[Abhayagiri Buddhist Monastery - Universal Loving Kindness](#) (2006).

21



## On forgiving and pardoning

“We don't use the word forgiveness, but pardon (*awt aun; a pheay toh*) may be the right word to use in Cambodian context ... If there is respect, there will be forgiveness. If we look at the KR comrades at community levels who were reintegrated into normal lives, they showed respect to the people and they received back forgiveness. Usually, Cambodians rarely say sorry (*som toh*) when they step on a foot, but just smile and are forgiven.”

—Survivor



22



## Prosecution vs. Forgiveness

“I don’t believe that justice is enough for what had happened to my family. No justice in the world will bring my family back.” –*Young woman*

“I take a different view: that the tribunal is important and that we need prosecution before we can ever reach the point of true forgiveness.” –*Youk Chhang, Director, Documentation Center of Cambodia*

“I believe in prosecution. When successful prosecution is attained, justice will be attained.” –*Survivor*



23

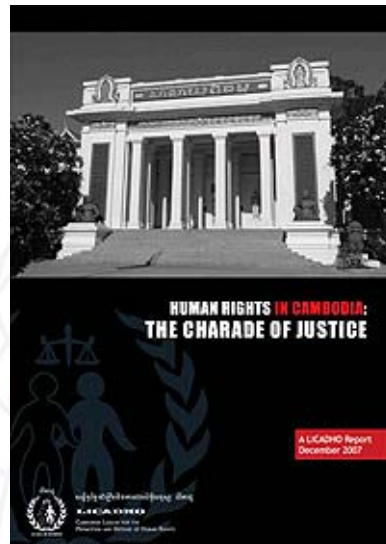
## Justice vs. Impunity

“It is important that this tribunal happen soon ... The Cambodian people need justice in order to prevent such serious crimes against humanity from happening again.”

*Thun Saray, president, Cambodian Human Rights and Development Association*

“The major human rights problem in Cambodia, in my assessment, is impunity...They see these mass murderers going scot-free, and even treated as VIPs, while people with minor crimes go to jail.”

*Thomas Hammarberg, former UN Human Rights Envoy for Cambodia*



24

The Venerable Yos Hut suggested to me that they could save all the money being spent on the ECCC by just sending out a questionnaire to the people who lived under the KR and asking them what should be done with the 5 detainees. (Does anyone doubt that they are guilty of participating in what the KR did?)



Anonymous (non-Khmer)

“Everyone knows they are guilty. They should be executed right away. If they were executed on national TV, maybe that could provide some satisfaction.”

*Sophal Leng Stagg, Author*



25



Out of an estimated 17,000 people imprisoned at Tuol Sleng, there were only twelve known survivors

26