



Sexual violence against ethnic minorities during the Khmer Rouge regime

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2014

A study of Sexual violence against ethnic minorities during the Khmer Rouge regime

This project was conducted by Cambodian Defenders Project (CDP) from August 2013 to March 2014. It was inspired by previous work conducted by CDP concerning gender-based violence during the Khmer Rouge regime. The research was funded by the Civil Peace Service of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

CAMBODIAN DEFENDERS PROJECT

As one of Cambodia's oldest civil society organisations, Cambodian Defenders Project provides free legal advice and representation to the poor and vulnerable, as well as promoting the rule of law, development of the judiciary and democratic governance in Cambodia. Under the guidance of Kasumi Nakagawa, the organization took an early interest in investigating the perpetration of gender-based violence under the Khmer Rouge, producing the first focussed research study on the topic in 2006. It has since continued its efforts to research gender-based violence, advocate for transitional justice for survivors, and to support others in this work.

SEXUAL AND GENDER-BASED VIOLENCE DURING THE KHMER ROUGE REGIME

This report can be downloaded in English and Khmer from the Gender-Based Violence website. The website hosts a range of research and resources on issues of sexual and gender-based violence during the Khmer Rouge, including audio and film recordings:

<http://gbvkr.org/gender-based-violence-under-khmer-rouge/>

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ACRONYMS

CDP	Cambodian Defenders Project
CEDAW	Convention to Eliminate Discrimination Against Women
CPK	Communist Party of Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia
ICC	International Criminal Court
NGO	Non-Government Organization
TPO	Transcultural Psychosocial Organization
VSS	Victims Support Section

DEDICATION AND ACKNOWLEDGEMENTS



Investigating sexual violence that took place nearly forty years ago is extremely challenging in a country still coming to terms with the genocide perpetrated by the Khmer Rouge and in which issues of sexual violence continue to be shrouded in secrecy and shame. The focus of this study on the experiences of Cambodia's ethnic minorities during the Khmer Rouge rule was further complicated by the isolation and discrimination these communities often face. The guidance and support of the following individuals and organizations were instrumental in enabling this research to be conducted.

First and foremost, the research is dedicated to the 105 women and men who welcomed the research team into their homes and generously shared their experiences of sexual violence, trauma, and loss. Their strength and resilience in the face of terrible adversity has been truly humbling. Their courage in breaking the silence on this taboo subject and desire for a more peaceful future has been inspiring.

Colleagues at the Cambodian Defenders Project have been unfailing in their efforts to document crimes of sexual violence and support survivors in their pursuit of transitional justice. The research was inspired and shaped by the Gender-Based Violence Project team, led by Duong Savorn and colleagues, Eng Nary, Hang Charya, Hong Naysim, Srea Ratha and Beini Ye who variously helped to develop the study design, draft interview questions, train interviewers, conduct fieldwork preparation, analyse and edit the report.

The pioneering work of other feminist researchers working in Cambodia critically informed development of this study. Valuable guidance in shaping the research was provided by Kasumi Nakagawa, Katrina Natale and Theresa de Langis.

The research project was led by Rochelle Braaf, who joined Cambodian Defenders Project in June 2013 as an Australian Volunteer for International Development. She has a PhD in Human Geography from Macquarie University and joined the team with thirteen years' experience in gender-based violence work.

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BACKGROUND, OBJECTIVES AND METHODS

On 17 April 1975, the Khmer Rouge took control of Cambodia, renaming it Democratic Kampuchea,¹ and so began one of the most brutal and deadly regimes of modern history. Over the next three years and eight months, the regime subjected Cambodians to forced transfer and evacuation, forced labor, torture and imprisonment. It is estimated that 1.5 million people died from execution, starvation, exhaustion and disease. While significant investigation has been conducted of atrocities committed by the regime, very little research and commentary has focussed on sexual violence that took place.

As in other conflict situations, there is evidence that serious sexual violence was perpetrated in Democratic Kampuchea against many people. The few pioneering studies that have examined this issue have suggested that some ethnic minorities may have been specifically targeted for this form of violence. This study was initiated to provide an evidence base about these crimes against ethnic minority peoples.

The research set out to compile data on the extent and characteristics of sexual violence against ethnic minorities in Democratic Kampuchea and its consequences, so as to better understand survivors' needs to support their recovery. It was also anticipated that survivor accounts could inform advocacy efforts for transitional justice mechanisms and supports. The study sought to answer the research questions: (i) did ethnic minorities experience sexual violence under the Khmer Rouge; (ii) who were the victims and who were the perpetrators; (iii) what were the details and characteristics of the violence; and (iv) did the experience of ethnic minorities differ from that of other Cambodians?

The study focused on the experiences of ethnic Vietnamese, Khmer Krom and Khmer Islam and Cham peoples, with the study area extending over six Cambodian provinces. Ethnic Vietnamese people living in Democratic Kampuchea were persecuted as perceived 'enemies of the revolution' and a threat to the state. Khmer Krom, who are ethnically and culturally Khmer but now principally located in South Vietnam, were also persecuted by the regime for being perceived to be aligned with the Vietnamese. Muslims, usually referred to as Khmer Islam or sometimes by the more specific ethnic grouping of Cham, have lived in Cambodia for centuries. The Khmer Rouge despised all religion. In an effort to dissolve this group into the broader Khmer population, the regime split up families and communities, instituted a concerted effort to marry Muslims with Khmer people and forbade Muslims from following their religious and cultural practices.

Data gathering for the study involved face to face interviews with 105 male and female



Cell at Tuol Sleng Prison

¹ The terms 'Democratic Kampuchea' and 'Khmer Rouge rule' are used interchangeably throughout the report.



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survivors of Democratic Kampuchea, who are now over forty years of age. Interviews were conducted using a structured questionnaire with open and closed questions. Respondents were interviewed confidentially about their knowledge of sexual violence, ongoing impacts of the violence for survivors, help-seeking, coping factors and ongoing needs.

SUMMARY OF FINDINGS

Almost two thirds of the 105 respondents directly experienced some form of sexual violence during the regime (predominantly as forced marriage) and a large majority had witnessed or heard about some form of sexual violence towards others, most commonly rape. Key findings of those experiences are discussed below.

Forced marriage: It has been documented elsewhere that the Khmer Rouge forced hundreds of thousands of people to marry, often to someone they didn't know, to exert control over families and produce children for the regime.²

A majority (67%) of ethnic minority respondents in this study were asked by the Khmer Rouge to marry someone. While a third submitted to this request for fear of being killed or receiving some other punishment, most refused at least initially. Of the 42 respondents who initially refused to marry, 35 were threatened or punished in some way. Of those who initially refused, all except two eventually married either that spouse or a subsequent spouse selected by the Khmer Rouge. The marriage procedure was basic, involving up to hundreds of couples at one time. While agents of the Khmer Rouge presided over the marriage procedure, families were almost never present. Some people did not know they were to be married until the procedure was being conducted. Some reported being married at gunpoint.

Those forced to marry were also required by the Khmer Rouge to consummate the marriage. Almost all the ethnic minority respondents forced to be married reported being watched by the Khmer Rouge at night to ensure consummation. Some husbands also forced their new wives to have sex. Forced sex in forced marriages was very distressing for male and female victims alike. Of the 40 respondents who married when initially asked by the Khmer Rouge, 29 had children from the relationship. Of those who married when initially asked, 26 stayed with their partner following the fall of the Khmer Rouge regime. Of those who stayed together after the fall, 23 had children from the relationship. Among the consequences of forced marriage, some men and women continue to live in deeply unhappy relationships; one woman spoke of being trapped in a violent relationship. Many expressed great sorrow at not having been able to choose their spouse or to be married traditionally.

Rape: The study data documented 56 witness reports of rape of ethnic minority women and girls, often as gang rapes perpetrated by multiple rapists. While most cases of rape involved single victims, nearly half of the cases involved mass rape of multiple victims. In most cases of rape (including all the cases of

² Evidence includes statements of survivors collected in Civil Party applications; see also Nakagawa, K, *Gender-based violence during the Khmer Rouge Regime. Stories of survivors from the Democratic Kampuchea (1975-1979)*, (Phnom Penh: Cambodian Defenders Project, 2008); Natale, K, *I could feel my soul flying away from my body. a study of gender based violence during Democratic Kampuchea in Battambang and Svay Rieng Provinces*, (Phnom Penh: Cambodian Defenders Project: 2011); Yim, S, *The past and the present of forced marriage survivors*, (Phnom Penh: Cambodian Defenders Project, 2012)



Bas relief of rape at Battambang Province

mass rape), victims were executed afterwards. In some incidents, the perpetrators mutilated victim's bodies either before or after killing them. Four respondents reported incidents of rape with a foreign object; that is they saw women's dead bodies with a piece of wood or a stick inserted in the vagina. In this environment, there was a pervasive fear amongst ethnic minority women and girls of being raped and killed at any time. All respondents identified Khmer Rouge cadre as rapists in cases they saw or heard about, with only one additional case involving a civilian rapist. Where respondents

knew the gender of the rapist, they identified only two female perpetrators and the rest as male.

Survival sex: In Democratic Kampuchea, food distribution was highly regulated by the Khmer Rouge. The general populace was given very little food to survive and most experienced malnutrition or starvation. As a consequence, some people exchanged sex for food, medicine or easier work duties. In the 20 cases of survival sex involving ethnic minorities, all but one case involved agents of the Khmer Rouge. In 15 cases, the perpetrator was believed to have acted alone. In all cases but one, the victims were women. In incidents reported, sex was exchanged primarily for food or easier work duties. All exchanges were hazardous for victims and sometimes perpetrators if discovered, with execution a potential outcome.

Sexual slavery: Thirty-eight respondents said they knew someone who was forced by the Khmer Rouge to provide sex on a regular basis in a situation where the perpetrator exercised ownership rights over the victim. Nearly half of those incidents involved someone from an ethnic minority. In all these cases, the perpetrators were male and working for the Khmer Rouge; all the victims were women. There were 9 cases of sexual slavery of ethnic minorities involving single victims and 8 cases with multiple victims. In one case, the number of victims was not known. In most incidents, women were forced to provide sex to groups of men. In some of the cases described, the women kept were eventually killed by their enslavers.

Other sexual violence: More than half of the 105 respondents identified sexual violence other than the forms listed above, that they experienced, witnessed or heard about. These forms ranged from sexual mutilation and sexual assault, to sexual mockery and unwanted groping. There were a few respondents who reported seeing or hearing about the sexual mutilation of an ethnic minority woman, most commonly following rape. These incidents included women's breasts cut off. In some of these accounts, it was unclear whether the bodies had been mutilated before or after killing the victim. However, there were some cases in which the respondent knew that sexual mutilation took place while the victim was still alive and most likely contributed to the victim's death. Two respondents reported seeing the public display of sexual organs. Even more disturbing, a number of respondents made gruesome references to acts of cannibalism by perpetrators, following the rape and execution of a victim.

Impacts for victims: While a few ethnic minority respondents continued to suffer some physical injury and pain from sexual violence they had experienced, much more common were psychological problems, including overwhelming anger, grief, fear, nightmares, depression and suicidal thoughts. Some felt trapped in unhappy, in one case violent, relationships as a result of forced marriage. Many



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victims of forced marriage continue to live with regret and sorrow that they were not able to marry traditionally or someone that they loved.

Help-seeking: While a few respondents had sought medical treatment for physical health problems when they could afford it, only 18 had sought out other supports like legal services or psychosocial support. Most respondents stated that their lack of knowledge about services was a key factor preventing help-seeking. For the few people who did have contact with a psycho-

social support or legal service, they found the experience to be a positive one.

Coping factors: Most of the direct victims of sexual violence spoke of their spouses or relatives helping them to survive to the present day and deal with the past. For others, needing to look after their children provided an incentive to survive. A few people mentioned religion and religious leaders as helping them cope and others talked about psychological services which have helped them deal with overwhelming emotions of anger, despair and grief.

Survivor needs: When asked what would assist them now to deal with the past, more than half of direct victims said they wanted to see the Khmer Rouge leaders sentenced and punished. Many were concerned about the length of time being taken to prosecute cases at the Extraordinary Chambers in the Courts of Cambodia (ECCC) and feared that those on trial would die before sentence is delivered. A number of respondents indicated that some kind of memorial to those who were killed by the Khmer Rouge or who died during that period would help them honor those lost. A few respondents talked about a need to inform the young generation of what happened during the Khmer Rouge, in order not to repeat such atrocities again. Some spoke of needing medical and other services.

Did ethnic minorities experience sexual violence under the Khmer Rouge?

The findings indicate conclusively that all the ethnic minorities under investigation were subjected to different forms of sexual violence. This included forced marriage and forced sex, rape (including gang rape, mass rape and rape before execution), survival sex, sexual slavery, mutilation, sexual mockery and other abuses. Some respondents reported victims subjected to multiple incidents of sexual violence and some perpetrators were reported as committing multiple acts.

Who were the victims and perpetrators?

Ethnic minority women were overwhelmingly more likely than men to be victims of sexual violence in cases of rape, survival sex, sexual slavery and sexual abuse. In some cases of forced marriage, male spouses were perpetrators of sexual violence. Aside from cases of forced marriage, single, married and widowed women were attacked. Pregnant and nursing women were not immune. While not asked directly, no respondents mentioned that any of the victims were agents of the Khmer Rouge, suggesting that most, if not all were civilians. The majority of victims tended to be younger rather than older women, although women from all ages were abused. In a number of reports, women perceived to be beautiful were targeted for sexual violence.



In all but two cases, perpetrators of rape, survival sex and sexual slavery against ethnic minorities were male. In most of the incidents, perpetrators were estimated as between 18 and 30 years of age, or older. Agents of the Khmer Rouge were overwhelmingly reported as being responsible for sexual violence. Additionally, forced marriage was a product of the regime, as both forced marriage and forced sex within marriage were always organized by Khmer Rouge authorities. Perpetrators encompassed men from different positions, including local militia, soldiers, unit chiefs and officials. This perpetrator profile is indicative of state imposed sexual violence on a population, with the intention of controlling, terrorising and humiliating individuals and groups.

What were the details and characteristics of the violence?

The study data indicate that sexual offences were perpetrated in many locations across the country by many men. They were committed in different settings, such as in sleeping areas, work areas, in cooperatives, in fields and forests. The data show that victims were attacked singly, in small groups and en masse.

Perpetrators sometimes acted alone and other times in groups. Both in cases of rape and sexual slavery of ethnic minorities, it was much more common for perpetrators to act in consort with others. For survival sex, the opposite was true. Acting in groups suggests a level of mutual acceptance of sexual violence amongst offenders, possibly using sex as a bonding mechanism between attackers. It also suggests that perpetrators enjoyed a degree of impunity for these crimes. The public display of removed sexual organs, dead naked bodies being left in the open, sometimes with evidence of rape with a foreign object, and overheard conversations between perpetrators about their violence are evidence that perpetrators often flaunted, rather than hid, their crimes.

In respondent accounts, rape, sexual slavery and survival sex were often followed by the execution of the victim. In all accounts, except one, an ethnic minority woman who became pregnant outside of marriage was either executed by her attacker or by Angkar as punishment once the pregnancy was discovered. In most cases, nothing happened to the perpetrators by way of punishment, adding to the evidence that perpetrators could act without sanction. Respondents only reported a few cases in which the perpetrators were executed for their sexual violence when their crime became known.

It was clear from respondents' accounts that they were often shocked by the savagery shown by the perpetrators of sexual violence. Aside from cases of forced marriage, respondents were extremely fearful of being found out and killed for observing sexual violence incidents. A number of female witnesses spoke of their fear of being the next victim, particularly if they were from the same ethnic group or related to the victim. Many respondents spoke of being powerless to intervene when they were aware of sexual violence about to take place against others.

Did the experience of ethnic minorities differ from that of other groups in Cambodia?

There were many similarities between accounts of sexual violence against ethnic minorities in this study and accounts of sexual violence against the mainstream population reported in other studies. Studies of the mainstream population³ have documented similar types of sexual violence experienced. As in this study, mainstream studies have found perpetrators to be almost exclusively an agent of the

³ See Nakagawa *op. cit.*; Natale *op. cit.*; Duong, S, *The mystery of sexual violence during the Khmer Rouge regime*, (Phnom Penh: Cambodian Defenders Project, 2011)



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Khmer Rouge. Additionally, mainstream studies have found perpetrators to most likely be male and victims female, as was the finding in this study.

Yet, there are some important distinctions.

First, there is evidence that the Khmer Rouge practice of forced marriage was used against some ethnic minorities to dissipate the community into the Khmer population. Such practices fall within international definitions of genocide. Second, respondents' accounts indicate that ethnic minority women and girls were a frequent target of sexual violence by those working for the Khmer Rouge and were also singled out for rape. Third, ethnic minorities were sometimes and in some locations targeted for purges. In circumstances where ethnic minority women were to be killed, respondents indicated that women were often raped first.

CONCLUSIONS

The findings of this study add to growing evidence of the common use of sexual violence by agents of the Khmer Rouge against civilians in Democratic Kampuchea. The data go further to show that ethnic minorities were particularly targeted for some forms of sexual violence, including rape, rape prior to execution and forced marriage with Khmer spouses.

The study data challenge the notion that the Khmer Rouge opposed some forms of sexual violence through its policy prohibiting sexual relations outside of marriage. This policy did not prevent sexual violence of diverse types being perpetrated widely against ethnic communities by many agents of the Khmer Rouge. Indeed, one of the outcomes of this policy was to incentivise perpetrators to kill their victims in order to keep the sexual violence secret. Witnesses to sexual violence were also at risk of being killed to maintain secrecy.

Despite the policy forbidding extra-marital sexual relations, there were only a few cases where perpetrators of sexual violence were punished. The fact that many perpetrators carried out their crimes with others or with the knowledge of their superiors, that sexual violence incidents were well known in some communities and that perpetrators often flaunted their crimes, indicates that such behaviour was tolerated, even encouraged by the regime.

The acts described in this report, the profiles of perpetrators and victims, and the climate of impunity reflect the United Nations Security Council's definitions of sexual violence as a crime against humanity and constitutive act with respect to genocide.

There is urgency to address unmet needs of ethnic minority survivors to deal with the physical and psychological impacts of their experiences. Few survivors have been able to access services and formal support measures to date but have benefited when they did. In addition to access to services and support, the timely conviction and sentencing of Khmer Rouge leaders would go a long way to easing survivors' suffering. Memorialization of those who died and other forms of reparations would also assist.

The particular sexual violence experiences of ethnic minority survivors of Democratic Kampuchea requires focussed study in order to fully understand how the regime treated minority groups and the resulting consequences for those individuals and communities. The success of this study in recruiting



ethnic minority survivors to talk about their experiences demonstrates that there are people willing to share their stories when offered to do so in a safe and supportive way.

RECOMMENDATIONS

A key conclusion of this research is that there are important differences between the sexual violence experience of ethnic minorities during Democratic Kampuchea and the rest of the population. The significance of that finding for the study recommendations is that response to ethnic minorities should not be subsumed into a general response for all survivors. While actions taken to provide redress generally for sexual violence survivors may not intend to exclude ethnic minorities, the very nature of minority status often means being pushed to the margins and missing out on what is intended for all.

The following recommendations draw on the research findings and conclusions to respond to the experience of sexual violence of ethnic minorities in Democratic Kampuchea. The recommendations are presented according to those in a position to take action.

Government

The International Committee implementing the Convention to Eliminate Discrimination Against Women (CEDAW) has recommended that the Cambodian Government:

Provide effective redress to victims of gender-based violence, in particular sexual violence against women committed during the Khmer Rouge regime, and develop effective non-judicial transitional justice programmes, including the provision of adequate reparations, psychological and other appropriate support.⁴

Findings of this study wholly support that recommendation. It is also recommended that the government:

- Formally acknowledge and condemn the perpetration of sexual violence against ethnic minorities during the Khmer Rouge rule
- Support large scale/national investigation of sexual violence against ethnic minorities in Democratic Kampuchea
- Incorporate responses to past sexual violence in conflict in government policy, such as the National Action Plan on Violence Against Women
- Provide support services for ethnic minority survivors of past sexual violence in conflict
- Establish opportunities for transitional justice mechanisms, including truth-telling forums like Women's Hearings⁵ and documentation of survivors' stories
- Include sexual violence against ethnic minorities in documentation and memorialization initiatives, as such violence is an integral part of the persecution suffered by them

⁴ CEDAW Committee, *Concluding Observations on the fourth and fifth periodic report of Cambodia*, CEDAW/C/KHM/4-5, (Geneva, 2013), 15(a)

⁵ CDP has held three Women's Hearings, a non-judicial civil justice process that allows survivors of gender based violence to speak of their experiences in front of a panel of experts and public audience. The panel acknowledges the women's testimonies and issues a public statement with recommendations.



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- Provide redress to ethnic minority (and other) survivors of sexual violence in Democratic Kampuchea. This may take the form of monetary compensation, establishment of services or other forms of support for survivors.

ECCC

- Widen the scope of the indictments of the accused to include broader sexual violence crimes against ethnic minorities in Cases 003 and 004
- Create an environment that allows ethnic Vietnamese survivors to fully engage in the transitional justice process without fear of reprisal and discrimination
- Consider how information on sexual violence gathered by the court for the trials might be available following the closure of the ECCC.

Donors

- Provide long term, sustained resources to civil society organizations supporting ethnic minority survivors of sexual violence during Democratic Kampuchea
- Provide resources for further investigation of sexual violence against ethnic minorities during this period
- Apply pressure on the government to recognise and address issues of past sexual violence in conflict.

Civil society organizations

- Deliver programs for ethnic minority survivors of sexual violence during the Khmer Rouge rule, including legal assistance, medical and therapeutic assistance in communities
- Reach out to ethnic communities and deliver specialized responses to past sexual violence
- Develop support groups for ethnic minority survivors and support their empowerment through provision of information about past sexual violence, opportunities to share their stories, documentation of their experiences, and support to raise these issues in their communities
- Work with law enforcement and local authorities to ensure protections for ethnic minority survivors of past sexual violence who disclose.

Educators and educational institutions

- Provide information to students about sexual violence perpetrated against ethnic minorities during the Khmer Rouge rule, impacts for victims and ongoing needs
- Deliver sexual violence prevention programs to promote gender equality, human rights and respectful relationships.

Researchers and historians

- Further investigate the sexual violence experience of ethnic minorities, especially the impact of forced marriage on their cultural identity
- Investigate sexual violence against ethnic minorities and locations not addressed in this study. More comprehensive (e.g. nationwide) research studies are also needed on the magnitude, nature and extent of past sexual violence, including victim and perpetrator profiles, data on effective interventions, evaluations of interventions (including justice responses), and on



impacts and costs to victims and communities

- Investigate connections between past sexual violence in conflict and current sexual violence against ethnic minorities to identify linkages, barriers to reporting and effective response, and points for intervention.

Media

- Report on research findings regarding sexual violence against ethnic minorities during the Khmer Rouge rule
- Work with civil society organizations working with ethnic minority survivors, to ensure accurate and sensitive reporting.

Community

- Educate themselves and others about the experience of ethnic minorities of sexual violence during Democratic Kampuchea, including impacts for survivors
- Talk about these issues with others (e.g. through social media) in order to break the silence on sexual violence and reduce the shame associated with victimization
- Support ethnic minority survivors in seeking help and services
- Advocate to local authorities and politicians for recognition of the issue and response to ethnic minority survivor needs
- Demand accountability for perpetrators.

1. INTRODUCTION



1.1 SEXUAL VIOLENCE IN CAMBODIA

The rapid economic growth Cambodia enjoys today, with accompanying improvements in health and education,⁶ sadly mask deep social problems and gender inequities. Significantly, Cambodia has high levels of domestic violence⁷ and one of the highest rates of gang rape in Asia, perpetrated disproportionately by young men in their teenage years.⁸ Surprisingly, little attention is given to examining past sexual violence experienced through the country's long period of conflict⁹ as a means to understanding sexual violence experiences today, or the impacts for and needs of survivors. This study was undertaken to reveal part of that picture.



Between April 1975 and January 1979, the ruling Communist Party of Kampuchea (CPK), more commonly known as the Khmer Rouge, was responsible for the deaths of more than 1.5 million¹⁰ Cambodians due to starvation, execution, disease and injury. Largely unacknowledged among the regime's documented atrocities is sexual violence committed against the populace. Research and survivor testimonies from war zones across the world attest to the pervasiveness and severity of sexual violence during conflict, with women and girls as most vulnerable. Such acts have been recognized internationally as a tactic of war and a means of subjugating and terrorizing entire populations, as well as particular groups of people.¹¹

⁶ World Health Organization, *Country cooperation strategy at a glance: Cambodia*, (WHO, 2011); UNESCO Institute for Statistics. Viewed 20 February 2014 <http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=121&IF_Language=en&BR_Country=4060>

⁷ *Violence against women 2009 follow-up survey, Executive Summary*, Cambodia Final Study Report (2009). Viewed 18 February 2014 http://www.kh.undp.org/content/dam/cambodia/docs/DemoGov/Violence_Against_Women_2009_Follow-Up_Survey-Executive_Summary_Eng.pdf

⁸ Fulu, E, Warner, X, Miedema, S, Jewkes, R, Roselli, T & Lang, J, *Why do some men use violence against women and how can we prevent it? Summary report of quantitative findings from the United Nations Multi-country Study on Men and Violence in Asia and the Pacific*, (Bangkok: UNDP, UNFPA, UN Women and UNV, 2013)

⁹ The 1970s saw five years of civil war in Cambodia and nearly four years under the genocidal regime of the Khmer Rouge, followed by a further ten years of Vietnamese occupation.

¹⁰ Total number of deaths are disputable due to lack of accurate information about population numbers in Cambodia before and immediately after the Khmer Rouge, however, conservative estimates put the death count at 1.5 million.

¹¹ For example, UN Security Council Resolution 1820 (19 June 2008) on Women and peace and security. Viewed 5 February 2014 <http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1820%282008%29>



INTRODUCTION

Among limited research investigating sexual and gender-based violence in Democratic Kampuchea¹² are two important studies undertaken by Kasumi Nakagawa¹³ and Katrina Natale¹⁴ with colleagues at Cambodian Defenders Project (CDP). Notably, both studies indicated that some ethnic groups were targeted by the regime for sexual violence. In particular, these studies suggested that women and girls from ethnic minority groups were singled out by the Khmer Rouge for rape, mass rape and execution, as well as other systematic forms of sexual abuse. Those findings were the impetus for this study's investigation. This research sought to document sexual violence against ethnic Vietnamese, Khmer Krom and Khmer Islam and Cham peoples during the Khmer Rouge rule, the consequences for victims and their response. Critically, it sought to determine whether the experience of ethnic minorities differed from that of the mainstream population.

There are very few firsthand accounts by ethnic minority survivors of sexual violence during this period. As public dialogue on sexual violence under the Khmer Rouge rule develops, ethnic minority survivors must have the opportunity to share their experiences to help shape the historical truth of this chapter of Cambodia. Given their minority status, the historic discrimination and persecution experienced

by their members, and higher likelihood that individuals were killed after being victimized, these populations are less likely to have shared their experience and knowledge of sexual violence with others. In view of time passing and the advanced age of survivors, the window for speaking with them is quickly closing.

The research study was conducted by CDP, a national legal aid non-government organization (NGO). CDP was well placed to conduct this research, having initiated some of the first focused research and investigations on gender-based violence during the Khmer Rouge rule.¹⁵ CDP also represents gender-based violence survivors as Civil Parties at the hybrid court investigating Khmer Rouge crimes, the Extraordinary Chambers in the Courts of Cambodia (ECCC). This experience and expertise was invaluable in guiding development of the study design and its implementation.



Shrine at Cheung Ek

¹² The Khmer Rouge renamed Cambodia as Democratic Kampuchea when they came to power; the terms 'Democratic Kampuchea' and 'Khmer Rouge rule' are used interchangeably throughout this report.

¹³ Nakagawa, K, *Gender-based violence during the Khmer Rouge Regime. Stories of survivors from the Democratic Kampuchea (1975-1979)*, (Phnom Penh: Cambodian Defenders Project, 2008)

¹⁴ Natale, K, *I could feel my soul flying away from my body. a study of gender based violence during Democratic Kampuchea in Battambang and Svay Rieng Provinces*, (Phnom Penh: Cambodian Defenders Project: 2011)

¹⁵ See Nakagawa op. cit.; Natale op. cit.; Duong, S, *The mystery of sexual violence during the Khmer Rouge regime*, (Phnom Penh: Cambodian Defenders Project, 2011); Yim, S, *The past and the present of forced marriage survivors*, (Phnom Penh: Cambodian Defenders Project, 2012)



The research has a number of intended audiences. It is first and foremost prepared for those decision-makers in a position to assist survivors of sexual violence during the Khmer Rouge rule to find justice, and to bring perpetrators to account. It is anticipated that NGOs and researchers with an interest in supporting survivors of the Khmer Rouge will also gain insight from the testimonies reported here. The report itself adds to the growing number of studies that document gender-based violence during Democratic Kampuchea for the nation's historical record.¹⁶ As such, it forms part of the legacy of truth-telling for this and future generations of Cambodians.

Further, it is hoped that survivors see this report as a testament to their strength and resilience in coming through the horror of the Khmer Rouge regime and their courage in speaking out about such a taboo subject. A Khmer version of the full report, as well as a Summary of key findings, conclusions and recommendations of this report are available online at:

<http://gender-based-violencekr.org/publications-and-materials/research-and-documentation/>

1.2 REPORT STRUCTURE

The remainder of this report is divided into four chapters:

Chapter 2. Background draws on previous research and commentary to provide a social and historical context in which to consider this research. Discussion begins with description of the escalation of sexual violence in armed conflict and its discriminatory impact on women and girls. It is followed with an examination of the Khmer Rouge's policy and practice with regards to controls on family, marriage and sex outside of marriage. It concludes with an exploration of the regime's treatment of ethnic minorities to provide a context for examining their experience of sexual violence.

Chapter 3. Study design details the study scope, aim and research questions. The data collection methods and analysis are explained, including a discussion of how the study addressed ethical concerns. The chapter concludes with consideration of the study limitations.

Chapter 4. Findings presents the results of the research. It begins with a demographic overview of the respondents. This is followed by data on specific types of sexual violence experienced by ethnic minorities in Democratic Kampuchea, including forced marriage, rape, survival sex and sexual slavery. Data on impacts for survivors, help-seeking, coping strategies and ongoing needs are also presented. Lastly, analysis of the data is conducted to address the research questions.

Chapter 5. Conclusions assesses what final statements can be drawn from the data and analysis of the findings.

Recommendations of the research are located in the executive summary.

¹⁶ For example, at the time of writing, two research studies were being conducted examining gender-based violence in Democratic Kampuchea: the Cambodian Women's Oral History Project, led by Theresa de Langis and a study of forced marriage during the Khmer Rouge rule, led by Transcultural Psychosocial Organization.



2. BACKGROUND

2.1 SEXUAL VIOLENCE IN CONFLICT AND POST CONFLICT SETTINGS

Cambodia's experience of sexual violence in conflict is not unique. It is a feature of conflict reflected the world over. Such violence is defined by the draft *International protocol on documentation and investigation of sexual violence in conflict*¹⁷ as any attack of a sexual nature against women and girls, men and boys, resulting in acute physical and psychological repercussions for survivors, as well as having a deep destabilizing effect on communities and populations.



Conflict settings provide ideal conditions for an escalation of sexual violence. In situations with generally high levels of violence, where social protections and law enforcement have lapsed, and vulnerabilities for women and girls are compounded, perpetrators have frequent opportunities for sexual violence with a low risk of sanctions. Extreme deprivation can also force women and girls into sexual servitude or exchanging sex for food and other privileges.¹⁸ In these circumstances, both combatants and non-combatants may be opportunistic in their use of sexual violence.¹⁹

Importantly, the draft Protocol cited above recognises that combatants may also use sexual violence strategically to control, 'punish, humiliate, or destroy a particular group, instil terror in them, or cause them to flee a location'.²⁰ The strategic use of sexual violence as a 'tactic of war' and rape as a war crime, a crime against humanity or a constitutive act with respect to genocide has been recognised in a number of international instruments and resolutions, including the United Nations Security Council Resolution 1820²¹ and CEDAW General Recommendation 30 on Women in conflict prevention, conflict and post-conflict situations, III C (23).²² The Security Council notes that sexual violence used in this strategic way may be 'evident in the profile and motivations of the perpetrator(s), the profile of the

¹⁷ The international protocol is a commitment of the G8 Declaration on Preventing Sexual Violence in Conflict, announced on 11 April 2013.

¹⁸ Kaufman, Michael and colleagues, *Sexual violence in conflict and post-conflict: engaging men and boys*, MenEngage-UNFPA Advocacy Brief (2012). Viewed 9 January 2014 <<http://unfpa.org/webdav/site/global/shared/documents/publications/2012/Advocacy%20Brief-%20Sexual%20Violence%20FINAL.pdf>>

¹⁹ Draft *International protocol on documentation and investigation of sexual violence in conflict*

²⁰ *Ibid.*

²¹ UN Security Council Resolution 1820, *op. cit.*

²² Viewed 12 February 2014 <<http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>>

victim(s), the climate of impunity/State collapse, cross-border dimensions and/or the fact that they violate the terms of a ceasefire agreement'.²³ A concern of this research then was to identify whether the Khmer Rouge strategically used sexual violence against ethnic minorities.

A first step in this assessment is to examine the Khmer Rouge's rise to power, its intentions for Cambodia and the oppressive conditions the regime imposed on civilians, including those promoting sexual violence.

2.2 KHMER ROUGE AND DEMOCRATIC KAMPUCHEA

On 17 April 1975, the Khmer Rouge, seized control of Phnom Penh and effectively Cambodia, issuing in a period of terror for those living in the country. The takeover followed five years of civil war, during which the Khmer Rouge sought to oust the incumbent Lon Nol Government.²⁴

Shortly after seizing power, the Khmer Rouge forced millions of people to leave the capital and other cities for the countryside in order to establish a rural agrarian state. Based on a notion of taking the country to 'year zero', the Khmer Rouge abolished money and banks, schools, religious institutions, the



Photographs of people imprisoned at S21 prison

postal network and private property.²⁵ The regime destroyed phone lines and other public infrastructure. All schools and universities, religious buildings, shops and most government buildings were shut or turned into prisons, stables, re-education camps and granaries.²⁶

The Khmer Rouge quickly imposed strict control over all aspects of family and social life, dictating that people should have no family other than Angkar (literally, 'the organization' or the ruling body of the CPK). Husbands and wives, children and other family members were separated, including newborn

²³ United Nations General Assembly Security Council (A/66/657*-S/2012/33*), Report of the Secretary-General on sexual violence in conflict (13 January 2012), paragraph 3. In response, the Security Council has urged state actors and others to institute greater protections for women and girls, and has argued for sexual violence crimes to be excluded from amnesties reached at the end of conflicts.

²⁴ Marshal Lon Nol himself had staged a successful coup in 1970 deposing Prince Sihanouk as head of state. Communist Vietnamese forces had fought alongside the CPK during this time, while Lon Nol forces were aided by the United States and its immense bombing campaign across the country.

²⁵ Chandler, D, *A history of Cambodia*, 4th ed. (Chiang Mai: Silkworm Books, 2008)

²⁶ Cambodian Tribunal Monitor, *Khmer Rouge History* (2013), based on Khamboly D, *A History of Democratic Kampuchea (1975-1979)*, Document Centre of Cambodia. Viewed 17 February 2014 <<http://www.cambodiatribunal.org/history/cambodian-history/khmer-rouge-history/>>



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babies from mothers, to be nursed and cared for by others.²⁷ Visits with family members were infrequent and brief. The general populace was forced to live in cooperatives, which regulated sleeping, eating and work. There was little to no freedom of movement.

Extreme punishments such as beating, imprisonment, forced evacuation and transfer, torture, mutilation and execution were metered out for infringements ranging from minor to more serious. Any person who was an intellectual, wealthy, foreign, or aligned to the previous regime was classed as an enemy of the revolution and persecuted. During this period, millions were starved, tortured, imprisoned, became ill, died or were executed.²⁸

Central to the focus of this study, are the Khmer Rouge's policies governing family life and sexual relations that promoted opportunities for sexual violence. Two critical policies are detailed below.



Shrine at Battambang Province

Importantly, the regime governed who people could marry. This policy allowed the Khmer Rouge to force people to marry assigned spouses in group weddings of up to hundreds of couples at a time. Nationwide, a vast number of people were forced to marry against their will under this policy. Refusal was punishable by threats, more difficult work duties, imprisonment, torture or death.²⁹ De Langis and Studzinsky³⁰ have pointed to Civil Party applications to the ECCC³¹ that have raised the serious consequences of this policy for victims. The authors further note that Civil Party lawyers have requested that forced marriage be legally qualified as rape, enslavement, torture, as well as a separate crime of forced marriage and forced pregnancy, and a crime against humanity.

An important consideration for understanding sexual violence in this context is how Khmer Rouge authorities responded to such violence when it occurred. The Khmer Rouge's 'Code Number Six' of the 'Twelve Codes of Conduct of the Combatants', as translated by the Documentation Center of Cambodia (DC-CAM), stated that no one should abuse women, that is, force a woman to have consensual sex or

²⁷ Mam, K, *Democratic Kampuchea (1975 – 1979): Women as tools for social change*, (undergraduate thesis, Yale University, 2000)

²⁸ *Ibid.*

²⁹ De Langis, T & Studzinsky, S, *The ECCC, sexual crimes, and the Cambodian Women's Hearing (May 2012)*, Briefing Paper on the ECCC, the Cambodian Women's Hearing and steps for addressing sexual violence under the Khmer Rouge regime, 7. Viewed 3 February 2014 <<http://www.civilparties.org/?p=1304>>

³⁰ De Langis & Studzinsky op. cit. 7

³¹ The ECCC is a hybrid international and national court for the prosecution of war crimes committed during the period of Democratic Kampuchea.



have sex with a woman who is not their wife.³² Punishment for breaches included re-education, forced labor, imprisonment, torture and death. The existence of this policy has been taken to mean that both extra-marital sex and sexual violence were rare during the regime's rule and that where such acts did take place, perpetrators were punished. Previous research and other investigations, as well as Civil Party applications to the ECCC, indicate that the reality was very different.³³

As both the victim and the perpetrator could be executed under Code Number Six if sexual violence was discovered, it was clearly not instituted to protect the rights of women victims. Indeed, de Langis and Studzinsky³⁴ and others have argued that, instead, the policy was designed to regulate all sexual activity between people, reflecting other areas of the Party's tight-fisted control over social life. De Langis and Studzinsky further point out that: (i) victims were not protected by the policy if they were considered an enemy of the state; (ii) no formal or informal body (such as courts, police etc.) existed for victims to seek redress or accountability for crimes perpetrated against them; and (iii) if the perpetrators could demonstrate a 'good revolutionary' background, they could be pardoned and exempted from punishment. This effectively lent a range of protections to perpetrators of sexual violence, allowing many to act without sanction.

Having established the social and political environment for civilians in Democratic Kampuchea, the discussion now explores available evidence of the perpetration of sexual violence during that time.

2.3 SEXUAL VIOLENCE IN CAMBODIA DURING THE KHMER ROUGE

The perpetration of sexual and gender-based violence in Democratic Kampuchea has been the subject of relatively few but valuable research studies and other investigations. Natale³⁵ provides an excellent review of these in her report on gender-based violence during Democratic Kampuchea. The following summary of the literature draws from that review and includes Natale's study and research by Savorn Duong and Farina So:

- In 1990, Richard Mollica and colleagues from Harvard Program in Refugee Trauma interviewed nearly 1000 Cambodian refugees in Thai border camps, finding that 17% respondents had been raped or sexually abused.³⁶
- Kalyanee Mam from Yale University conducted interviews in Kandal province in 1999 and 2000, examining gender and Khmer Rouge policies, finding evidence of forced marriage, rape and sexual abuse of women.³⁷
- In 2006, Kasumi Nakagawa and colleagues at Cambodian Defenders Project conducted 1500 non-random questionnaires and 96 in-depth interviews of the most interesting stories from the

³² Youk, C, *The 6th code of conduct. Searching for the Truth*, Issue 15 (2001). Viewed 27 December 2013 <<http://d.dccam.org/Projects/Magazines/Previous%20Englis/Issue15.pdf>>

³³ Nakagawa, op. cit.; Natale op. cit.; CDP gender-based violence survivor Civil Party applications to ECCC

³⁴ De Langis & Studzinsky op. cit. 5

³⁵ Natale, op. cit.

³⁶ Mollica, RF, Donelan, K, Tor, S, Lavelle, J, Elias C, Frankel, M, Blendon, RJ, 'The effect of trauma and confinement on functional health and mental health status of Cambodians living in Thailand Cambodian border camps', *Journal of the American Medical Association*, 270, 5 (1993): 581-586

³⁷ Mam, op. cit



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questionnaires, to see if all gender-based violence survivors of this period had been killed. She found survivors still alive and documented cases of forced marriage, rape, rape outside of marriage, other forms of sexual assault, including sexual abuse, mutilation and forced nudity.³⁸

- Peg Le Vine published a book in 2010 which focused in part on marriages during Democratic Kampuchea. This section drew on her ten year study of 192 men and women married during that time, detailing how they perceived the marriage experience and absence of rituals. While the author documented suffering caused by Khmer Rouge prescribed marriage, sex and pregnancies, she also noted that marriages gave spouses a reprieve from other abuses and disruptions. She did not categorise these relationships as 'forced marriage'.³⁹
- Katrina Natale and colleagues at Cambodian Defenders Project conducted 104 non-random interviews in 2010 in Battambang and Svay Rieng provinces. Her study examined types of gender-based violence during Democratic Kampuchea, identifying victims and perpetrators, location and circumstances of gender-based violence. The study found evidence of rape, gang and mass rape, rape in Khmer Rouge institutions and cooperatives, rape with a foreign object, sexual exploitation and sexual slavery, sexual mutilation and torture, abuse and humiliation, forced marriage. Recommendations were made for transitional justice, prosecution of crimes and reparations, research and documentation of these human rights abuses and support of victims through services.⁴⁰
- In 2011, Savorn Duong at Cambodian Defenders Project conducted indepth interviews with 18 men and women who had experienced sexual violence during Democratic Kampuchea. Their individual stories were compiled in a descriptive report documenting cases of rape, rape followed by execution, rape in prison, forced marriage, sexual torture and sexual slavery.⁴¹
- In 2011, Farina So published a research monograph based on research for her Masters thesis involving indepth interviews with Cham Muslim women about their experience of life under the Khmer Rouge. Women's accounts included reports of targeted sexual violence.⁴²



Cham woman testifying at 2013 Women's Hearing about her experience of sexual violence

Findings of these studies provide strong evidence that, during the regime, the most common forms of gender-based violence tended to be sexual in nature. Diverse sexually violent acts were perpetrated against the population in a number of locations across the country. These took the form of rape,

³⁸ Nakagawa, *op. cit.*

³⁹ Lavine, P, *Love and dread in Cambodia: weddings, births, and ritual harm under the Khmer Rouge*, (Singapore: MIS Press, 2010)

⁴⁰ Natale, *op. cit.*

⁴¹ Duong, S, *The mystery of sexual violence under the Khmer Rouge*, (Phnom Penh: Cambodian Defenders Project, 2011)

⁴² So, F, *The hijab of Cambodia: memories of Cham Muslim women after the Khmer Rouge*, Documentation Series No 16, (Phnom Penh: Documentation Center of Cambodia, 2011)



sexual slavery, forced marriage, survival sex,⁴³ sexual mutilation and torture, and other sexual abuses. Perpetrators were predominantly agents of the Khmer Rouge and were rarely punished. The victims and their families experienced significant consequences from the sexual violence. Many of these survivors have ongoing needs for support to address their experiences and trauma.

On the subject of sexual violence against ethnic minorities in Democratic Kampuchea, researchers for this study were unable to locate any focused study, aside from isolated incidents and observations recorded in some of the above mentioned reports. This indicates a significant gap in the narrative of the period. That gap motivated this study's investigation of ethnic minorities' experience of sexual violence during the regime.

The following discussion explores how the Khmer Rouge generally viewed and responded to Vietnamese, Khmer Krom, Khmer Islam and Cham peoples in Democratic Kampuchea, as a means of contextualising any sexual violence perpetrated against them.

2.4 KHMER ROUGE AND ETHNIC MINORITIES

Khmer Rouge policies indicate that its leaders sought to create a uniform Khmer state, one that did not tolerate minority groups. This is evidenced in a regime decree banning more than 20 ethnic and religious minority groups, including ethnic Vietnamese and Muslim Cham.⁴⁴ Further, while the 1976 Constitution of Democratic Kampuchea guaranteed religious freedom, it also strictly forbade 'all reactionary religions that are detrimental to Democratic Kampuchea and the Kampuchean People.'⁴⁵ The actions of the regime suggest that its leaders, in fact, were fiercely anti-religion. Whilst in power, the Khmer Rouge destroyed thousands of temples, pagodas, mosques and churches, religious artefacts and texts, and executed many religious leaders throughout Cambodia. Monks were defrocked and sent to labor camps. Christian and Muslim communities were especially targeted, having been labelled as pro-West and seen to be limiting Cambodian culture and society.⁴⁶

Khmer Rouge policies targeting or significantly affecting ethnic and religious minorities generally took the form of: (1) imposition of Khmer culture (such as only allowing only Khmer language to be spoken); (2) breaking up of families and communities; (3) targeted violence; (4) expulsion from the country; and (5) execution.⁴⁷

⁴³ That is, exchanges of food, medicines and other privileges for sex.

⁴⁴ Gellately, R; Kiernan, B, *The spectre of genocide: mass murder in historical perspective* (Cambridge, New York: Cambridge University Press, 2003), 313–314

⁴⁵ Constitution of Democratic Kampuchea (1975-1979), from *The Cambodian Constitutions (1953-1993)*, collected and introduced by RM Jennar. Viewed 12 January 2014 <http://www.dccam.org/Archives/Documents/DK_Policy/DK_Policy_DK_Constitution.htm>

⁴⁶ Thomas, SJ, *Prosecuting the crime of destruction of cultural property*, Genocide Watch. Viewed 28 January 2014 <http://www.genocidewatch.org/images/Cambodia_Prosecuting_the_Crime_of_Destruction_of_Cultural_Property.pdf>

⁴⁷ Duong, L, *Racial discrimination in the Cambodian genocide*, Genocide Studies Program, MacMillan Center for International and Area Studies, GSP Working Paper No. 34 (New Haven: Yale University, 2006), 226-227



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2.4.1 ETHNIC VIETNAMESE

Throughout Democratic Kampuchea, ongoing military and political tensions existed between the Khmer Rouge and Vietnamese Governments. In response, the Khmer Rouge subjected ethnic Vietnamese people living in Cambodia to significant discrimination and mass executions in different parts of the country and at different times.

Immediately after coming to power in 1975, the Khmer Rouge sought to expel ethnic Vietnamese civilians and military living in Cambodia. The leaders of Democratic Kampuchea viewed North Vietnam with great suspicion, believing the Vietnamese Communists desired taking over Cambodia to form part of a much larger Federation led by Vietnam.⁴⁸ In May 1975, Pol Pot and Nuon Chea announced plans to expel the Vietnamese, believing them to have 'secretly infiltrated into Kampuchea and who lived hidden, mixed with the population.'⁴⁹ Consequently, all North Vietnamese military forces were removed from Cambodian territory shortly after the regime's capture of Phnom Penh.⁵⁰ There are estimates that in a matter of months, as many as 150,000 Vietnamese had been driven out of the country, with those remaining numbering anywhere up to 100,000 people.⁵¹

In mid-1976, policies changed and the Khmer Rouge allowed no more ethnic Vietnamese to leave.⁵² Orders were issued in April 1977 to arrest ethnic Vietnamese and anyone associated with them.⁵³ The regime then proceeded to massacre any ethnic Vietnamese who remained. There are reports that officials forced Khmer spouses to kill their Vietnamese wives.⁵⁴ Even ethnic Khmer trained by Vietnamese military were executed. One Khmer Rouge cadre has stated, 'If a person was ethnic Vietnamese, it was certain that they wouldn't survive. Once they were discovered, that was it.'⁵⁵

2.4.2 KHMER KROM

Khmer Krom are ethnic Cambodians who have occupied the lowlands around the Mekong River delta for centuries. Due to Vietnamese expansion, more recently they have occupied the southern end of Vietnam but still maintain linguistic, religious and cultural ties to Cambodia.⁵⁶ While the Khmer Krom are ethnic Cambodians, the Khmer Rouge treated them as 'non-pure Khmer', and always suspected them of sympathizing or spying for Vietnam.⁵⁷ Additionally, the Khmer Rouge were concerned that the Americans might use the Khmer Krom to subvert the regime.⁵⁸ There was also evidence that

⁴⁸ Farrell, EC, *The Socialist Republic of Vietnam and the Law of the Sea: an analysis of Vietnamese behaviour within the emerging international oceans regime*, (The Hague: Kluwer Law International, 1998)

⁴⁹ Kiernan, B, *The Pol Pot regime*, (Chiang Mai: Silkworm Books, 1996), 107

⁵⁰ *ibid.* 58

⁵¹ Nayan C, *Brother enemy* (San Diego: Harcourt Brace Jovanovich Publishers, 1986), 16

⁵² Kiernan, B, *The Pol Pot regime*, *op cit.* 296. Interview, Kompong Trach

⁵³ Kiernan, B, *The Pol Pot regime*. 297. From United States Department of State Interview

⁵⁴ Kiernan, B, *The Pol Pot regime*. 296. Interview with Heng Samrin

⁵⁵ Hinton, AL *Why did they kill?* (Berkely: University of California Press, 2005), 219. Author's interview with Chlat

⁵⁶ Ciorciari Shorenstein, JD *The Khmer Krom and the Khmer Rouge trials*, (APARC, Stanford University, 2008), 1

⁵⁷ Australian anthropologist Philip Taylor, quoted in Vachon, M, 'Anthropologist offers insight into plight of Khmer Krom', *The Cambodian Daily*, (2013), 26 August

⁵⁸ Ciorciari Shorenstein, JD, *op cit.* 2



some Khmer Krom remained loyal to the former Lon Nol regime and were, therefore, enemies of the revolution.⁵⁹

In 1977, the Khmer Rouge attacked An Giang province in Vietnam, killing thousands of Vietnamese and bringing back to Cambodia around 20,000 Khmer Krom living in Vietnam.⁶⁰ The purpose of this mass abduction may have been to reduce the population living in that region and to supply workers to the forced labor camps in Cambodia.

The situation worsened from July 1978 when the Cambodia-Vietnam war took place. The Khmer Rouge began hunting for Vietnamese agents and spies. Prison documents from that time reveal that Khmer Krom were frequent suspects.⁶¹ Suspicion heightened after several Khmer Krom prisoners tortured at Tuol Sleng prison or S-21 confessed (truthfully or not) to spying for Vietnam. Tuol Sleng later singled out Khmer Krom in its 10 regulations. They were identified for execution upon entering the prison.⁶²



Khmer Krom people in communities began being singled out for execution for being spies. Kim Keokanitha provides evidence of a 'political education meeting' in late 1977 or early 1978, during which Pol Pot addressed a group of Khmer Krom at the Olympic Stadium in Phnom Penh, telling them that he would 'keep' only those who agreed to follow Angkar.⁶³ Sometimes people were killed for just being able to speak Vietnamese.⁶⁴ James Roberts' research found that in Kivong district, local officials boasted of killing over two thousand Khmer Krom, able to be identified by their longer hair and habit of drinking milk (considered a western and imperialist drink).⁶⁵ 'They said they had to kill everyone with Khmer bodies and Vietnamese heads,' has claimed one observer of such executions.⁶⁶ Among intermarried couples, Khmer Krom spouses were taken away to be executed, as were children who chose to stay with their Khmer Krom parents.⁶⁷ It is

⁵⁹ Ciorciari Shorenstein, JD, *ibid.* 6

⁶⁰ Taylor, P, quoted in Vachon, M, *op. cit.*

⁶¹ Extensive documentary material from Kraing Ta Chan security prison in Takeo province is on file at the Documentation Center of Cambodia.

⁶² Di Certo, B, 'Ethnic minority Khmer Krom get day in court', *The Phnom Penh Post*, (2012), 22 November

⁶³ Keokanitha, K, 'Rumlech Sub District: Khmer Krom under Khmer Rouge', unpublished essay on file with documentation center of Cambodia, 10-12

⁶⁴ See also Carney, T, 'The organization of power', in KD Jackson, ed., *Cambodia 1975- 1978: Rendezvous with Death* (Princeton, NJ: Princeton University Press, 1992), 83, note 3

⁶⁵ Roberts, JC, 'The possibility of bringing genocide charges on behalf of the Khmer Krom', *Documentation Center Of Cambodia Magazine: Searching for the Truth*, (2010), September

⁶⁶ O'Toole, J & Titthara, M, 'Reassuring the Khmer Krom', *The Phnom Penh Post*, (2010) 14 June

⁶⁷ Di Certo, B, *op. cit.*



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estimated that roughly 125,000 Khmer Krom were killed and buried in mass graves during the period of Khmer Rouge rule.⁶⁸

2.4.3 MUSLIM COMMUNITY – CHAM AND CHVEA

The Muslim community in Cambodia differs from mainstream Khmer along both ethnic and religious lines. While the vast majority of Khmer are Buddhist, the Muslim community follows Islam and derives from two principal groups.

The Chvea arrived in Cambodia first in the 14th century from the Malay Peninsula and Indonesia, and traditionally occupied the southern part of the country.⁶⁹ In the 15th century, the Cham migrated from Champa, a kingdom formerly located in the south of Vietnam.⁷⁰ While some scholars have suggested that inter-marriage between the two groups has served to forge a singular Muslim community,⁷¹ others identify two distinct groups. During independence in 1953, King Sihanouk sought to envelop all minority groups within the Cambodian nation by adding ‘Khmer’ to their name.⁷² To Muslims, he gave the title ‘Khmer Islam’, in order to group the Cham and Chvea together under a single Khmer identity. Some research has indicated that the term ‘Khmer Islam’ has been more widely accepted among the Chvea than the Cham.⁷³ Adding to the complexity of nomenclature, some researchers use the term ‘Cham’ inclusively to refer to both Cham and Chvea alike.⁷⁴ Where the groups are differentiated in the literature and by individuals themselves, the terms they employ are used in this report.



⁶⁸ Mak, K, *Genocide and irredentism under Democratic Kampuchea (1975-79)*, Working Paper No. 23 (Yale Center for International and Area Studies Genocide Studies Program, 2004), 21

⁶⁹ De Féo, A, ‘Transnational Islamic movement in Cambodia’ in *Dynamics of contemporary Islam and economic development in Asia, From the Caucasus to China*, international conference organized by the Centre de Sciences Humaines (CSH) and India International Centre (IIC), (New Delhi, 2007, 2), April 16–17

⁷⁰ *ibid*

⁷¹ Mus, P, ‘Cultes indiens et indigenes au Champa’, *Bulletin de l’Ecole Française d’Extrême-Orient (BEFEO) XXXIII* (1933), 367-410. Published in English translation by I.W. Mabbett as *India Seen from the East: Indian and Indigenous Cults in Champa*, IW Mabbett & DP Chandler, eds. Monash Papers on Southeast Asia, no.3 (Melbourne, 1975), 53

⁷² Some researchers and commentators have seen this as an assimilating strategy.

⁷³ De Féo, op. cit., 3

⁷⁴ For example, American Institutes for Research, World Education Kampuchean Action for Primary Education (KAPE) Care International 2008, *Assessing marginalization of Cham Muslim communities in Cambodia*, ESCUP, Washington



Religion was reviled by the Khmer Rouge. Muslim communities were particularly targeted because of their different language, food customs, clothing and prayer. Of the 113 village imams before the regime, only 21 survived and 85% of the mosques destroyed. Muslims were not allowed to pray. They were forced to eat pork, which they regard as forbidden (ḥarām)⁷⁵ and some were forced to work with pigs.⁷⁶ The Khmer Rouge destroyed or profaned Islamic sacred texts, such as throwing them away or using them as toilet paper.⁷⁷ Muslim women were forced to cut their long hair short in the Khmer style and forgo their traditional head scarves and colorful skirts.⁷⁸ To create uniformity amongst Cambodians, the regime physically dispersed Muslims into ethnic Khmer communities. For example, a February 1974 document regarding the Decisions Concerning the Line on Cooperatives of the Party in Region 31 states that ‘...it is necessary to break up this group [Khmer Islam] to some extent; do not allow too many of them to concentrate in one area.’⁷⁹

Refusal to follow the regime’s instructions often resulted in death. Cham survivor, Lee Seyla, witnessed the Khmer Rouge beat to death around ten Cham people for refusing to eat pork.⁸⁰ Despite the dangers, evidence suggests many Cham did rebel against the regime’s policies, leading frequently to massacre.⁸¹ While mass killings of the general population took place across the country, Muslim communities may have been particularly targeted. Anthropologist, Alexander Hinton, argues some officials preferred to kill Muslims rather than Khmer ‘new people’.⁸² To give a reason as to why only two Cambodian families were killed compared to fifty Cham families in Ta Khong village, one Khmer Rouge official stated, ‘It’s really difficult because they gave me orders to kill Khmer. But I can’t cut off my heart and do so. So we take Chams instead, though there aren’t many of them.’⁸³ Persecution of Cham steadily increased during 1977 and 1978.

Estimates of the numbers of Muslim deaths during the Khmer Rouge range significantly from 100,000⁸⁴ to upwards of 700,000.⁸⁵ This is primarily due to different estimates of the numbers of Muslim people living in Cambodia prior to 1975.

⁷⁵ Kiernan, B, *The Pol Pot regime: race, power and genocide in Cambodia under the Khmer Rouge, 1975 - 79*, (New Haven: Yale University Press, 1996), 5

⁷⁶ 1983 Ethnicity of Cham – Chvea religious, Documentation Centre of Cambodia

⁷⁷ So, F, *The hijab of Cambodia: memories of Cham Muslim women after the Khmer Rouge*, Documentation Series No 16, (Phnom Penh: Documentation Center of Cambodia, 2011), 55

⁷⁸ Kiernan B, ‘Orphans of genocide: The Cham Muslims of Kampuchea under Pol Pot’, *Bulletin of Concerned Asian Scholars*, (1988), vol. 20, no. 4, October–December, 12

⁷⁹ Kiernan, B, (1988), *op. cit.* 9

⁸⁰ Lee Seyla. Interview by Nate Thayer. August (1984) no. 7.

⁸¹ Kiernan B, 1988, *op. cit.*

⁸² New people were those who lived in areas not controlled by the Khmer Rouge during the civil war with Lon Nol followers and who were new to the revolution, later including those who came from the cities, who were more educated or who were ethnically different to Khmer.

⁸³ Hinton, AL, *op. cit.*, 16

⁸⁴ For example, Ben Kiernan places the figure at 90,000 in Kiernan (1988), *op. cit.*, 30

⁸⁵ So, F, *An oral history of Cham Muslim women under the Khmer Rouge regime*, Masters thesis presented to Center for International Studies of Ohio University, (2011); see also estimates of 500,000 deaths in Ysa O, *Oukoubah: Justice for the Cham Muslims under the Democratic Kampuchea regime*, (Phnom Penh: Documentation Center of Cambodia, 2002)



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2.4.4 SEXUAL VIOLENCE AGAINST ETHNIC MINORITIES

Within this xenophobic environment, sexual violence appears to have been another method by which the Khmer Rouge persecuted minorities.

In Farina So's research with Cham Muslim women⁸⁶, respondents reported being forced to accept a Khmer husband for purposes of breaking up this cultural and ethnic group. Respondents reported that sexual abuse and rape of Cham women were commonplace at work sites and cooperatives. Further, Cham victims were silenced by their offenders with threats, were killed or were raped before execution.

Respondents interviewed in Natale's study clearly stated that ethnic minorities were targeted for sexual abuse, including the Cham, Chinese and ethnic Vietnamese (fair skinned Vietnamese especially).⁸⁷ In that study, reported sexual abuse included scenarios of mass rape, rape and forced nudity. Several respondents reported incidents of mass rape followed by execution carried out in purges of ethnic Vietnamese people.⁸⁸ All respondents who recounted such violence against minority groups affirmed that the ethnic identity of the victim was a motivating factor for the violence.⁸⁹

Other research has documented cases of sexual violence against ethnic minorities. For example, Savorn Duong's research with 18 sexual violence victims recorded one case of rape and one of attempted rape of Khmer Islam women.⁹⁰ Nakagawa documented an account from a widowed Cham woman of forced nudity imposed by Khmer Rouge cadre.⁹¹ Such cases have also been reported in complaints of Civil Parties to the trials being heard at the ECCC.

Research with survivors and members of the Khmer Rouge, as well as documents of the regime, suggest a practice of discrimination and persecution of ethnic and religious minorities, including sexual and gender-based violence. However, information about the latter is scant. Questions remain as to how pervasive it was and whether these groups were in fact targeted by the regime. The purpose of this study is to shine greater light on these issues, focusing on ethnic Vietnamese, Khmer Krom, and Muslim survivor experiences. The following chapter details how the study was conducted, data collection and analysis processes, and the study limitations.

⁸⁶ So, F, *The Hijab of Cambodia: Memories of Cham Muslim Women After the Khmer Rouge*, op. cit. Note that So's definition of 'Cham' includes Chvea people

⁸⁷ Natale, *op. cit.*, 42

⁸⁸ *Ibid.* 29

⁸⁹ *Ibid.* 45

⁹⁰ Duong, S, *op. cit.*, 30-31, 52-53

⁹¹ Nakagawa, K, *op. cit.*, 26-27

3. STUDY DESIGN



3.1 RESEARCH SCOPE AND PURPOSE

Previous studies investigating men and women's experience of gender-based violence during Democratic Kampuchea significantly informed the design of this study. Previous research helped define the research questions, target groups, data collection and analysis strategies.

Findings from those earlier studies suggested that sexual violence was the most common form of gender-based violence experienced under the regime's rule and, so, formed the focus for this study. Ethnic Vietnamese, Khmer Krom, Khmer Islam and Cham peoples identified in earlier studies as being subjected to sexual violence were selected as target groups in this study.

Local leaders acted as intermediaries to identify potential respondents for the research. Their contacts and connections in communities were instrumental to locating respondents and narrowing the study sites to six of Cambodia's 24 provinces: Battambang, Kampot, Kampong Chhnang, Phnom Penh, Pursat and Takeo.

3.1.1 AIM AND RESEARCH QUESTIONS

The research sought to gather information about the extent and characteristics of sexual violence against ethnic minorities in Democratic Kampuchea and impacts, so as to better understand survivors' needs to support their recovery (and that of the broader community). It was also anticipated that documenting survivor accounts in the historical record could inform advocacy efforts for transitional justice mechanisms and supports.

The study design sought to answer the following research questions:



Interview practice

1. Did ethnic minorities experience sexual violence under the Khmer Rouge?
2. Who were the victims and who were the perpetrators?
3. What were the details and characteristics of the violence?
4. Did the sexual violence experience of ethnic minorities differ from that of other groups in Cambodia?



STUDY DESIGN

3.2 METHODS

3.2.1 SAMPLE

The research sought to interview approximately 100 men and women who had lived in Democratic Kampuchea. Respondents were screened for those who had some knowledge of sexual violence perpetrated during this period; that is, direct victims, witnesses or those who had been told about such incidents. While the study aimed to target people from Khmer Krom, Khmer Islam or Cham, and ethnic Vietnamese backgrounds, researchers were also interested in interviewing people from other ethnic backgrounds who had witnessed or heard about sexual violence against these specific groups.

As stated above, respondents were recruited through local leaders based in communities. This approach generated the bulk of respondents for interview. The research also employed a snowballing recruitment technique. At the end of each interview, each respondent was asked whether they knew of anyone else who may have information concerning sexual violence against one of the four ethnic groups of interest to the research. Where possible, referrals were followed up by the research team.

Both these recruitment approaches are purposive. That is, the goal was to recruit as many ethnic minority survivors of the Khmer Rouge as possible with some knowledge of sexual violence. Because these approaches were not randomized or representative, the information generated cannot be extrapolated to the wider Cambodian population. The value of these approaches is rather to generate information specifically about ethnic minorities, which have been poorly represented in research to date.

The final sample for the study consisted of 105 male and female survivors of the Khmer Rouge, drawn across six Cambodian provinces.

3.2.2 DATA COLLECTION



Interviewer training

Data for the study was collected through one on one interviews with respondents, averaging around one hour. These were conducted in a confidential setting at or near respondents' homes. With respondents' permission, interviews were audio recorded.

Respondents were asked questions about their experience of Khmer Rouge rule, as well as their knowledge and experience of sexual violence during that time. Questions were divided into categories: demographic questions; life under the Khmer Rouge; forced



marriage; rape; survival sex or provision of sex in exchange for food; medicine or other privileges; sexual slavery; other forms of sexual harassment and abuse; impacts, coping, help-seeking and ongoing needs.

Respondents were asked whether they witnessed or overheard sexual violence being perpetrated, or saw evidence of such violence after the fact, such as naked and or mutilated bodies. Respondents may have been told about an incident by a victim or someone close to the victim, or a witness to the crime. Respondents were also asked if they had been a direct victim of sexual violence.

Interviews were conducted using a structured questionnaire, containing predominantly closed with some open questions. To provide more qualitative information, when discussing specific sexual violence incidents, interviewers encouraged respondents to expand on their answers and provide additional information that might be relevant to the study. The questionnaire was first designed in English and was then translated into Khmer and reviewed by local experts to check for accuracy. It drew heavily on the instrument developed by Natale and colleagues at Cambodian Defenders Project for her study.⁹² This was to maximise opportunities for comparing data between studies.

A team of ten interviewers gathered the data. One interviewer was an employee of CDP with extensive experience in interviewing survivors of sexual and gender-based violence during the Khmer Rouge. The remaining nine interviewers were recruited based on their previous research/interviewing experience, knowledge of sexual violence and their performance in pre-fieldwork training.

Training was provided to interviewers over 1.5 days, covering topics on: the research study and purpose, sexual violence and the Khmer Rouge, research ethics (including informed consent, confidentiality and voluntary participation), interview techniques (including gender sensitive interviewing and techniques to reduce bias), administering the questionnaire and self-care during and post interview. Two follow up sessions were held with interviewers prior to commencing fieldwork to allow for further practice in administering the questionnaire.

Interviewers worked in pairs in the field. This allowed one person in each pair to keep the interview space private and to conduct on-site review of the interview. Interviewers were supervised in the field by the Research Co-ordinator and Research Assistant. Supervisors ensured adherence to interview protocols and conducted a second review of questionnaires in the field, to reduce the likelihood of errors in data collection.

3.2.3 DATA ANALYSIS

Because the sample of respondents was small and selection not random, it is not possible to extrapolate findings from the data to the general Cambodian population or to determine levels of prevalence of sexual violence in Democratic Kampuchea. It is possible, however, to paint a picture of the kinds of experiences had by ethnic minorities, whether or not most or only some people had those experiences. Accounts of sexual violence were analyzed for patterns and themes to deepen understanding of collective experiences. The data were also scrutinized for unique experiences of individuals.

⁹² Natale *op cit.*



STUDY DESIGN

Data from the interviews were analysed using both quantitative and qualitative methods. The frequency of responses was recorded and these figures have been presented in the findings to give a sense of collective experience across the sample. However, it is important to note that the sample was not representative of the wider ethnic population. Moreover, numbers of respondents recruited from the different ethnic groups were not equal.

Audio recordings of interviews were transcribed in Khmer and translated to English. Both Khmer and English transcripts were analysed for themes and unique experiences. In particular, the analysis sought to gain a sense of the breadth of sexual violence perpetrated, the context in which it occurred, impacts for individuals and their families, how survivors coped and whether they have since sought help. The analysis was also concerned with comparisons that could be drawn between the experience of ethnic minorities and the general population.

3.2.4 RESEARCH ETHICS



Interview team

As any research concerning sexual violence contains inherent risks for both respondents and interviewers, the research team was extremely concerned to reduce these.

Without careful and sensitive inquiry, respondents can be re-traumatized through reliving their experiences of violence. Failure to attend to privacy and confidentiality issues can reveal respondents as survivors of sexual violence in their communities, exposing them to risk of discrimination, humiliation, further abuse or retaliation by others. Researchers themselves can experience secondary trauma through hearing stories of violence, if they do not practice self-care and debriefing.

The questionnaire contained a standardized script explaining the nature and purpose of the research, how the interview would be conducted and the anticipated outcomes. Interviewers then asked for respondents' verbal informed consent to participate. Informed consent was captured on the audio recording. After reading the script to respondents, both the interviewer and their interview partner signed a declaration to say that informed consent had been sought.

Participation in the research was entirely voluntary. Respondents were informed that they were under no obligation to participate and that they were able to pause or stop the interview, skip questions or withdraw their consent at any point in the research process.

Given the sensitive nature of discussing sexual violence, particularly for direct victims, interviewers interviewed respondents of their same sex. All respondents were provided with contact information for psychological support services, available via telephone. Any respondents who experienced significant emotional upset during the interview had the opportunity to speak with a trained psychologist on the



research team. Interviewers themselves were trained in sensitive interview techniques, including to be alert signs of emotional distress and to allow respondents to pause or stop the interview at any time if they wished. In pre-fieldwork training, interviewers learned about the possibility of secondary trauma and were given techniques in self-care. During data collection, interviewers were provided with opportunities for debriefing with partners and supervisors.

In order to protect confidentiality of respondents' personal information, each interview was identified by an interview number. No personally identifying information for respondents, such as name, address or photos, have been recorded in the report or other publications relating to the research. Where reference has been made in respondent accounts to specific locations or people, the names have been deleted. All personally identifying information collected during the research will be destroyed six months following completion of the research. All interviewers, drivers, translators and data analysts were required to sign agreements or clauses in their contracts regarding maintenance of confidentiality of respondents' personal information.

3.3 LIMITATIONS

While every effort has been made to follow rigorous research techniques and best practice in conducting gender sensitive research, nevertheless, some limitations of the study remain.

First, as has been discussed above, the small sample size for this research and use of non-random or representative sampling mean that findings cannot be extrapolated to the general Cambodian population or even to the broader ethnic minority population. The data can, however, give insight to the range of sexual violence experiences for this specific group of ethnic minority survivors, how they were affected and their responses.

Second, the incidents under investigation in this research took place nearly forty years ago. Information gathered from respondents is, therefore, subject to gaps in memory, recall errors and bias related to the passage of time. Despite these limitations, survivor accounts are extremely valuable to the process of documenting this cataclysmic period in Cambodia's history. There is limited information recorded about the experience of ethnic minorities during the regime and even less about their experience of sexual violence. Many sexual violence survivors have never spoken of their experiences, even to their own families. Further, as survivors of the regime are aging and becoming more frail, the need to capture their personal histories becomes more imperative.

Third, despite efforts to include roughly equal numbers of respondents from the different ethnic minorities under investigation, relatively few ethnic Vietnamese were able to be interviewed, limiting the number of firsthand accounts of their experiences. The research team was informed by both intermediaries and respondents that many Vietnamese people would be reluctant to speak to researchers or to identify as such, given the significant anti-Vietnamese sentiment in Cambodia at the time of the research. While this is a significant limitation, the research did include many accounts of sexual violence against ethnic Vietnamese people, recorded by other respondents who were witnesses or who heard about these incidents. It is worth noting that the research also allowed for Muslim respondents to identify as either Khmer Islam or Cham. The vast majority of those respondents identified as Khmer Islam.



STUDY DESIGN

Lastly, while great care was taken in training of the interviewers, development of the questionnaire and analysis to minimise gaps in meaning, it is possible that respondents misinterpreted the intent of the questions due to cross-cultural or linguistic differences. Where there have been ambiguities of meaning in the English transcripts or on the paper questionnaires, the research team has gone back to the Khmer transcriptions, original recordings, and interviewers for clarification.

4. FINDINGS



4.1 DEMOGRAPHICS

This study interviewed 105 respondents who lived through the Khmer Rouge regime and were thought to have knowledge about sexual violence perpetrated during that period. The following discussion sets out some general demographic characteristics of this group.

Table 1: Respondents' demographic characteristics

SEX		AGE		LOCATION DURING DEMOCRATIC KAMPUCHEA	
Female	70%	40-49	7%	Banteay Meanchey	3%
Male	30%	50-59	58%	Battambang	22%
		60-69	30%	Kampong Cham	4%
		70-79	3%	Kampong Chhnang	5%
		80+	2%	Kampong Saom	5%
				Kampong Speu	1%
				Kampong Thom	4%
				Kampot	16%
				Kandal	1%
				Koh Kong	2%
				Kratie	1%
				Phnom Penh	1%
				Pursat	23%
				Takeo	11%
				Don't know	1%

4.1.1 SEX AND AGE

Significantly more women (70%) than men (30%) were interviewed for this study.

Respondents' ages ranged from between 40 to over 80 years. The vast majority of people interviewed (88%) were between 50 and 69 years of age, meaning that most of the respondents were between 11 and 31 years old when the Khmer Rouge came to power in 1975.

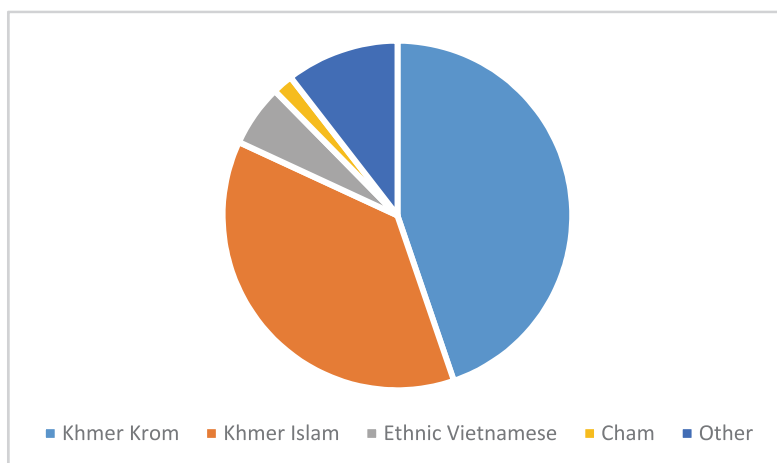
4.1.2 ETHNICITY

To recruit as many respondents as possible from ethnic Vietnamese, Khmer Krom, Khmer Islam and Cham backgrounds, the research team worked with intermediaries in communities to purposefully sample those groups and employed a snowballing recruitment technique to identify additional respondents. The recruitment process included Khmer and other witnesses of sexual violence against someone from one of these ethnic groups.



FINDINGS

Figure 1 Breakdown of sample by ethnicity



The final sample comprised 47 Khmer Krom, 39 Khmer Islam, 6 Vietnamese and 2 Cham respondents, with a further 11 respondents identifying as 'other', most likely to be of Khmer background (see Figure 1).

4.1.3 LOCATION OF RESPONDENTS NOW AND DURING THE KHMER ROUGE

Interviews with respondents were conducted across six provinces in Cambodia (see Figure 2). The distribution of respondents across the provinces were: Pursat (26%); Kampot (26%); Battambang (19%); Phnom Penh (12%); Takeo (11%); and Kampong Chhnang (6%).

In Democratic Kampuchea, respondents were dispersed across a much wider geographical area. This is not surprising as the Khmer Rouge evacuated cities and sent inhabitants to work in the countryside in labour camps. Additionally, many people experienced forced transfer during the regime for reasons of ethnic background, needs for their labour skills, as

Figure 2 Map of provinces in which interviews were conducted

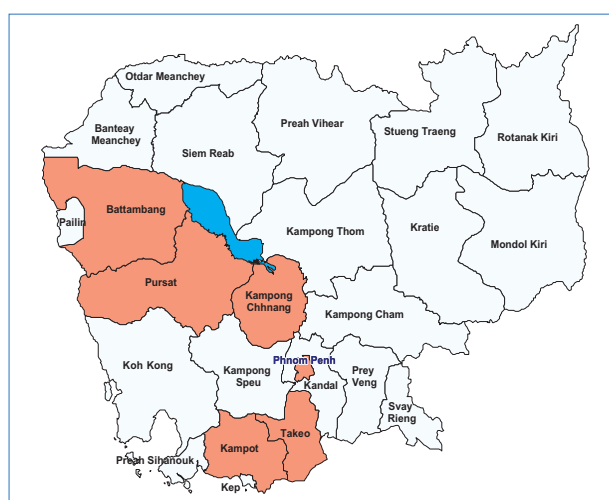
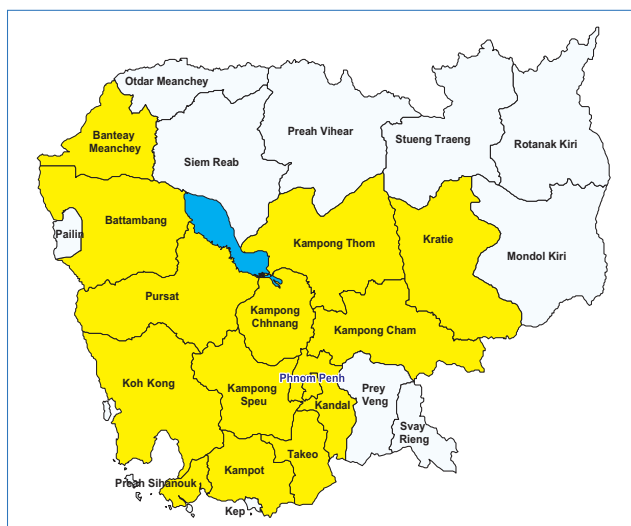


Figure 3 Map of provinces in which respondents were living during Democratic Kampuchea



punishment or in order to break up families and communities.

Between 1975 and 1979, respondents for this study were living across 14 different provinces, as indicated in Table 1. These were: Banteay Meanchey; Battambang; Kampong Cham; Kampong Chhnang; Kampong Saom; Kampong Speu; Kampong Thom; Kampot; Kandal; Koh Kong; Kratie; Phnom Penh; Pursat; and Takeo (see Figure 3 for a map locating these provinces).



4.1.4 STATUS UNDER THE KHMER ROUGE

During Democratic Kampuchea, the Khmer Rouge subordinated family relationships, for example, by separating family members. They went further to establish a new class system based on people's allegiance to the regime, their social background, ethnicity and other factors.⁹³ The first division of classes was between 'old people' who lived in Khmer Rouge controlled areas during the civil war with Lon Nol supporters, and 'new people' who lived in areas not controlled by the Khmer Rouge, many of whom were forcibly transferred after the regime took control of the country. 'Reserve people' were those were



Cham market

living within Khmer Rouge controlled areas but their relatives lived in Lon Nol controlled areas or had a high class family, were a police officer or soldier. These people remained under suspicion. Other distinctions were made. People were generally either civilians (peasants or workers) or were working for the Khmer Rouge as cadre (soldiers) or candidates (participating in some way in management of cooperatives, with access to better tools and food).⁹⁴ In addition to Khmer Rouge cadres, the local militia (chlob) also exercised power. Without being members of the CPK, they were assigned specific tasks by local authorities, such as surveillance.

Respondents for this research were asked how the Khmer Rouge designated them in Democratic Kampuchea. Eighty-five reported that they were classed as new people, 11 were classed as base people, 1 was a reserve person, 1 was a Khmer Rouge cadre, and the remainder did not know.

4.1.5 KNOWLEDGE OF SEXUAL VIOLENCE AGAINST MINORITIES

The purposive sampling approaches used in this study (that is, selective sampling and snowball sampling) deliberately sought to maximize the number of respondents who had some information about sexual violence against ethnic minorities in Democratic Kampuchea. These approaches proved successful in recruiting respondents, almost all of whom reported some knowledge of these acts. This includes witnessing sexual violence, being told about incidents after the fact or direct personal experience. Table 2 presents the percentage of the 105 respondents who had some knowledge of sexual violence against ethnic minorities during the regime (see Table 2).

⁹³ Becker, E, *When the war was over: Cambodia and the Khmer Rouge Revolution*, (New York: Public Affairs); Duong L (2006), *op. cit.*

⁹⁴ Becker, *op. cit.*, 227



FINDINGS

Table 2: Respondents' knowledge of sexual violence against ethnic minorities during Khmer Rouge regime

	Personal experience	Witness	Told by victim	Told by other	TOTAL
Forced marriage	60%*	-	-	-	60%
Rape	-	55%	4%	29%	88%
Survival sex	1%	11%	2%	7%	21%
Sexual slavery	-	11%	5%	7%	23%
TOTAL	61%	77%	11%	43%	

* Respondents were only asked if the Khmer Rouge forced them to marry someone, not if they knew of anyone else who was forced to marry

As can be seen in Table 2, nearly two thirds of the 105 respondents had directly experienced some form of sexual violence or abuse during the regime, in almost all cases as forced marriage (60%).

A large majority of respondents (77%) had witnessed some form of sexual violence towards a person from an ethnic minority, most commonly involving rape. In some cases, respondents had witnessed multiple incidents and/or different types of sexual violence.

Aside from experiencing, seeing or hearing sexual violence against a person from an ethnic minority, some respondents were told by another person about an incident. In some instances, the victim themselves disclosed the incident to the respondent; in others, it may have been a relative or neighbour of the respondent, or a co-worker or someone close to the victim who witnessed the incident. In a couple of cases, respondents overheard the perpetrator(s) speaking about their acts of sexual violence. In a few communities, incidents of sexual violence were well known, particularly in cases of mass rape and execution, or repeated rapes, with information being shared amongst villagers. In many cases, however, respondents indicated that they were extremely fearful of talking about sexual violence incidents to other people, as that put them at risk of being killed by the perpetrator(s) in order to keep the matter secret. This fear, instigated by Khmer Rouge perpetrators, contributed to a culture of silence around sexual violence.

The following provides detailed information about respondents' knowledge of sexual violence against ethnic minorities during the Khmer Rouge. The text is divided into key types of sexual violence addressed in the interviews: forced marriage; rape; survival sex; sexual slavery; and other forms of sexual abuse. It also includes information on impacts for survivors and their response; coping factors; and ongoing needs. Patterns and themes emerging from the data, as well as unique cases are discussed throughout the findings.

4.2 FORCED MARRIAGE

Previous research and the Khmer Rouge's own documentation show that the regime forced many single or widowed people to marry for 'Angkar'. This sometimes followed execution by the Khmer Rouge of a person's husband or wife from a previous marriage, particularly if the spouse was deemed an enemy of the revolution. In order to subordinate the role of family and religion in people's lives, the regime assumed complete control over the selection of spouses to be married, arrangements for marriage, where couples would live and consummation of the marriage. Through these practices, the Khmer Rouge exerted widespread and systematic control over the population.



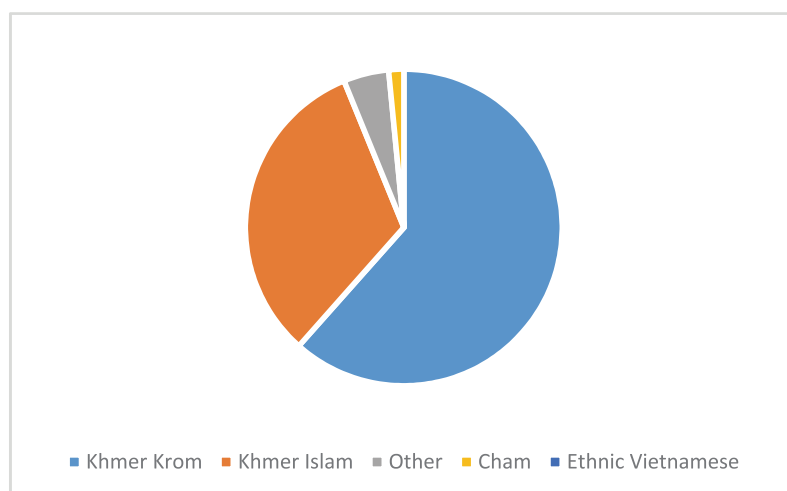
Internationally, forced marriage is considered a violation of human rights, with the Universal Declaration of Human Rights stating that: ‘Marriage shall be entered into only with the free and full consent of the intending spouses’.⁹⁵ Further, while forced marriage is considered to be gender-based violence,⁹⁶ the Khmer Rouge’s stipulation for sex within marriage to produce children constitutes sexual violence, a practice that denies victims their sexual and reproductive human rights. Forced sex in the context of forced marriage can have lifetime consequences, for example, in terms of rape trauma or for those who have children as a result of the marriage. Therefore, forced marriage is an area of great concern to this study.

The following discusses different aspects of the experience of forced marriage: being asked by Angkar and submitting to or refusing to marry; arrangement of the marriage and ceremony; and forced sex within marriage, children and separation.

4.2.1 BEING ASKED, SUBMITTING TO OR REFUSING TO MARRY

Most of the 105 respondents were asked by the Khmer Rouge to marry someone, including a majority of the 94 ethnic minority respondents: 40 Khmer Krom; 21 Khmer Islam; 3 Other; 1 Cham; and 1 ethnic Vietnamese (see Figure 4).⁹⁷

Figure 4 Forced marriage by respondent ethnicity



Being asked to marry by the Khmer Rouge typically involved a person being approached while working and told that a spouse had been selected for them. Those approached were often given at most a few hours or days in which to decide whether or not to marry (as described below, some people were only told to come to a meeting, at which they later discovered a marriage procedure was to be held).

One third of these respondents submitted to be married when asked. These respondents unanimously indicated that they feared either they or family members would be killed, they would be assigned more difficult work or would be relocated for refusing. One woman who was very young when forced to marry explained how fear kept her silent:

⁹⁵ Universal Declaration of Human Rights, Article 16(2). Viewed 12 February 2014 <http://www.claiminghumanrights.org/udhr_article_16.html>

⁹⁶ It is gender-based violence because it forces people into gender roles dictated by society; e.g. women as mothers, reducing women to their reproductive function.

⁹⁷ Note that lower figures for Cham and Vietnamese victims are indicative of the small numbers of respondents from those ethnic groups.



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I was forced to make a commitment [to marry]... I was very small. I was just over 10 years old... How could I protest? I was afraid, so I did not refuse or anything.

- Khmer Islam female respondent

Another woman described how refusing to marry marked a person as an enemy of the state:

I didn't dare to say 'no'. If I refused I would be taken to be killed. At that time, if we were still stubborn, we would be killed by being accused of 'khmang' [literally, 'enemy' of the Khmer Rouge regime]

- Khmer Krom female respondent

Despite the danger, many people did refuse to marry at least initially. Of the 63 ethnic minority respondents who were asked to marry, 42 initially refused. Of those who refused, all except two eventually married either that spouse or a subsequent spouse selected by the regime. A number of people who initially refused to marry explained that they became more fearful as time went on, so that when they were asked again to marry, they submitted. In the following case, a Khmer Islam man describes how he initially refused to marry a Khmer woman when asked but agreed under duress to a second proposal because the regime became more aggressive about this practice:



Bas relief of forced marriage at Battambang Province

First, yes, they got me to get married to a Khmer woman but I said that I didn't want to marry her... Nothing happened. They didn't say anything because the situation was less tense at first... Later on, we could not refuse to get married... In my mind, I felt angry when I was forced to marry at the time... We were not happy.

- Khmer Islam male respondent

Respondents were right to be fearful, as there were very serious consequences for refusal. Of the 42 ethnic minority respondents who initially refused to marry, 35 were threatened or punished in some way. People were threatened with relocation to a more dangerous area, with more difficult work, re-education,⁹⁸ or with the execution of them and/or their family members, as in the following case:

While I was transplanting rice, he [Khmer Rouge cadre with his militiamen] came to me to pressure me into marriage. First, I didn't accept it as I said that I was so young, I didn't want to get married yet. When this reached Angkar, they told me that if I still refused my parents and I would be taken to be killed. As I was terrified, I decided to get married in the end.

- Khmer Krom female respondent

⁹⁸ Re-education was punishment by the Khmer Rouge that could range from a verbal reprimand to death.



In 10 cases, respondents were tortured for refusing to marry. In the following case, the woman's husband was executed just prior to her being asked by the regime to marry. When she refused, she was imprisoned and tortured:

My husband was killed and I had just delivered a baby... I was forced to get married, so I pleaded for not getting married... I was sent to be punished at _____ prison. They detained and warned me... I was tortured again and again. They committed cruel acts against me, I still refused the marriage and I tried to bear all sufferings... I was set free in one or two days later... After that time, our country was liberated and I was set free.

- Khmer Krom female respondent

Of 35 ethnic minority respondents threatened or punished for initially refusing to marry, 22 ended up marrying the spouse arranged for them.

4.2.2 ARRANGEMENT OF MARRIAGE AND MARRIAGE PROCEDURE



All but one of the marriages described by ethnic minority respondents were arranged and organized by the Khmer Rouge rather than the people to be married, suggesting that forced marriage was a state practice. In the one exceptional case, the respondent's family arranged the marriage with the spouse's family. In none of the cases reported were individual's wishes taken into account in selecting their spouse. From respondents' accounts, it seems common that people who were asked by the Khmer Rouge to marry did not love each other, like each other or in many cases had not previously met.

A large number of respondents were given very little notice of their impending marriage; sometimes a week, sometimes a day or two. In a few cases, respondents had been called to a meeting at the end of the workday, at which time they were forced to engage in a marriage procedure. One woman recalled her shock at being forced to be married in this manner without notice:

I didn't know about the marriage, they didn't tell us about marriage in advance... They just called 20 to 30 people... At first, they got us to stand and called us to say a few words in a meeting and they told us to hold hands with each other. At that time, we started wondering why they got us to hold hands with each other. They told us to say a few words to be determined to get married, so that we all knew that they got us to get married. And after getting married, some people went to commit suicide by hanging themselves and some people ran away because it was very complicated.

- Khmer Krom female respondent



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Two women described being forced to marry at gunpoint and their resulting fear:

I was nervous when making that commitment. I just followed the scripts read out. A rifle was pointed to us before the commitment... We were told about what to say during the commitment. So we just repeated exactly what they told us to say, just to survive.

- Khmer Islam female respondent

I felt very scared because they had guns when they came to attend our wedding at that time. They came to attempt to threaten us. Yes, I was very afraid at that time.

- Khmer Krom female respondent

Respondents' accounts of marriage procedures were surprisingly similar. Typically, the marriage procedure itself was extremely short and without any celebration. Men and women were called to a meeting hall or sometimes outside in a cleared area. They were arranged in pairs and each couple was asked to 'pdaj-gna', that is, determine to commit to each other and work hard for Angkar. The procedure was overseen by Khmer Rouge cadre. Anywhere from three or four couples to hundreds of couples were married at any one time. Marriage procedures were often held at night, after the work day. Many people had only their dirty work clothes to wear. While two women indicated that chicken and duck were provided when they were married (one to a soldier), all other respondents said no food or only plain food was provided. In every case except one, family did not attend. Many respondents found this very upsetting. Cadre were often in attendance, sometimes in large numbers. As soon as the marriage procedure was over, couples were sent home.

The following accounts from two women are typical of respondents' descriptions of marriage procedures in Democratic Kampuchea:

[For] that wedding ceremony - nothing special was organized. For example, during a day they invited 20 or 30 pairs to come to pdaj-gna together. They asked us to sit down into two groups: one is for men and another one for women, in front of each partner. They asked us to pdaj-gna together: 'I promise to take this comrade as my spouse forever, and make effort in agricultural production'. Then everyone claps hands and [that is] all. There were two or three Khmer Rouge cadres who participated in the ceremony. They asked us to sit down on the table where we eat food, like students do. We sat down by our partner and pdaj-gna. There was no food to offer as such, [not] even our parents. There was no villagers' participation, only pairs.

- Khmer Krom female respondent

And in the morning, I was given a new scarf and black clothes for that marriage party. It was up to nearly 300 couples to get married at one time. I met a lot people at the marriage site and I felt very pitiful for myself. They waited for their turn to show their pdaj-gna. One by one of each couple until early morning and no any food served at the marriage, except Num Korm [a kind of cooked sticky rice pudding]. The marriage party was held at an open air place and started in the afternoon until mid-night.

- Khmer Islam female respondent



This is in stark contrast to traditional Cambodian weddings, which typically run for two to three days and include extended family and friends, during which various religious and cultural rituals are performed, followed by a banquet. Many respondents who experienced forced marriage during Democratic Kampuchea expressed how disappointed and sad they feel that they were not married traditionally.

4.2.3 FORCED SEX WITHIN MARRIAGE, CHILDREN AND SEPARATION

Because the purpose of forced marriage was to produce children for Angkar, newly wed couples were almost universally pressured to engage in sex under the watchful eye of the Khmer Rouge.

Of the 40 ethnic minority respondents who married when they were first asked, 36 said that they felt forced to have sex because they were watched by Khmer Rouge cadre who patrolled sleeping areas at night. Some were threatened by the Khmer Rouge if they did not consummate the marriage. The following man's account of being threatened for not having sex following forced marriage was typical of respondents' experiences:

Militia men watched us secretly. If we didn't have sex, early morning we would be called to attend Prachum Karsang [re-education meetings] three times. If we still disagreed to have sex, we would be taken to be killed. Many couples were killed...

- Khmer Krom male respondent

Some women were also threatened or forced by their new husbands to have sex. One woman described how her husband threatened to inform on her to the Khmer Rouge:

My husband forced me to have sex by having told me that if I didn't agree to sleep with him, he would inform it to Angkar, the Unit Chief.

- Khmer Krom female respondent

Both men and women forced to have sex following forced marriage described it as a distressing experience. However, not everyone engaged in sex with their new spouse. A few couples by mutual agreement pretended to have sex in order to fool the authorities. The following two women described engaging in this deception with their spouses:

We were spied [upon to see] if we had sexual intercourse. We just pretended to act in a way to make them think we had sexual intercourse but we just treated each other as siblings.

- Khmer Islam female respondent

I know that they followed me but they did not make trouble with us. We just pretended to have [sexual intercourse] for months but, in reality, it was a fake.

- Khmer Krom female respondent

For some, faking sex was only necessary in the initial phase after being married. After that, some couples lived separately and were only allowed to come together every couple of months. One man described this arrangement for him and his wife:



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We lived together occasionally after marriage. We were very busy working. We met with each other once every two months.

- Khmer Islam male respondent

In a couple of cases, couples who were forced to marry eventually came to care for and love each other. For example, one woman talked about falling in love with her husband of forced marriage. This couple had children and remain together to this day:

In my case, after the wedding ceremony we did not sleep together but just pretended to sleep together in order that the Khmer Rouge do not suspect us. But later, we love each other and we really sleep together.

- Khmer Krom female respondent

Of the 40 ethnic minority respondents who married when they were first asked to, 29 had children from the relationship, either during or following the regime.

The fall of the Khmer Rouge presented an opportunity for those unhappy with their marriage to separate. Choices to stay together or separate were complicated if there were children from the relationship, if couples faced poverty or lacked family members or other means of support.⁹⁹ Of the 40 ethnic minority respondents who married when initially asked, 26 stayed with their partner following the fall of the regime. Among those who stayed together, 23 respondents had children from the relationship.

One man described his sense of obligation to stay with his wife after the fall of the Khmer Rouge, even though he was unhappy in the marriage:

I had been forced to get married three months before the Vietnamese troops liberated the country... [N]o one dared to refuse. If we refused to get married, we would be killed... After the marriage, I felt that militiamen watched us secretly at night. If we didn't have sex with each other, we would be killed... I disliked my wife. I went to live in a new camp after the Vietnamese troops liberated the country. I thought that I wanted to abandon my wife but then I thought deeply that I got married to her, I could not leave her alone. She was disabled and her parents passed away, so she had no support. I could not run away from her. I returned home...

- Khmer Krom male respondent

Six respondents separated from their spouses after the fall of the regime despite having children. In the following accounts, two women describe how they were left to raise children alone after separation:

After we had a three month-old child, we got separated. I had only one child... [After liberation] my husband had another girl friend so he went to seek his girlfriend.

- Khmer Krom female respondent

⁹⁹ For a discussion of reasons why couples forced to marry stayed together, see Levine, op. cit.



Four to five days after marriage, we agreed to have sex... I had one child... Oh! I have gotten separated from my husband until now since the Vietnamese troops entered the country. I have taken care for this child until now.

- Khmer Islam female respondent

4.3 RAPE

This research investigated whether ethnic minorities experienced rape in Democratic Kampuchea and if they were targeted for rape because of their ethnicity. The definition of rape employed is as follows:

The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or the perpetrator with a sexual organ or of the anal or genital opening of the victim with any object or any other part of the body.¹⁰⁰



The invasion was committed by force, or by the threat of force or coercion, such as that was caused by fear of violence, duress, detention, psychological oppression, or abuse of power, against such person or another person, or by taking advantage of a coercive environment or the invasion was committed against a person incapable of giving genuine consent.¹⁰¹

The picture emerging from the study data is of widespread rape of ethnic minority women and girls by predominantly Khmer Rouge male cadre, often as gang rapes. In most cases, rape victims were murdered afterwards and, in some cases, the perpetrators mutilated victim's bodies either before or after killing them. In this environment, there was a pervasive fear amongst ethnic minority women and girls of being raped and killed at any time by Khmer Rouge cadre.

More than two thirds of the 105 respondents in the study had witnessed or heard about a rape taking place in Democratic Kampuchea. Many rapes of people from ethnic minorities were reported: 34 Other; 25 Khmer Krom; 14 ethnic Vietnamese; 14 Khmer Islam; 3 Cham (see Figure 4).¹⁰²

¹⁰⁰ Article 7(1)(g)-1(1), Crime Against Humanity of Rape, Elements of Crimes, International Criminal Court. Viewed 26 December 2013 <<http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>>

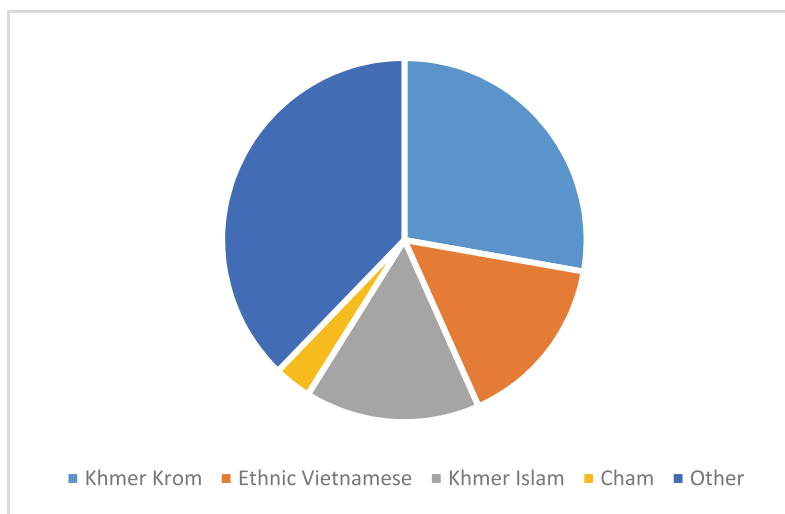
¹⁰¹ Article 7(1)(g)-1(2) *ibid*

¹⁰² Note that lower figures for Cham and Vietnamese victims are likely to reflect to some degree the numbers of respondents from those ethnic groups. The point to be made here is that respondents reported rapes of people from all four of the ethnic groups, as well as rapes of other people.



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Figure 4 Reported rapes by victim ethnicity



Specifically regarding rapes of ethnic minority people, respondents were asked what they knew about the rapist and the victim.

All respondents identified Khmer Rouge cadre as rapists in cases they saw or heard about, with only one case involving a civilian rapist. Where respondents knew the gender of rapists, they identified only two female perpetrators and the rest as male. Where respondents could

estimate the age of rapists, the majority were thought to be men in their twenties or older. In thirty-five incidents, rapists were estimated as being between 18 and 30 years old, with a further nineteen incidents involving men over the age of 30. Only seven incidents involved perpetrators under 18 years of age.

Among the ethnic minority victims, there was only one case of a male victim. Rapists targeted mostly young women. Where the age of the victim could be estimated by respondents, thirty-four incidents involved victims between 18 and 30 years old, with another fifteen cases with victims under 18 years of age. In five incidents, victims were estimated to be over 30 years old.

There were 37 reports of gang rape of ethnic minority women by multiple perpetrators. These were typically in groups of 2 to 6 men. Victims were often taken away or arrested by Khmer Rouge cadre, and raped in or behind a building, in a forest or field.

While most cases of rape of people from an ethnic minority involved single victims, 22 incidents involved mass rape of multiple victims. In all respondent reports of mass rape, the victims were executed. One respondent reported the mass rape of three beautiful Khmer-Vietnamese girls around 17 or 18 years old, who worked with her in the same unit:

The Pol Pot people called them to go for a meeting. After they have gone to the meeting, they never returned. I know that they committed rape, because I was assigned to be the guard for that night. The perpetrators came back and asked for food to eat. They chatted to each other about the rape committed. They said that a girl had such white skin and her tits are hard and other things about raping. From this I was aware that they raped and killed these girls... [The perpetrators] were Khmer Rouge cadre. There were several of them and they were about 20 years old.

- Female respondent (ethnicity 'other')

Another respondent described the mass rape of young Khmer and ethnic Vietnamese women living in her work unit. Every night, four or five women were led out by five or six Khmer Rouge cadre to be raped and killed. She was aware of this practice and was told about it by one of the perpetrators:



[O]ne of the Khmer Rouge called me to go to his place and told me that tonight he needed five women more [to be killed]. He added that I shouldn't be horrified as I would become a victim as they were. He also said that before he led someone amongst these women to go out for killing, they usually had all been raped. He told me all this after he and their fellows had led five women to go out, by showing me five gallbladders [of these women] he brought with him.

- Female respondent (ethnicity 'other')

The research did not specifically ask about rape with a foreign object but 4 respondents ventured information about this form of sexual violence perpetrated against someone from an ethnic minority. All 4 cases involved respondents witnessing bodies of women with a stick of bamboo or a branch of a tree inserted in the victim's vagina. In these cases, the victim was dead when the respondent came across them. In one case of rape with a foreign object, the victim was still alive. In this account, a female respondent witnessed a Khmer Rouge cadre using his knife to 'play' with a woman's genitals before killing her. The same perpetrator also cut off a male child's penis before killing him. Both victims were of Khmer Krom background.



Uploading fieldwork data

Importantly, in the case of rape, victims rarely escaped execution or death. In the 90 cases of reported rape of ethnic minority victims, 2 women subsequently died of their injuries and 2 women went missing (possibly killed). Five accounts were unclear about what happened to the victim following the rape. In 3 other cases, victims were released by their attackers. Among the remaining incidents, including all of those involving mass rape, the victims were killed, as indicated in the following three accounts. In the first account of the rape of a Cham woman, her husband was taken to be killed first:

At that time, she worked at a weaving house in 1976 to 1977. That woman who was Cham was beautiful. The woman and her husband were young. They did not have any children. And Kanak Kamaphibal [Khmer Rouge cadre of a committee] wanted her when he saw that she was beautiful. Her husband was taken to be killed. Four men had sex with her... And she was taken to be killed... [The perpetrators] all had wives. They were more than 30 years old.

- Khmer Islam male respondent

She was very beautiful... She was killed but before killing, she was raped by three men, from what I know. This was not told by villagers but I knew through the person who killed her. After killing, he was drunk and he talked about that... She was taken by three men on bicycles. They took her to the forest around here... Yes, the ones who killed her said, they said that the woman who was killed had beautiful skin.

- Cham female respondent describing the rape and execution of her aunt



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The chief of woman unit came to call the beautiful woman and three militiamen also arrested her. The militiamen were young. They are your age [20-30 years old]. They brought her to a hill nearby a hole for catching fish. That woman knew that they would kill her so she made a plea for mercy, 'don't kill me!' She told them to do whatever they wanted. The three militiamen raped her under Deum Sangke [a name of tree] while it was raining. They took her clothes off and then they raped her. They didn't get her free. They beat her with sticks. They placed her into a hole and then they buried her...

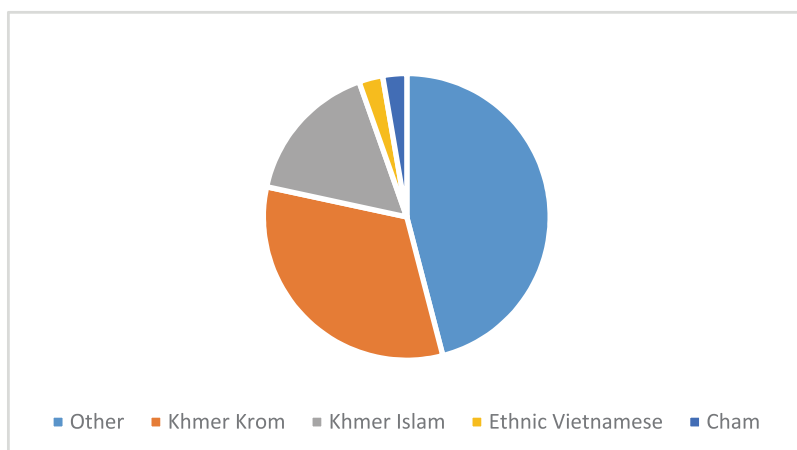
- Male respondent (ethnicity 'other') describing the rape and execution of a Khmer-Vietnamese woman, witnessed by his wife

4.4 SURVIVAL SEX

In Democratic Kampuchea, food distribution was highly regulated by the Khmer Rouge and anyone obtaining food outside of what was provided (including foraging for food in forests or rivers, or stealing food) could be punished or killed. The general populace was given very little food to survive. Most experienced malnutrition and many people starved to death. A number of respondents in the study made reference to how hungry and exhausted they were during the regime. As a consequence, some people exchanged sex for food, medicine or easier work duties, otherwise known as survival sex.

One third of the 105 respondents said they knew of someone who engaged in survival sex. Many incidents involved someone from an ethnic minority: 17 Other, 12 Khmer Krom, 6 Khmer Islam, 1 Cham and 1 ethnic Vietnamese (see Figure 6).¹⁰³

Figure 5 Reported survival sex by victim ethnicity



In the cases of survival sex involving ethnic minorities, 18 of the perpetrators were identified as Khmer Rouge cadre. One perpetrator was thought to be a civilian and in the other case, the identity of the perpetrator was unknown. In 15 cases, there was believed to be only one perpetrator. Where age could be estimated, perpetrators were thought to be mostly older men. Twelve of

the incidents involved perpetrators estimated at over 30 years of age, six incidents involved perpetrators between 18 and 30, and one case involved a young man under 18 years of age.

In all cases reported except one, perpetrators were male and victims female. The exceptional case involved several powerful female unit chiefs who 'invited' handsome Khmer Krom men to sleep with them. Some of these men exchanged sex with the women for rice and other food to feed their children. These men were eventually executed by the unit chiefs.

¹⁰³ Lower figures for Cham and Vietnamese victims are likely to reflect to some degree the numbers of respondents from those ethnic groups. Tellingly, victims from all ethnic groups were reported to have engaged in survival sex.



Where age could be estimated, there were fourteen cases involving victims thought to be between 18 and 30 years of age, with four cases involving victims under 18 years and three cases involving victims over 30 years of age.

In fifteen of the 20 cases of survival sex involving an ethnic minority victim, there was thought to be only one victim involved.

There was one respondent's direct experience of survival sex. She was a Khmer Krom woman forced to marry a Khmer Rouge soldier. In the following account, the woman explains that she exchanged sex with her husband for food:

Even though I myself had difficulty in living, I had to try to survive. To receive enough food, I was willing to have sex with him. If I did not agree to have sex with my husband, he would not bring food to me when he returned home from work. If I had sex with him, he brought fish, meat and corn to me. I was willing to have sex with my husband to receive enough food to eat, even though I felt very tired.

- Khmer Krom female respondent

In another incident, a woman describes how she was approached to engage in this kind of exchange by a cadre but refused:

[A Khmer Rouge cadre] rode the horse to meet me, he tried to persuade me but I never agreed [had sex] with him, I would rather die. I was still a child. He asked me some questions about this and that. He told me that if I agreed to go with him, I would get foods to eat and foods for my family, and my family would not live in hardship anymore. I was about 17 or 18 years old.

- Khmer Islam female respondent

One woman spoke about her friend's (a Khmer Krom woman) desperation underlying survival sex:

She was a normal citizen, virgin girl. Before the Pol Pot time, she was my class mate. She was very beautiful... All her friends who worked with her at the sewing place told me that she had sex with Unit Chief. She was about 20 years old... They just told me that the girl had sexual intercourse with Unit Chief and it was not a voluntary case. She just wanted to have enough food to eat and hide the story secretly.

- Khmer Krom female respondent

Survival sex could provide desperate people with food and other privileges, as indicated by another woman:

I was told that they were beautiful girls, they lived with the soldiers. They had rice to eat. They had powder and lipstick to wear. Life was good. They had rice to eat. They had nice silk sarong. I was told that they slept with those soldiers. Some [left] their husbands because they could [not get] enough to eat... [The men] were a lot of KR soldiers.

- Khmer Islam female respondent



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Such exchanges were highly risky, however, and could result in the execution of the victim and/or the perpetrator if discovered. In the case cited above of the woman working in the garment workshop who exchanged sex for food, both she and the unit chief were executed when she became pregnant. Another man also related an account concerning the execution of both a woman and man involved in an exchange of sex for food:

At that time, [the sex] was in exchange for five cans of rice [The victim was] Khmer-Kampuchea Krom... a woman more than 20 years old. She didn't have any children. Ten days later, both the man and woman were taken to be killed...

- Male respondent (ethnicity 'other')

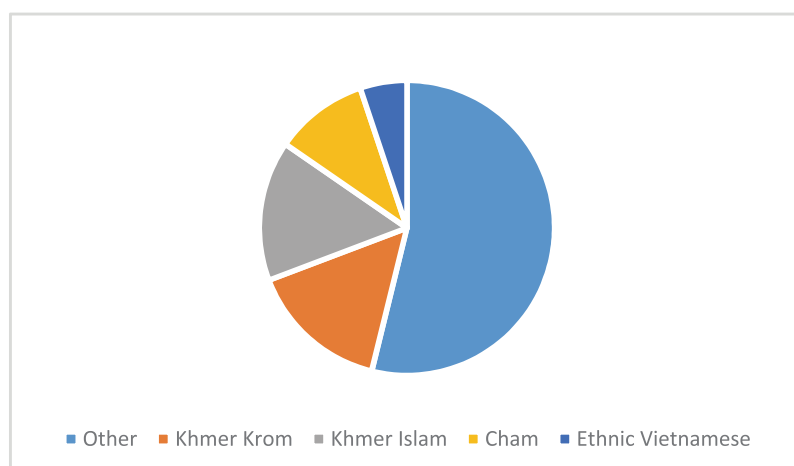
4.5 SEXUAL SLAVERY

Thirty-eight of the 105 respondents in the study said they knew someone who was forced by the Khmer Rouge to provide sex on a regular basis, also known as sexual slavery. Sexual slavery is a serious crime, defined in international law as a situation in which:

The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty [and] the perpetrator caused such person or persons to engage in one or more acts of a sexual nature.¹⁰⁴

Of the reported cases of sexual slavery, nearly half involved someone from an ethnic minority: 21 Other; 6 Khmer Krom; 6 Khmer Islam; 4 Cham; and 2 ethnic Vietnamese.¹⁰⁵

Figure 8 Reported sexual slavery by victim ethnicity



In cases of sexual slavery of ethnic minority victims where the identity of the perpetrator was known, perpetrators were identified as male and agents of the Khmer Rouge. Where age could be estimated, perpetrators were thought to be older. Eight cases involved perpetrators thought to be between 18 and 30 years of age, seven cases involved perpetrators over 30 years and

¹⁰⁴ Article 7(1)(g)-2, Crime Against Humanity of Sexual Slavery, Elements of Crimes, International Criminal Court, 8. Viewed 20 January 2014 < <http://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf> >

¹⁰⁵ Lower figures for Cham and Vietnamese victims are likely to reflect to some degree the numbers of respondents from those ethnic groups.



three cases involved perpetrators under 18 years of age.

All the ethnic minority victims of sexual slavery were women. Where age could be estimated, victims tended to be in their twenties. In twelve incidents, victims were thought to be aged between 18 and 30 years, five cases involved victims under 18 and one case involved a victim over 30 years of age.



Research Interviews in the field

There were 9 cases of sexual slavery of ethnic minorities involving single victims and 8 cases with multiple victims. In one case, the number of victims was not known. In most cases, women were forced to provide sex to groups of men. For example, one woman described the sexual enslavement of two Khmer Krom women and four or five Khmer women by Khmer Rouge cadre:

Each of the women selected were obliged to serve sex with at least three or four men at one time. They served sex for many months. They were about to be killed in the end but they knew this secret in advance, so they fled to live with their relatives.

- Khmer Krom female respondent

Similarly, another woman reported her female Khmer Islam co-worker being forced to provide sex to a group of militiamen. These men also forced other women to have sex with them:

She was Khmer-Islam and she worked with me in the same unit... A village militiaman was young in the Khmer Rouge regime, he found she was beautiful and he wanted her for pleasure, not for marriage. He wanted to have sex, so at night he obliged her to go with him. She didn't know what he wanted her to do but we all knew clearly what he wanted from her and we didn't dare to tell her the truth. Every night, a few of militiamen came to the women unit site and obliged some women to go with them and later on, a chief of the militiamen knew his subordinates' activities ... so he decided to send her to [be re-educated] but in fact, she was sent to be killed. [Interviewer: Did the rape activities happen every night?] We didn't know clearly but when the woman who was obliged to go with them came back, she looked upset. I wondered what happened to her but I didn't dare to ask her and later on, I knew that she was raped every night. A few of militiamen wanted her together but they took turns to rape her... They were about 18 or 19 or 20. They were young. We [victim and respondent] stayed together and I often asked when we slept.

- Khmer Islam female respondent

Women were used for sex for days or sometimes months, as in the following account:

There were some kind of people among them [Khmer Rouge] who took women for having sex and considered them as wives before they allowed them to come back... For months... At that time, in



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the village we lived in the houses close to each other arranged in a line. So I could see this event with my own eyes.

- Ethnic Vietnamese male respondent

Some women were physically kept to provide sex, while others were able to return to their regular living areas in between sexual abuses. In some of the cases described, the women kept as sexual slaves were eventually killed (in four accounts it was unclear what happened to the women in the end). In the following case, a female respondent reports that women kept as sexual slaves were killed in order to keep this act a secret:

About 10 beautiful [Khmer and Khmer Islam] women were kept for rape... The [perpetrators] were about four or five people, all men, were about 30-35 years old... [The victims were] beautiful women between 18 and 20 years old. After three to seven days of rape, they were killed as [the perpetrators] were afraid that the secret would be revealed.

- Khmer Islam female respondent

4.6 OTHER SEXUAL VIOLENCE

Knowledge of 'other forms of sexual violence' was also canvassed with respondents. Fifty-eight of the 105 respondents identified sexual violence other than the forms listed above, that they experienced, witnessed or heard about. These forms ranged from sexual mutilation and sexual assault, to sexual mockery and unwanted groping.

4.6.1 SEXUAL MUTILATION



Study site

For the purposes of this study, sexual mutilation is understood to encompass the removal or damage of sexual organs by force.

There were seven respondents who reported seeing or hearing about the sexual mutilation of ethnic minority victims, most commonly following rape. Five of these incidents involved cutting off women's breasts. (In some reported incidents, women's stomachs were cut open and organs removed). In most of these accounts, it was unclear whether the bodies had been mutilated before or after killing the victim as the respondent only saw the mutilated body after death.

However, there were three accounts in which it appeared that sexual mutilation took place while victims were still alive and most likely contributed to their deaths. For example, one woman reported witnessing the mutilation of her young brother and another woman:



She was Khmer Kampuchea Krom. She was about 14 or 15 years old. She was forced to take off clothes and she was naked and then he [Khmer Rouge cadre] used his knife to play with the woman's genitals and then he cut open her abdomen and put grasses into her abdomen. He didn't rape her, he just wanted to enjoy cutting open the abdomen.... My brother was killed, but before he was killed, he was cut open his abdomen and put grasses into his abdomen, cut off his genital organ.

- Khmer Krom female respondent

One man also observed that sexual mutilation took place in prison with impunity:

The serious punishments were committed only in the prisons, such as pulling out fingernails and pulling out women's breasts by pincers. Tortures were up to whatever they wanted to commit.

- Khmer Islam male respondent

One male respondent reported a case in which sexual mutilation was perpetrated against his aunt, an older Khmer Krom woman, in punishment for a perceived crime:

In a Khmer Rouge military base, there was a telephone line so my aunt was accused of cutting the telephone line off ... My aunt was an old woman and she was a single woman. I heard that her breasts had been cut off before being taken to be killed at that time but I did not witness what happened to her. Elder people secretly saw her being killed. It was said that she was treated very badly. I didn't know if she was raped or not, but I just knew that her breasts were cut off and knifed by a bayonet. Her eyes were taken out by a bayonet and her clothes were taken off.

- Khmer Krom male respondent

Two respondents reported seeing the public display of sexual organs. The first account is by female respondent speaking about the rape of her cousin, a Khmer Krom woman, by two or three Khmer Rouge cadre:

They raped her and cut her tit to put on the top of the gun.

- Khmer Krom female respondent

The second account is by a female respondent speaking about the mutilation of her friend, a Khmer Krom woman, after she was raped and murdered by a militiaman:

She was killed [after]. She was treated very badly and then her hands and legs were cut off. She was thrown away after she had been raped. I witnessed her genitals that was cut off in smaller parts but I did not witness her being raped. We witnessed small parts of her genitals while we were walking... We did not dare to talk about this event openly.

- Khmer Krom female respondent

Even more disturbing, a couple of respondents made gruesome references to acts of cannibalism by Khmer Rouge cadre. One woman reported such an incident involving a child following the rape and murder of the child's mother by militiamen:



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She [victim of rape and murder] had a child who was about 10 years old. Her child was very cute ... militiamen took the child to meet the mother and the child knew that their mother is dead, so he/she pleaded for his/her life. He/she didn't want to die and the militiamen told them that the mother was at _____ [hospital] and then they took the child away... In the evening, they told other militiamen that child's liver was very delicious. I accidentally heard these cruel activities when they were drinking palm juice wine and they said they ate the child's liver.

- Khmer Islam female respondent

It is unclear what the purpose of cannibalistic practices were. A few respondents reported that cadre took the gallbladders of those they had killed to make wine. Whatever the reason, the practice was clearly horrifying for those who witnessed or heard about it, leaving them more terrified for their own safety.

4.6.2 SEXUAL ABUSE

There were relatively few respondents who reported forms of sexual abuse other than those already mentioned. There were only two accounts of unwanted touching or sexual mockery. One woman described two men trying to grope her and her sister after they were bathing:

One day, we were taking a wash. Two men arrived. Then we got dressed immediately, they followed us and try to squeeze our breasts but I did not allow them. Then they beat me with their fists two or three times. And they stopped when seeing older people walking past. They were young of about 20 years old. We might have gotten raped if no elder people around.

- Khmer Islam female respondent

Having described the rape by the Unit Chief of a Khmer Islam woman who was a close friend of hers, one woman recounted how the Unit Chief and other rapists used sexual mockery to intimate women in the village:

[Interviewer: Did the Unit Chief rape other women?] Of course, many. Because the male Unit Chiefs said that nothing was tasty like the vagina of a woman. They told us like that in the village. During the working time, as well as the rest time, they told us like that. And we needed to be quiet and nobody dare to say anything. We were fearful.

- Khmer Islam female respondent

Previous studies on gender-based violence in Democratic Kampuchea have cited incidents where women were forced to be naked for the pleasure of Khmer Rouge cadre.¹⁰⁶ Forced nudity per se was not reported in this study, although respondents who witnessed rape commonly talked about victims being first stripped of their clothing. For example, one man described an incident of mass rape in which women were first stripped naked, then raped and eventually killed:

¹⁰⁶ Nakagawa op. cit.; Natale op. cit.



Some of women who had their clothes taken off were tied up in single file. They were Chinese and Khmer Kampuchea Krom... Men as victims were tied up while women, mainly single girls had their clothes taken off and they [soldiers] looked at the naked women with the eyes blinking repeatedly... [The perpetrators] were all Unit Chief and soldiers. Oh! There were a lot of victims.

- Khmer Krom male respondent

Moreover, people who saw dead bodies of women frequently reported that they were naked.

4.7 EFFECTS OF SEXUAL VIOLENCE ON VICTIMS AND RESPONSE

This study sought to investigate any lasting effect sexual violence during the Khmer Rouge has had for direct victims, as well as coping factors and actions taken by survivors to alleviate these impacts. The study was also concerned to identify factors that would assist survivors today to deal with the violence of the past.

4.7.1 IMPACTS OF SEXUAL VIOLENCE

It is well known that sexual violence can have devastating consequences for victims for decades following the event, sometimes lasting the lifespan of the victim. Ethnic minority respondents who directly experienced some form of sexual violence were asked whether they experience any physical or mental health consequences today as a result.



While 8 respondents continued to suffer some physical injury and pain (for example, as a result of beatings or torture for refusal to marry), much more common were psychological problems, reported by 54 respondents. Psychological problems included overwhelming anger, grief, fear, nightmares, depression and suicidal thoughts. For a few respondents, their physical and/or psychological problems have made it difficult to work. The following are typical comments concerning psychological impacts:

I can say nothing as I am full of suffering.

- Khmer Islam female respondent who experienced forced marriage

I have felt frightened when I reminded of those atrocities. I have felt panic... My life seems meaningless. My life is very disappointed and upset. Today our country has peace but when I am reminded of my own sufferings, I want to kill myself by taking a lot of medicines.

- Khmer Krom female respondent who was tortured for refusing to marry when her husband was killed



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I have a sick headache every day. I can't think about what happened. The suffering has continued until now... As for my mental health, it can't be cured, even though I take medicines every day. I can't work daily.

- Khmer Krom female respondent who experienced forced marriage

Others felt trapped in unhappy, sometimes violent relationships as a result of forced marriage. These respondents continue to live with regret and sorrow that they were not able to marry traditionally or someone that they loved. The following are just three examples of the deep unhappiness caused by forced marriage for some respondents. In the last example, the respondent experiences violence and forced sex by her husband to this day:

I've been disappointed as from my birth to adulthood [that] I couldn't get married legally and in accordance with the tradition as well, so different from other people. What suffering I had!

- Khmer Krom female respondent

Our living seemed to be the dark of the moon, so that we struggled to live together because we had children... I have filed a complaint with ADHOC about the violation of rights concerning forced marriage. We have the full right to choose our spouse but they closed our right. When I remember what happened during that regime, I feel very angry because we are human beings. We did not get married traditionally... Why were we not able to fulfil our masculinity, compared with the young generation who were born later?

- Khmer Krom male respondent

I have seven children... I still live with him... Though I live with my husband until today, we have many problems. He always bullies the children. For sex, I only agree to have sex with him after his threats. We always have a lot of problems about children. He always uses violence on the children. I felt pity for my children, so I always protect my children when he uses violence against them, which causes arguments between us. It affects my children mentally. Some children almost become crazy mentally. He is a terrible man.

- Khmer Krom female respondent

A number of respondents spoke candidly about their anger and pain, including a desire for revenge. One woman whose husband was killed by the regime, spoke of wanting to torture and kill the offenders, and mutilate their bodies:

I want to kill them but organizations will not allow us to do so. With my strong [feelings of] revenge - my husband was killed - I dare to kill them too. I want to cut off their necks and let them die miserably, like my husband.

- Khmer Krom female respondent



4.7.2 HELP SEEKING

Direct victims of sexual violence were asked if they had ever sought formal help for physical or psychological impacts of their experience under the Khmer Rouge and, if not, why not. This question was designed to identify barriers to help-seeking for survivors.



Testimonial therapy for sexual violence survivors

While some respondents had sought medical treatment for physical health problems when they could afford it, only 18 had sought out other supports like legal services or psychosocial support. Thirty-three respondents stated that their lack of knowledge about services was a key factor preventing help-seeking. Two people said they could not afford a service, 1 had no transport to get to a service and 2 expressed feeling as though it was too late to get support for something that happened nearly forty years ago.

For the few people who did have contact with a service, they found the experience to be a positive one. The following three respondents spoke about the value of accessing psychosocial and legal support:

After, there is TPO entering this place. They counselled us about mental health problems we suffered before. We revealed sufferings that we experienced before. We received education and counselling concerning our mental health problems, so they calmed our anger down... CDP called us to attend a meeting with victim survivors of the Khmer Rouge regime. They helped to educate us, to feel relieved.

- Khmer Krom male respondent

I also participated in the training in mental health. After the training, I also shared my knowledge with other people. Since I received the training in mental health, I have not felt very stressful. The training also has made me feel relieved.

- Khmer Krom female respondent

After having lodged a complaint [with the ECCC], I got this service from TPO. They called me to tell them about my sadness and shock. They asked me to follow what they said and I felt better.

- Khmer Krom female respondent

4.7.3 COPING FACTORS

Resilience in the face of trauma and determination to survive are critical coping strategies for those who lived through the Khmer Rouge rule. Respondents were asked about a range of people and things that helped them survive the regime and deal with the traumatic experiences they had endured.



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Sixty-one respondents spoke of their spouses or relatives helping them to survive and deal with the past. In the following two accounts, women talked about their children as incentive to keep living and needing to provide for and look after them:

After the regime, my parents were my inspiration but they now passed away... I am widowed for a long time now and have to raise my children... I try to work to give my kids some little money, while sometimes no money for my kids. I have to struggle to live on, no matter how hard it is.

- Khmer Islam female respondent

I try to earn [for my] children... I have tried my best to support my children until now.

- Khmer Islam female respondent

Two women spoke of religion and religious leaders helping them cope, calming their feelings of anger and despair, and putting aside feelings of revenge:

I always asked for God's help in order to escape from the Pol Pot genocidal regime. We also asked for God's help to make our family members and siblings unite.

- Khmer Krom female respondent

Nowadays, although I had more experiences of difficulties in the past, I have religious ceremonies, pagodas, and especially the dharma, neighbors, achars [Buddhist sages] and monks that ease my feeling.

- Khmer Krom woman female respondent

A few people had accessed services which helped them deal with their psychological problems and overwhelming emotions. One woman had received assistance to attend the ECCC, which had gone some way to alleviating her anger:

Some relatives helped me and the government and organizations helped me to join the Khmer Rouge Tribunal for a few times. I am feeling better to see that the Khmer Rouge leaders were sentenced... Organizations have helped me a lot.

- Khmer Krom female respondent

4.7.4 SURVIVOR NEEDS

Ethnic minority respondents who were direct victims of sexual violence were asked what could help them now deal with the impacts of that violence. Fifty-one wanted to see the Khmer Rouge leaders convicted and sentenced. Many were concerned about the length of time being taken to prosecute cases at the ECCC and feared that those on trial would die before sentence was delivered, as indicated in the following statements:



I want them to be sentenced. That could relieve our people's sufferings... The Khmer Rouge Tribunal could relieve our feeling of pains. I have still felt sufferings which seem to happen to me only a few years ago. It is very important to prosecute the Khmer Rouge leaders. We all don't want to see the tribunal to be prolonged from time to time like this.

–Khmer Krom female respondent

I want the prosecution to be done very soon because the Khmer Rouge leaders are very old now.

- Khmer Krom female respondent

Twelve respondents indicated that some kind of memorial to those who were killed by the Khmer Rouge or who died during that period would help them honor those lost, as indicated in the following woman's comments:

I need to have documents and the place to keep them, to build a stupa, organize a ceremony to commemorate those who were killed and to sentence the Khmer Rouge.

–Khmer Krom female respondent

Only 7 people talked about a need for mental health services. This may be due in part to a lack of knowledge about services and how they could assist. Fewer still (only 5 respondents) mentioned a need for financial compensation. One woman was clear in her desire for monetary compensation for the deaths of her relatives:

Of course, I want compensation. I want them to compensate us for sufferings and the loss from the death of my two brothers.

– Khmer Krom female respondent

A couple of respondents talked about a need to inform the young generation of what happened during the Khmer Rouge, in order not to repeat such atrocities again. One man expressed concern that without a historical record, information about the cruel practices of the Khmer Rouge will be lost after survivors die:

As for me, I have to tell young generation about events to make them aware that they were very cruel during the Khmer Rouge. There were rapes, forces and killing of people. If we do not give them information concerning events we experienced during the Khmer Rouge period, young generation will not receive documents, so everything will end.

- Khmer Krom male respondent

4.8 ADDRESSING THE RESEARCH QUESTIONS

Much of the study data had a direct bearing on the four original research questions. These are discussed below.



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4.8.1 SEXUAL VIOLENCE EXPERIENCED BY ETHNIC MINORITIES AND PUNISHMENT OF PERPETRATORS

The study's first research question asked whether ethnic minorities experienced sexual violence under Khmer Rouge rule. The data show undoubtedly that sexually violent acts were perpetrated against all four ethnic groups investigated. Because the study sample was small and not representative, it is not possible to estimate the prevalence of sexual violence which occurred. However, it is possible to say that forced marriage and rape of ethnic minorities were widely reported by respondents across the sample, along with



incidents of survival sex, sexual slavery, sexual mutilation, mockery and unwanted touching reported in fewer numbers. Some victims were reported as experiencing multiple incidents of sexual violence and some perpetrators were reported as committing multiple acts.

4.8.2 PERPETRATORS AND VICTIMS

The second research question asked who were perpetrators of sexual violence and their ethnic minority victims.

Perpetrators

Based on the study data, it is possible to identify a number of perpetrator characteristics.

Regarding rape, survival sex and sexual slavery against ethnic minorities, all but two perpetrators were male. Where age was able to be determined, perpetrators were estimated to be in their twenties or older. In fifty-two cases, perpetrators were aged between 18 and 30, in forty cases they were over 30, and in twelve cases they were estimated as under 18 years of age.

What is clear from the data is that those working for the Khmer Rouge were overwhelmingly responsible for sexual violence in Democratic Kampuchea. In all but two cases, respondents reported agents of the Khmer Rouge committing acts of rape, survival sex and sexual slavery. Additionally, the policy of forced marriage and forced sex within marriage was a product of the regime. While there were a rare few cases reported of civilian sexual relations outside marriage, these appeared to be consensual.

A number of respondents stressed that ordinary people were too exhausted, hungry or fearful to engage in any sexual violence. Respondents observed that only the Khmer Rouge had the resources and power to commit these crimes:

Most of all, those who committed rape were cadres.

- Khmer Krom male respondent



No one among ordinary people was a sex offender.

- Khmer Krom male respondent

[The perpetrators of the rapes were] Khmer Rouge cadres because only them dared to do so.

- Khmer Islam female respondent

The Khmer Rouge. Who dared to do like this, besides them? No one.

- Khmer Krom female respondent identifying the perpetrators of a gang rape of a Khmer Krom woman

Perpetrators encompassed men from different positions, including local militia, soldiers, unit chiefs and officials.

This perpetrator profile is indicative of state imposed sexual violence on a population, with the intention of controlling, terrorising and humiliating victims.

Victims

A number of common victim characteristics can also be drawn from respondent accounts.

Unsurprisingly, ethnic minority women were overwhelmingly more likely than men to be victims of sexual violence in cases of rape, survival sex, sexual slavery and sexual abuse. Even in the situation of forced marriage in which both men and women could be victims, there were some female respondents who reported that their spouse had arranged for the marriage, being a Khmer Rouge soldier or official. No men reported that their female spouse arranged for their marriage. There were also cases reported where male spouses used the threat of reporting to Angkar to force women to have sex. This is not to discount in any way the despair and trauma that men also experienced from being forced to marry and to engage in sex in the relationship. Rather, it is to point out that some women and men's experience of forced marriage or forced sex with their spouse may have differed. Notably, both women and men were witnesses to sexual violence, itself a traumatic experience.

Otherwise, the victim profile was broad. Aside from cases of forced marriage, single, married and widowed women were attacked. Pregnant and nursing women were not immune. While not asked directly, no respondents mentioned that any of the victims were agents of the Khmer Rouge, suggesting that most, if not all were civilians.

Focusing only on acts of rape, survival sex and sexual slavery, the data indicate that ethnic minority victims tended to be in their twenties or younger, where estimates of





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age could be made. In sixty-five incidents, victims were estimated to be between 18 and 30, in twenty-six incidents victims were estimated as under 18, and in nine incidents victims were thought to be over 30 years of age. Perhaps unsurprisingly, the qualitative data also indicate that women perceived to be beautiful were targeted for sexual violence:

They all were beautiful women. If they were not beautiful women, the Khmer Rouge soldiers would not love them.

- Khmer Islam female respondent speaking about Cham women who engaged in survival sex

They raped all beautiful women, whether they were single or married, if needed...[T]here were also the pregnant women who were taken for rape, as they were pretty.

- Khmer Krom male respondent describing mass rape by militiamen

Some as older women who were more beautiful were raped. However, they didn't rape those who weren't pretty.

- Khmer Krom female respondent describing the mass rape and killing of Khmer Krom and Khmer women by Khmer Rouge cadre

They regarded us as animals. All beautiful women were raped.

- Khmer Islam female respondent describing the rape of another Khmer Islam woman by Unit Chiefs

4.8.3 DETAILS AND CHARACTERISTICS OF SEXUAL VIOLENCE AGAINST ETHNIC MINORITIES



Woman testifying at Women's Hearing 2013 about forced marriage

The third research question asked about details and characteristics of sexual violence against ethnic minorities. Much of that detail has already been presented in the findings but some additional points are worth noting.

The study data indicate these offences were perpetrated in many locations across the country. They were committed in different settings, such as in sleeping areas, work areas, in cooperatives, in fields and forests. They were committed by many men.

Perpetrators sometimes acted alone and other times in groups. Both in cases of rape and sexual slavery of ethnic minorities, it was much more common for perpetrators to act in consort with others. Perpetrators engaged in gang rape in 73% of rape cases and worked in groups in 78% of sexual slavery cases. For survival sex, the opposite was true. Eighty percent of those cases involved a single perpetrator. This may reflect the fact that a negotiation of sorts is required in survival sex, which may be easier to achieve between single parties.



Acting in groups demonstrates mutual acceptance of sexual violence amongst offenders, possibly using sex as a bonding mechanism between attackers. It also suggests that perpetrators enjoyed a degree of impunity for these crimes.

The data show that ethnic minorities were victimized singly, in small groups and en masse.

Rape, sexual slavery and survival sex were often followed by execution, in some cases to keep the incident secret. In all respondent accounts, except one, an ethnic minority woman who became pregnant outside of marriage was either executed by her attacker or by Angkar as punishment once the pregnancy was discovered. In the exceptional case, the respondent did not know what happened to the pregnant woman after she delivered her baby. In some cases, women were selected for rape before planned executions.

Respondents reported a few cases in which the perpetrators were executed for their sexual violence when evidence of their crime became known. In a case where a Khmer Krom woman engaged in survival sex with her Unit Chief for food, she later became pregnant and both were killed by the Khmer Rouge as punishment. In another case, a respondent reported the execution of a rapist following the death of his victim:

At that time, my mother died because she was so sick after getting raped... She was beautiful, very light skin, a Chinese-Vietnamese... She was raped in the middle of the rice field. After the rape, she did not die immediately. She came back home, kept bleeding until death. The rapist was executed when he was known to do so.

- Khmer Krom female respondent

However, in most cases reported, nothing happened to the perpetrators by way of punishment, adding to the evidence that perpetrators could act with impunity. Some of these perpetrators continued to be sexually violent to other victims. The public display of removed sexual organs, leaving dead naked bodies in the open, sometimes with evidence of rape with a foreign object, and overheard conversations between perpetrators about their actions would indicate that perpetrators often flaunted, rather than hid, their crimes.

It was clear from respondents' accounts that they were often shocked by the savagery shown by the perpetrators of sexual violence. The word 'cruel' was frequently used to describe the behaviour of these offenders. One woman reported overhearing cadre boasting about raping and killing women:

They spoke of what they committed against those women. One of them said he had sex with a woman in a side position and slaughtered another woman running away through rice-field, she is dead in that place. They said they enjoyed raping and killing. They were drunk and they sharpened their knives for slaughtering.

- Khmer Krom female respondent

Acts of sexual violence invoked significant fear amongst the population, as shown in the following woman's description of a Khmer Rouge rapist and murderer of Khmer Krom women:



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One night, he came back to the village. I saw him with his whole body marked of blood spots because he had just killed people. After he had returned to the village he only washed up his hands and then came to threaten me. I was terrified to death...

- Khmer Krom female respondent

Aside from cases of forced marriage, respondents were extremely fearful of being found out and killed for observing sexual violence incidents. Almost everyone who saw a case of sexual violence spoke of this fear. Despite the risk, some respondents did attempt to observe what was happening. The following respondents' comments describe the danger of witnessing such acts:

If you want to see or spy on them, it will not be possible. You will be killed anyway. Or if you left home during the evening time and followed them, you would die as well.

- Khmer Islam female respondent describing fear of knowing about rapes or executions

He raped a woman in the village. I have seen when he did. However, I pretended that I have seen nothing for safety reasons.

- Khmer Islam female respondent

But I did not see with my eyes how they have raped her or tied her hands up. I know because they tell each other. Even, knowing that she had died, we did not dare to go to get her body. My family did not resist them, even did not dare to watch their face...

- Ethnic Vietnamese female respondent describing the rape and execution of her cousin

They all were the Pol Pot militiamen. They were extremely brutal. I witnessed the event one time only... If they knew that we knew about the event, they would kill us. The victim went missing after she was raped.

- Cham male respondent

A number of female respondents spoke of their fear of being the next victim, as recounted by one woman concerning the rape and execution of another woman by militiamen:

At that time, I felt very scared... And then she was taken out. I looked secretly at her while she was being arrested... I thought that she was arrested this time and I may be arrested next time.

- Ethnic Vietnamese female respondent

Indeed, witnesses from the same ethnic group as victims or who were related to victims had a heightened fear of being targeted next. One respondent talked about denying her relationship with a victim of rape and execution:

... she was raped by three men, from what I know... One Khmer asked if I know the Cham woman who was killed and if that one is my relative. I said that I did not know her. During that time, if we said we know [a victim], they will kill us all together... [Interviewer: In reality you knew her?] Yes, that was my relative. She was my aunt, my aunt of great grandfather.

- Cham female respondent



Many respondents spoke of being powerless to intervene when they were aware of sexual violence about to take place against others, as indicated in the following account of the arrest, rape and execution of a young ethnic Vietnamese woman:

I have seen they arrested her at 11am. I have seen but I just pretend as though nothing happened, for safety reasons. When she was arrested, she cried so much... She cried and nobody could help her.

- Khmer Krom female respondent

One woman described consequences for her father who went to assist his older daughter who was raped:

I also went to tell my father that my elder sister was raped. When my father reached the place where my elder sister was raped, they [perpetrators] asked my father what my father wanted to do. They said that they raped my elder sister and then they tied my father. My father's hands were cut.

- Khmer Islam woman female respondent

4.8.4 SEXUAL VIOLENCE EXPERIENCE OF ETHNIC MINORITIES AS DIFFERENT

The fourth research question asked whether the sexual violence experience of ethnic minorities differed from that of the mainstream population.

It is important to first note that there were many similarities between accounts of sexual violence against ethnic minorities in this study and accounts of sexual violence against the mainstream population reported in other studies. As detailed in the Background chapter, studies of the mainstream population similarly documented reports of sexual violence in many locations across Cambodia. The types of sexual violence perpetrated against mainstream populations reflect those found in this study against ethnic minorities. As in this study, perpetrators of sexual violence in the mainstream population were almost exclusively an agent of the Khmer Rouge. Additionally, studies of mainstream populations found most perpetrators were male and victims female, reflecting the profiles in this study.

Despite these similarities, the study data did generate some important points of difference.

There is some evidence from the data that the Khmer Rouge practice of forced marriage was used to break up ethnic minority populations. One woman indicated that Muslims were singled out for marriage with Khmer partners to try to dissipate this group within the broader Khmer population:

[D]uring that period, they forced us not to marry with Cham, when we are Cham. They asked us to marry with Khmer but not with Cham... They told me in advance that not allow you _____ [Name of respondent] to have the Cham husband. You need to have Khmer one, because you come to live in [Cambodia]. Now all people are Khmer and, in general, no Cham and no Khmer. They said like that...

- Cham female respondent describing being asked by the Khmer Rouge to marry



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Respondents indicated that ethnic minority women and girls were not only a frequent target of sexual violence by Khmer Rouge but were also singled out for rape, as in the accounts below:

They hated Khmer Muslim. They just had to rape them. They said that they would rape beautiful Khmer Muslim women. But I never witnessed this, I only heard what they said. They persecuted the Khmer Muslim.

- Khmer Islam female respondent describing the rape of a Khmer Islam woman by Khmer Rouge cadre

The Khmer Islam, they raped and killed.

- Khmer Islam female respondent

The Vietnamese women were raped. Khmer women were not raped at my place but were killed... The Vietnamese women were raped, while Vietnamese men were shot dead.

- Khmer Krom female respondent

When a Unit Chief found anyone pretty among Khmer Kampuchea Krom women as new people, he usually took her to be raped. No one dared to say anything about it, if so they would be killed...

- Khmer Krom male respondent

Respondents also reported that ethnic minorities were sometimes and in some locations targeted for purges. In those circumstances, some or all of the women were singled out for rape first, then execution:

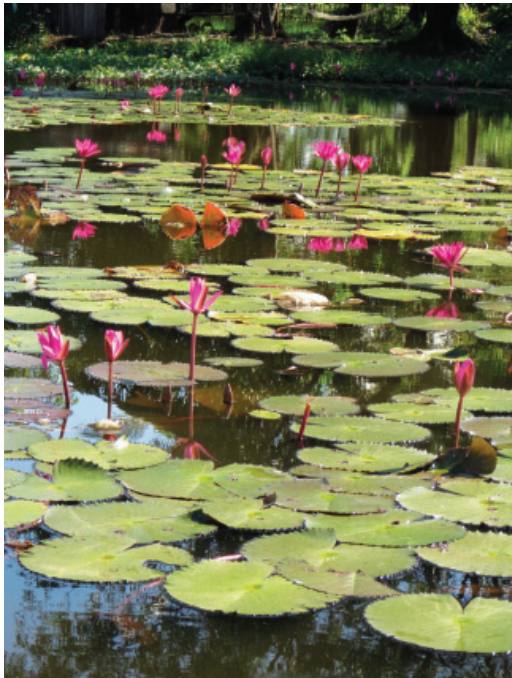
When Khmer Kampuchea Krom ethnic groups were taken from the whole population, she was separated from her husband. She was very pretty. How pretty Khmer Kampuchea Krom women were! ... When the militia chief saw her as the most beautiful girl, he decided to send her first to the killing field. He raped and killed her by shooting under a 'Roka' [kind of a tree], to the north of this place.

- Male respondent (ethnicity 'other')

They were all single young women. They were raped and then killed in the end.... These young women were Khmer Kampuchea Krom... As I learned, they [Khmer Rouge] arrested these women, and then took off everything, their clothes and brassieres... They killed all these women without excluding anyone by knifing into their necks. There were about 400-500 women who lived with me. All of them were taken out to be killed within three days. I saw many women were taken from my working unit somewhere and then they were all raped before being killed.

- Khmer Krom female respondent

5. CONCLUSIONS



The findings of this study add to growing evidence of the common use of sexual violence by agents of the Khmer Rouge against civilians in Democratic Kampuchea. The data show that ethnic minorities experienced many of the same types of sexual violence as experienced by the mainstream population, in similar settings and circumstances, as documented in earlier studies. Importantly, for the questions posed by this research, the data also show that ethnic minorities were singled out for some forms of sexual violence, like rape and rape before execution. Additionally, there is evidence that the Khmer Rouge's policy of forced marriage was used strategically by the state to 'dissolve' ethnic groups into the broader Khmer population.

The study data challenge the notion that the Khmer Rouge opposed 'immoral offences' through its policy prohibiting sexual violence and sexual relations outside of marriage. The data presented here and in earlier studies demonstrate this policy did not prevent sexual violence of many types being perpetrated widely against ethnic communities by many agents of the Khmer Rouge. In fact, one of the outcomes of this policy was to incentivise some perpetrators to kill their victims in order to keep sexual violence secret. Witnesses to sexual violence were also at risk of being killed to maintain secrecy. It is arguable whether the rape of ethnic minority women already designated for execution was a strategic move by perpetrators to hide their sexual assaults or whether the rapes were simply an additional punishment of minority women; these motivations may not be mutually exclusive. If victims did avoid immediate death following sexual violence, they were at grave risk if they became pregnant, as this would be proof of sexual activity and cause for execution.

Yet, despite the policy forbidding sexual violence and extra-marital sexual relations, many perpetrators acted seemingly without concern for punishment. There were only a few cases reported where perpetrators were punished. In the remainder, there was no investigation or sanction of offenders. Reports of sexually violent perpetrators acting together, acting with the knowledge of their superiors, acting with the knowledge of the local community, flaunting the physical remains of their victims and alking about their crimes are evidence of culture of acceptance, if not promotion, of sexual violence by the Khmer Rouge.

The acts described in this report, the profiles of perpetrators and victims, and the climate of impunity reflect the United Nations Security Council's definitions of sexual violence as a crime against humanity



CONCLUSIONS

and constitutive act with respect to genocide.¹⁰⁷ That is, state endorsed strategic use of sexual violence to control, 'punish, humiliate, or destroy a particular group, instil terror in them, or cause them to flee a location'. This assertion is given more weight when taking into account the Khmer Rouge's treatment of the ethnic groups studied for this research. The escalating hostility towards ethnic Vietnamese and Khmer Krom, resulting in widespread purges in the later stages of the regime, as well as efforts to extinguish Khmer Islam and Cham culture and ethnicity (including through mass executions), would have created an ideal environment for sexual violence to flourish.

Given this, sexual violence crimes against ethnic minorities deserve particular attention in transitional justice processes enacted in criminal and civil justice settings.

Ethnic minority survivors of sexual violence in Democratic Kampuchea continue to experience consequences of that violence, particularly psychological impacts. Direct experience of sexual violence, witnessing these acts against others, including seeing mutilated bodies, and a pervasive fear of rape and execution contributed to lasting trauma for many of the respondents in this study. The research team were saddened to see how few had been able to access services and formal support measures, particularly when those who had done so had benefited from these. The long wait for criminal justice is taking its toll on survivors, who are concerned that Khmer Rouge leaders on trial will die before sentencing. Civil processes that allow victims' stories to be told and acknowledged offer a valuable alternative means of delivering transitional justice in this context. Meeting calls for memorialization of those who died, provision of support services for survivors, and financial and other compensations would also go a long way to addressing survivors' suffering.



The particular sexual violence experiences of ethnic minority survivors requires further focussed study in order to fully understand how the regime treated minority groups and the resulting consequences for those communities. The success of this study in recruiting survivors to talk about their experiences demonstrates that there are people willing to share their stories when offered to do so in a safe and supportive way.

It is hoped that the Cambodian Government, ECCC, civil society organizations, advocates and practitioners will consider the devastation wrecked on the lives of ethnic minority peoples by perpetrators of sexual violence in Democratic Kampuchea. It is further hoped that the importance of information presented in this and other studies is recognised and acted upon. Recommendations for a range of different actors are listed in the Executive Summary. Confronting past crimes of sexual violence, responding to the needs of survivors and making perpetrators accountable are crucial to effective and lasting peace-building efforts in Cambodia.

¹⁰⁷ United Nations General Assembly Security Council (A/66/657*-S/2012/33*), Report of the Secretary-General on sexual violence in conflict (13 January 2012), paragraph 3. In response, the Security Council has urged state actors and others to institute greater protections for women and girls, and has argued for sexual violence crimes to be excluded from amnesties reached at the end of conflicts.

GLOSSARY



<i>Angkar</i>	Generic name for the leaders of the Khmer Rouge regime, meaning ‘the Organization’
<i>Base people</i>	People who were workers or peasants before 17 April 1975 when the Khmer Rouge came to power
<i>Cadre</i>	Khmer Rouge officers and soldiers
<i>Candidates</i>	People participating in some way in the management of cooperatives, with access to better tools and food
<i>Chlob</i>	Local militia assigned by local Khmer Rouge leaders to guard the security of the commune and report to their leader/chief of the cooperative about other people
<i>Immoral offence</i>	Term used by the Khmer Rouge for sexual acts conducted outside of marriage. Official policy stated that such offenses had to be punished
<i>Kanak Kamaphibal</i>	Khmer Rouge cadres of a committee
<i>Kangchalat</i>	A youth mobile working unit
<i>Khmang</i>	Literally, enemy of the Khmer Rouge regime
<i>Korsang</i>	Khmer Rouge criticism
<i>Monti Chlob</i>	Militia men’s center
<i>New people</i>	People who lived in areas not controlled by the Khmer Rouge during the war with Lon Nol followers and who were new to the revolution, later including those who came from the cities, were more educated or who were ethnically different to Khmer
<i>Old people</i>	People who lived in Khmer Rouge controlled areas during the civil war with Lon Nol supporters
<i>Reserve people</i>	Those were living within Khmer Rouge controlled areas but their relatives lived in Lon Nol controlled areas or had a high class family, police or soldier
<i>Pdaj-gna</i>	Commit to be married
<i>Re-education</i>	Punishment for defying or offending Angkar that could range from a verbal reprimand to death
<i>Sneu</i>	Asked with forced tone, pressured into something



ក្រុមអ្នកច្បាប់ការពារសិទ្ធិកម្ពុជា
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