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# Justice, Forgiveness, and the Khmer Rouge Trials

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# 1. What does justice mean?

“Justice consists in rendering  
each his due.”

Plato

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- “Whatsoever a man sows that shall he also reap.”

Paul (King James Bible)

- “Justice is rendering to every one that which is his due. It has been distinguished from equity in this respect, that while justice means merely the doing what positive law demands, equity means the doing of what is fair and right in every separate case.”

*Easton's 1897 Bible Dictionary*



- 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





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



- Karma literally 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.
- Unintended consequence: reluctance to take action as civil party (bad Karma could ensue).



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## 2. What does forgiveness mean?

“To err is human, to forgive divine.”

Alexander Pope

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# On Forgiving, Forgetting, and Begrudging

“Forgive your enemies, but never forget their names.”

John F. Kennedy

“Forgive as the Lord forgave you.”

Paul (Colossians 3:13)

“*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.”

Haing Ngor



# 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
- In Buddhism, forgiveness is seen as a practice to prevent harmful thoughts from causing havoc on one's mental well-being.



# Forgiveness in Buddhism (1)

- “In contemplating the law of karma, we realize that it is not a matter of seeking revenge but of practicing metta [loving kindness] and forgiveness, for the victimizer is, truly, the most unfortunate of all.”
- “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).



## Forgiveness in Buddhism (2)

‘He abused me, he struck me, he overcame me, he robbed me’

— in those who harbor such thoughts hatred will never cease.

‘He abused me, he struck me, he overcame me, he robbed me’

— In those who do not harbor such thoughts hatred will cease.

– ([Dhammapada](#) 1.3-4; trans. [Radhakrishnan](#))



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### 3. Justice, Forgiveness, 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

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# Justice or 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.”

*The author’s niece*

“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*



# 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*



# Justice vs. Development or Compensation

It seems that the Khmer Rouge trial issue is diverting all attention from development.

**I don't know what kind of justice it would be if at most those few old and ill criminals are sentenced for life, which means for 10 years or so as they are about to die anyway.**

**If this is achieved, which will be at the costs of millions of dollars and huge amounts of efforts for development, then they will say "justice" is achieved at last.**

Can 10 years or more of their ill lives in custody compensate for the losses of more than one million lives?

**Clearly, our poor people need "compensation" much more than "justice" in this sense.**

*Chan Sophal in 2000 (then a student at U. London)*



# Justice by Questionnaire or TV

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*



## Conclusion: Norm Penetration Shrugged

- From a non-Khmer observer:
  - **All the western legalities are beyond most Khmer, especially those who lost their families to the KR.**
  - Extraordinary Chambers in the Courts of Cambodia looks like a desert out there, as marginalized as it seems to be in the minds of the Khmer people, at all levels of society.
  - I did not meet anyone outside the ECCC itself who thinks that it is doing anything worthwhile.