



## **On the Record: Civil Society and the Tribunal in Cambodia**

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### **The Religious Community**

Issue 6 looks at how Buddhism, a religion noted for its forgiveness and the dominant religion in Cambodia, would deal with the legacy of the Khmer Rouge. The Venerable Yos Huot makes a plea for compassion and forgiveness, but also insists that justice should not be forgotten.

#### **Contents:**

- **Buddah's Teachings and a Tribunal for the Khmer Rouge by the Venerable Yos Huot Khemacaro**
- **Buddhism, Justice and Reconciliation by Heng Monychenda**
- **Peace, Pity and Forgiveness by a Christian NGO Worker**

#### **From the AP Editorial Desk**

Buddhism, monks and temples play an important role in Cambodian life and over 90 percent of all Cambodians say they are Buddhist. This has encouraged some sweeping generalizations: How could the murderous Khmer Rouge possibly have made such inroads when the dominant religion is noted for its forgiveness and respect for life? In fact, the relationship between religion and the Khmer Rouge legacy is complex, and generalizations are difficult. In this issue, two prominent Cambodian experts on Buddhism, the Venerable Yos Huot and Heng Monychenda (a former monk), share their views on how Buddhism can help society deal with the future.

The third statement, from a nongovernmental organization (NGO) worker, echoes the views of several Cambodian Christians interviewed for this project. Approximately two percent of the Cambodian population is Christian (many of them of Vietnamese descent). Another two percent are Cham (Muslims).

The Venerable Yos Huot Khemacaro was a co-founder in the 1980s of the NGO "Coalition for Peace and Reconciliation." He attended the Jakarta all-party talks on Cambodia in 1989. For a time, he was also employed by the UN Transitional Authority in Cambodia (UNTAC), developing human rights material in the Khmer language from a Buddhist perspective. This was very unusual for a Buddhist monk.

In the following statement, the Venerable Yos Huot explains how Buddha's teaching can help Cambodians come to terms with the past. He makes a plea for compassion and forgiveness, but

also insists that justice should not be forgotten.

Heng Monychenda spent 18 years as a Theravada Buddhist monk, at the Thai-Cambodian border refugee camps and in Cambodia. In 1992 he founded a non-profit organization, Buddhism for Development, which promotes integrated development rooted in social values and is based in Battambang province. He holds a Masters in Public Administration from the Kennedy School of Government and has written a number of books on Buddhism.

During the Khmer Rouge era, Heng Monychenda was assigned to be a member of a mobile youth group. In addition to the hardships of daily life, he remembers the potency of Khmer Rouge propaganda against the Vietnamese. Battambang province, where he now lives, is adjacent to the former Khmer Rouge areas and he makes a point of recalling the needs of those who live close to the border areas. In the fuller version of this article, he spoke about his recent trip to the Khmer Rouge stronghold of Pailin -- about its great natural beauty, but also its great needs.

In the following piece, Heng Monychenda provides a Cambodian interpretation of Buddhism and insight into the concepts of forgiveness, confession, and apology. Like several respondents in the survey, he makes a reference to the parable of Anguli Mara.

Contradictions abound in this statement, as in several others. On one hand, Heng Monychenda is saying that Cambodians would prefer to think about rice than about the Khmer Rouge. On the other hand he agrees that justice is of the utmost importance. And he struggles to the answer the question -- why did the Khmer Rouge do what they did?

### **Buddah's Teachings and a Tribunal for the Khmer Rouge**

by the Venerable Yos Huot Khemacaro

Buddhism is in the Constitution as the state religion. Almost all Cambodian people say they are Buddhist, even the leaders. So they must follow these principles. If all the Cambodian leaders, including those in the executive, legislative, and judiciary, respect these four ideas, they will have a good result. For example, in assessing the judges, they should have the following characteristics: neutrality, honesty, competence, and independence. All decisions and judgments should depend on these principles.

Following Buddha's teaching we have to avoid being influenced by four things -- the motives of evil action: partiality (desire, attachment, self interest), enmity (hatred, anger, vengeance, retribution), stupidity (ignorance -- of the law, regulations, or procedures equals incompetence), and by fear (or lack of independence).

We need to finish the story of the Khmer Rouge, but we need to leave a lesson for history. We must not think just about justice for the Khmer Rouge, but justice for everyone. The lesson is for the Cambodian people, especially the survivors, but also for all of humanity. We need to clarify everything for the sake of history.

A trial should be good for reconciliation, to put an end to our bad memories and to start anew.

The purpose is not to think always about accusing each other. Instead we should think about how we can achieve stability and lasting peace. We need to start reconstruction and even to increase investment; this what the people need.

A tribunal needs to be acceptable to public opinion, in Cambodia as well as outside. If many people are not satisfied with a tribunal, it is possible that they may demand a new judgment later. This would mean that we haven't finished the story, and then there is no peace, no reconciliation and no reconstruction.

Forgiveness is needed to put an end to discussion and accusation. In Buddhism, when something is done, we say the past is past, the future we don't know. What is important is here, now and this: present verbal, corporal, and mental actions. Even when bad things happened, the past is still the past. After the problem is recognized, from then on, one must avoid repeating the bad actions.

Being without enmity means there is no hatred, no anger, and no vengeance. Punishment is not so important for me. The main thing is that we must prevent them from doing bad things again. Perhaps we could put the convicted leaders somewhere in exile.

Confession and Acknowledgment: Every two weeks one monk must recite the rules from memory to an assembly of all the monks in the temple. It is like a confession. After each chapter, this monk asks if there is anybody who has violated the rules and they should tell the community. The monk then says to the assembly of monks -- by your silence, I assume you are pure. They are asked three times. If they do confess, they should recognize the mistake and agree not to do it again. Acknowledgment is very important in the community. When someone commits a special offense and many people know about it, it is still very important to tell by oneself.

Compassion: When we think about people who commit mistakes we should not have hatred or anger, because we understand they were under the effect of three things: greed, hatred and delusion. We must show compassion for these wrong doers, help them abandon the bad actions, and find a right path. The Venerable Maha Ghosananda says in his book "Step by Step" that loving kindness and compassion must be given without concession, peace without appeasement. This means that compassion and peace are given without limits, to everyone, everywhere, at all times.

Punishment and Karma: Even among monks there are rules. If there is a problem, the community of monks must decide what to do about the monk who broke the rules. They can choose to advise or admonish, depending upon the degree of the offense. Sometimes they decide the monk must stay alone and can't participate in the community life and other monks won't talk to him. For major offenses, the monk must leave the community. But there is no excommunication in Buddhism. If you are told to leave the community of monks, you just become a lay person, but you can still be Buddhist. In Buddhism you can be a monk freely anytime. But you have to respect the rules.

In Buddhism all volitional actions have consequences. If you commit a violation of the five precepts that means you have committed a bad action or bad karma. Bad actions will produce

bad effects (bad Phala) here (now or later) or in the hereafter.

There are two bad consequences from bad actions: suffering of oneself and others in this very life, and bad destinations (hell for example in the hereafter). Another punishment is that you can receive punishment from the authorities. This could even include jail. Jail existed even during Buddha's time for thieves or murderers.

Karma is related to personal responsibility -- You can't lie because actions are accomplished voluntarily -- volitional action or conscious action. If someone commits an action consciously, bad or good, the person knows by himself if it is good or bad. In the concept of Karma, you don't need others to know. You complete the action and it exists in your memory and in your consciousness. Every volitional action will automatically produce effects sooner or later (Karma and Phala).

Because we live in society we need something to regulate our interactions. If we live alone, there is no need for regulations. But in society there is a need to preserve unity, accord, and harmony, for the interests of everyone, for the benefit of everyone, for progress, and for a way to find freedom and deliverance. We have morality or ethics, and concentration or meditation (to regulate or to purify the mind). This is the Middle Path. Wisdom is indispensable. Two things represent wisdom: right understanding or right view; and right thoughts. Buddhism advocates that wisdom and compassion must be cultivated and practiced equally.

Remorse: Buddhism doesn't recommend repentance or regret. You must have a good spirit now to accomplish good things here and now. If you live with remorse you cannot focus on the present actions. You shouldn't continue to suffer, even if you commit a crime. You should just try to understand that if you have done this bad thing, you will have bad consequences. You should consider the past crime as a mistake or error, and you should try to learn and gain advice for your present actions. If you live in the past it is not good. There is no need for remorse, just understand the cause and effect and try to learn from your mistakes.

We all experience both good and bad in our lives. We can change our destiny by doing good things in the here and now, as we can't change the past. The real reality is the present, and we must try to be masters of our actions and our destiny.

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## **Buddhism, Justice and Reconciliation**

by Heng Monychenda

In deciding whether to prosecute the Khmer Rouge leaders or not, we must think of the small people who live in the distant areas close to Pailin and who rely on the jungle to survive. If we try the Khmer Rouge leaders, we have to be aware that the war may start again. After the trial, can the security be ensured of those prosecuted and indicted? Some people in Cambodia have given their weapons back, but not in that area. Some may have had three or four weapons and probably only gave one gun back. The people in Phnom Penh must be concerned with the small

people and must take into account their safety and livelihood.

Many people living in Battambang are still afraid that the Khmer Rouge could be a threat. The idea of more fighting doesn't bring happiness. We just want to forget it. We want better food for our families, and we worry about our children. We don't talk so much about a trial for the Khmer Rouge. The main question is what we will eat that day. Daily life is hard enough. Yes, we read the paper and listen to the radio, but we never discuss among ourselves. Many of us are not sure what we think about it. Many Cambodians prefer to forget their troubles and go watch a video for 2-300 riels in the evening.

**On Buddhism:** In Cambodia, few people have a deep understanding of Buddhism. During registration for voting or for identification cards, the results show that the percentage of Buddhists in the population ranges from 95 to 99 percent. They say they go to the temple, but they can't explain which school of Buddhism they belong to.

What happened during the Khmer Rouge is a contradiction -- why did you kill and not follow Buddha's teachings? We wonder, why did Buddhists kill each other? How did this happen? How could former monks kill people? Did they initiate the killing themselves? Everyone wants to know this. We must do a real study.

**On Punishment:** Concerning punishment and reward -- who will do this? It depends on whether or not we believe in the system. If society misses a mistake, then God will take care of it. The very first step is your own consciousness and conscience.

Buddhism has two kinds of punishment. Early punishment in this life -- when you do bad things, you get bad results. You get punishment from society and community, not jail necessarily. One form of punishment can be that people will criticize you or seek revenge. After that the perpetrator will not sleep well at night. The conscience tells them they have done something wrong -- that is the punishment. Buddha has compared these ideas to a tree with branches, in the spring. You don't know where the fruit will be, although you are sure a flower is coming. This is like punishment. You know it is coming, but not where or when.

The second kind is punishment in the next world, which is hell itself. If you believe in a second life, then you believe that your acts are recorded -- Karma, God, hell whatever you call it.

**On Forgiveness, Confession, Apology, and Responsibility:** Buddha said we should forgive now and show compassion. But the people will wait and decide about forgiveness, depending on whether there is a trial or not. They should not be forced by outsiders to decide. People learn by experience. They do not want to fight circumstances. They will wait to discuss among the family about what to do. We should not assume they will forgive; we will wait for the cost benefit analysis. I think the people are clever. They depend upon their environment for decision making.

Forgiveness is not the only step in reconciliation -- the first step is that you want to start doing good acts. These concepts are shown in the story of Anguli Mara. In the first life as a human being he killed. But in the second life he was like a saint and helped a woman, and then by word of mouth the people accepted him. The moral is that by doing good acts you can improve your

life and your destiny.

Confession is very important in Buddhism. The first step is to look at yourself - self-discovery. Confession in Buddhism is not the same as confession in Christianity; it is not just confess your sins and be forgiven. In Buddhism it is different, you must promise not to do the mistake again. You agree to open your heart and acknowledge the mistake.

The apologies given by Khieu Samphan and Nuon Chea were just spoken as a politician speaks. They didn't really want to say "I was wrong". When they said "Please people forgive me" perhaps in politics people can say yes, they will forgive. But this is not the word of the people -- it doesn't mean that people forgive them. If the former Khmer Rouge leaders make a real apology it must be a complete phrase to show they really recall the mistake. "Yes, I was wrong and I apologize and I accept whatever condition falls upon me." To ask for an apology doesn't mean to ask for freedom, but it means to accept any result.

The problem is that these leaders don't think they were wrong. They made the apology because they wanted to buy time before they die. Pol Pot said "Ma conscience est tres Claire." He believed in the principles and the expected results; he did not focus on the means or the strategy. They believed whatever strategy brought them to these ideal principles was good. They didn't think of the results of the strategy. They thought their heart was clear because they loved the people. They would sacrifice everything to keep the principle alive. But many people do bad things in the name of good.

Truth and Reconciliation: Cambodians say that Cambodians didn't kill Cambodians; others said they did. Why? In the communist system, they said "I am a hammer, you are the nail, the village is the wood" -- this was their system of killing. Others say it was the United States or China that caused the killing. The victims say they want to know.

Should we establish friendships with the former Khmer Rouge? Yes, because they are not Khmer Rouge but are Khmer. These people, like all Khmer people are worried about their livelihood. We need to talk to each other and to build trust between us. Then they will tell us what happened."

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### **Peace, Pity and Forgiveness**

by a Christian NGO Worker

I do not know much about the current situation of Cambodia because I have just returned from my studies. I am also afraid to talk about these issues. Therefore, I am not much interested in them. I think that the trial for the Khmer Rouge is a difficult issue because there have been rumors that some high-ranking people in the government were also involved with the Khmer Rouge. I want to ask them back, "Who are the people who will be brought to trial? And to what level will the Khmer Rouge leadership be tried?"

When one remembers the Pol Pot time, everyone knows well about the difficulties and the separation of families. My parents and many of my relatives were killed during that time. I suffered also and was filled with doubts as to why Pol Pot did that?

I have forgiven the former Khmer Rouge already and told my family to forgive them, too, because after 1979 we have met the people who killed our parents. The reason we forgave them is because we realize that they are ignorant people. For me, as a Christian, I have to forgive and give them amnesty, as God has taught us to do so. We know that a robber is jailed for killing one person. What about Pol Pot who killed millions of people, should they be given amnesty?

I believe that there will be no accuracy and no justice despite the participation of foreign judges and prosecutors if it is done in Cambodia. If it is conducted outside Cambodia, justice can be ensured. The reason is that there is not full justice in Cambodia at the present time. Just take a look at the election in 1998. There was participation of foreigners at that time, but fraud still occurred. In 1993, there was not as much fraud, because the United Nations participated. In Cambodian society, justice exists only among international organizations. In the government, justice exists only on paper; laws are only for the small people. The big people violate the laws and commit corruption. Corruption exists even in the court system. For instance, justice has never been ensured for the prosecutions of many people in 1997, the beating and scolding monks in 1998, the killing of journalists, grenade attacks on demonstrators in front of the National Assembly, etc.

I believe that Cambodian people can live peacefully only if all political parties get along well with each other, and they eliminate partisanship and exercise real democracy. Once real democracy exists, the people will have full rights. But these rights must not be only given in the front, while then killing in the back.

Lastly, I would request all leaders of the political parties to have love, pity, and consideration (metta karona) and give amnesty to each other. If we continue the rancor, we will never end the bloodshed. As a result, there will be no real peace for us.

**In the next Issue: The Politicians**