



*“I Could Feel My Soul Flying  
Away From My Body”*

A Study on Gender-Based Violence During  
Democratic Kampuchea in Battambang  
and Svay Rieng Provinces

Katrina Natale

## **ON THE TITLE**

The title, “I Could Feel My Soul Flying Away From My Body,” were the words used by one of the respondents in this survey to describe her feeling as she came upon a young woman being raped by a group of Khmer Rouge soldiers and realized her inability to help the woman.

## **COVER PHOTO**

The cover photo depicting rape during Khmer Rouge rule was taken of a bas relief in a community in Battambang province.

## **THE PROJECT ON GENDER-BASED VIOLENCE DURING THE KHMER ROUGE REGIME AT CAMBODIAN DEFENDERS PROJECT**

The Project on Gender-Based Violence was founded in 2009 and aims to involve survivors of gender-based violence during the Khmer Rouge regime in the current transitional justice process through a wide variety of advocacy, outreach and direct assistance initiatives. From 2012 forward, the scope of the project will expand to include women survivors in general with the goal of involving them in all aspects of the transitional justice process.

## **CAMBODIAN DEFENDERS PROJECT**

As one of Cambodia’s oldest civil society organizations, Cambodian Defenders Project is dedicated to providing free legal 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 tutelage of Kasumi Nakagawa, the organization took a relatively early interest in the issue of GBV under the Khmer Rouge, producing the first focused research study on the topic in 2006. It has since continued to support efforts to research and conduct advocacy on GBV.

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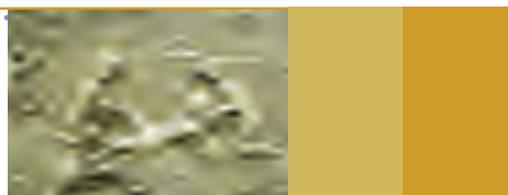
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# ACRONYMS

<b>BTB</b>	Battambang province
<b>CDP</b>	Cambodian Defenders Project
<b>CPK</b>	Communist Party of Kampuchea
<b>DK</b>	Democratic Kampuchea
<b>GBV</b>	Gender-based violence
<b>ECCC</b>	Extraordinary Chambers in the Courts of Cambodia
<b>ICC</b>	International Criminal Court
<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>ICTY</b>	International Criminal Tribunal for the Former Yugoslavia
<b>PGBV</b>	Project on Gender-Based Violence during the Khmer Rouge Regime
<b>SCSL</b>	Special Court for Sierra Leone
<b>SR</b>	Svay Rieng province
<b>TPO</b>	Transcultural Psychosocial Organisation
<b>VSS</b>	Victims Support Section

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# 1. EXECUTIVE SUMMARY

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More than thirty years have passed since the fall of the Khmer Rouge state, Democratic Kampuchea. In this time, the world has become aware of the many atrocities that the population suffered at the hands of the Khmer Rouge, including forced transfer and evacuation, extrajudicial killing, forced labor, starvation, illness and death. In contrast to the widespread scholarship and public acknowledgment that these issues have received, reports of gender-based violence (GBV) perpetrated by the Khmer Rouge have benefitted from relatively little study and attention.

This small-scale study was undertaken to build on the few other research studies which have been conducted on the topic of GBV in Democratic Kampuchea. The main objective of the study was to shed more light on the nature and characteristics of GBV under the Khmer Rouge by gathering data on: 1) the types of GBV perpetrated during Democratic Kampuchea; 2) the victims and perpetrators of this violence; 3) the location and circumstances under which it occurred; and 4) how this data compares to that collected through previous studies.

Interviews for this survey were conducted in September and October 2010 with 104 respondents aged between 42 and 84 years old residing in Battambang and Svay Rieng provinces. Respondents were interviewed confidentially about their knowledge and experiences of GBV while living in Democratic Kampuchea using a semi-structured survey questionnaire which included both open and closed questions.

As the second case before the Extraordinary Chambers in the Courts of Cambodia (ECCC) moves forward and other transitional justice and peace-building initiatives are developed, this report aims to raise awareness of the issue of GBV under the Khmer Rouge, bring acknowledgment to the victims, situate the findings of this study within the context of international law and scholarship on GBV, refocus attention on accountability mechanisms targeting GBV and encourage the integration of this knowledge into all initiatives which address the atrocities of the Khmer Rouge.

## 1.1 KEY FINDINGS

### 1.1.1 Acts of GBV

- Among respondents in this survey, 65.4% were aware of **rape** perpetrated by agents of the Khmer Rouge during Democratic Kampuchea. As well, 28.8% of all respondents were direct witnesses to acts of rape and one individual was herself a victim of rape.
- Data was collected on a wide variety of **rape scenarios** which matched similar reports in previous research. This included gang and mass rapes, rapes in Khmer Rouge installations and cooperatives, rapes with foreign objects, rape through sexual exploitation and sexual slavery, attempted rape, rape of men and rape which occurred in the periods of conflict both before and after Democratic Kampuchea.
- Nearly one quarter of respondents (24.0%) reported knowledge of **sexual mutilation** which took place during Democratic Kampuchea. In addition, 16.3% of all respondents were direct witnesses of sexual mutilation, usually as a result of having seen mutilated corpses or body parts cut

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from victims and displayed.

- Sexually mutilated bodies were seen in killing fields, prisons, Khmer Rouge installations and mass graves. Sexually mutilated body parts were almost exclusively seen on display at or near Khmer Rouge installations including prisons, reeducation centers and commune offices.
- More than 20% of respondents reported knowledge of **sexual abuse and humiliation** perpetrated by agents of the Khmer Rouge and 13.5% of respondents directly witnessed such acts. An additional 6.8% reported personally experiencing sexual abuse and humiliation. Respondents reported acts of sexual abuse and humiliation which included verbal abuse and mockery, forced nudity, forced witnessing of rape and unwanted touching.
- Although respondents in this survey were not queried on **forced marriage**, nearly 20% raised this issue on their own initiative. They emphasized the lack of choice individuals had in selecting their spouse and the fear that led many people to acquiesce to the marriages. They also complained of the improper way the marriage ceremonies were conducted and reported rape within forced marriage. Notably, many respondents identified the practice of marriage under the Khmer Rouge as an important aspect of the violence perpetrated against the population during Democratic Kampuchea.

### 1.1.2 Themes in Reports of GBV

- Respondents were aware of the Khmer Rouge policy prohibiting **moral offenses** and many respondents reported having seen individuals punished for such offenses. Respondents reported that this policy led some victims of GBV to kill themselves rather than face punishment from the



*Research site in provinces.*

Khmer Rouge for what would be seen as their involvement in a moral offense. As well, respondents reported that the policy against moral offenses led perpetrators to kill their victims, kill themselves or run away to avoid punishment. Although nearly 20% of respondents participated in moral offense “judgment meetings” or witnessed punishments for moral offenses carried out, respondents in all but three cases reported that the individuals punished were involved in consensual relationships. A perpetrator was punished in only one case. These findings suggest that the Khmer Rouge’s policy against moral offenses was applied inconsistently and was ineffective in preventing GBV.

- Many respondents reported tactics related to **coping with the fear and stigma** produced by the GBV perpetrated in Democratic Kampuchea. A number of female respondents described learning of GBV through their peer networks and detailed the steps that they took to try to avoid victimization themselves. Both women and men expressed being terrified, shocked and deeply sad-

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dened by the GBV they had witnessed or experienced. As well, both male and female respondents acknowledged the stigma that was associated with sexual victimization both during the regime and continuing to this day.

- The overwhelming majority of the **victims** of GBV reported in this study were women. They were “new people,” “base people,” and low-level female Khmer Rouge functionaries. Often, these victims were reported killed, especially in mass rapes and those occurring away from the cooperative; however, rapes which were reported to have occurred in the cooperative were less often reported to have resulted in the death of the victim. Moreover, a number of respondents reported knowing victims of GBV that had survived the regime. These findings suggest that rape was not exclusively or even mainly perpetrated against new people and that numerous rape victims survived the ordeal.
- In all but one instance of GBV reported in this study, the **perpetrator** was identified as being an agent of the Khmer Rouge. As well, in all but two cases, the perpetrator was identified as being male. Despite the passage of time, numerous respondents identified the perpetrators by name and/or position within Khmer Rouge ranks. In several cases, the same perpetrator was identified as having carried out acts of GBV against multiple victims. Moreover, several respondents in Svay Rieng province reported that GBV increased when soldiers from the Southwest Zone and Area 24 in Takeo were transferred to their communities.
- Several respondents reported GBV that targeted particular **ethnic groups**, including the Vietnamese, Cham and ethnic Chinese. This included scenarios of mass rape, rape and forced nudity. As well, similar crimes have been referenced in previous studies and reported in the complaints of Civil Parties before the ECCC. The targeting of such groups fits with the Khmer Rouge’s general attitudes toward these populations during the regime, where they were viewed with particular suspicion and often treated as enemies.
- The data collected in this survey suggests that the practice of GBV varied according to **geographic location and the time period** within the regime. The practice of amputating and displaying sexual organs was found almost exclusively in one district in Svay Rieng province, where it was common for these body parts to have been displayed at Khmer Rouge installations. As well, mass rapes were reported almost exclusively in western Svay Rieng, eastern Battambang, Prey Veng and Pursat provinces. These rapes were reported to have taken place very early in the regime (Battambang) and later in the regime (Svay Rieng, Prey Veng and Pursat) when purges of the population are known to have taken place. Such distinctions in the practice of GBV suggest that the particular geographic location, political climate and leadership in the area may have significantly influenced what GBV took place and the response it received. Furthermore, it provides indications that GBV was known and tolerated in at least some parts of the country and in particular circumstances.

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### 1.2 RECOMMENDATIONS

#### 1.2.1 The ECCC

- *The Trial Chamber should investigate and, where appropriate, prosecute a broader scope of GBV before the ECCC.* A number of research studies, this one included, have demonstrated that GBV was an important facet of the crimes perpetrated by the Khmer Rouge against Cambodians. There is also evidence suggesting that, in many cases, the occurrence of GBV was or should have been well known to Khmer Rouge leaders and that perpetrators were not consistently held accountable for their actions. Although late in the proceedings, the Trial Chamber has the authority to order new investigations and consider additional crimes on its own initiative. Doing so would be an important step toward complying with international standards of gender justice, ending the impunity surrounding these crimes and acknowledging the harms suffered by the victims.
- *Civil Party Lawyers, Lead Co-Lawyers, and other victims' representatives should continue to push for greater inclusion of GBV in all aspects of the Court's work.* Civil Party Lawyers in particular have made extensive



*Civil Party Regional Forum, Battambang province, 2010.  
Photo Credit: Victim Support Section, ECCC.*

- *The Victims Support Section, in partnership with civil society actors and victim representatives, should move forward with non-judicial measures that seek to empower survivors of GBV and acknowledge their experiences.* These groups have already designed one project under the Court's non-judicial measures mandate which serves survivors of GBV under the Khmer Rouge. As this work is advanced, these groups, in conjunction with victim representatives, researchers and other interested parties, should continue to develop innovative and responsive projects that will offer alternative forums for victim empowerment as well as awareness-raising on the topic of GBV under the Khmer Rouge. These might include local-level truth-telling opportunities, awareness raising campaigns and other projects designed in consultation with victims of GBV under the Khmer Rouge.
- *The Public Affairs branch of the Court should provide information to the public on how the Court is responding to the gender-based crimes of the Khmer Rouge.* This should include a clear and concise explanation of the gender-based crimes which are being prosecuted at the Court. As well, it should detail the crimes that are not being prosecuted at the Court and the reasons, legal and otherwise, why this is the case. Transparency in providing this information would go a long way in diminishing public

perceptions of impunity for these crimes, especially among the survivors of GBV under the Khmer Rouge. Moreover, in more fully acknowledging and responding to GBV, the Court would set an important example for how present-day GBV in Cambodia should be addressed by courts, government and policymakers.

### 1.2.2 Civil Society Organizations & Donors

- *Design and implement projects and programming related to the atrocities of the Khmer Rouge taking into account the experiences and needs of victims of GBV.* To date, most initiatives targeting the Khmer Rouge era have not included the perspective of survivors of GBV or addressed this particular form of violence perpetrated under the Khmer Rouge. An approach which integrates a gender and GBV perspective would include forming partnerships and collaborating with organizations which are working specifically on this topic. As well, this would involve seeking input on the actual needs and interests of these victims and the way that this element of the history of Democratic Kampuchea could be reflected in civil society initiatives.
- *Develop and support alternative truth-telling and transitional justice mechanisms that respond to the needs and experiences of the victims of GBV.* Such mechanisms can be an important means to empower victims and raise public awareness of an aspect of the experience under the Khmer Rouge which is poorly understood, not widely acknowledged, and continues to be a source of stigma and shame for victims and their families. Though they should not be a replacement for the effective punishment of these crimes through judicial processes, such mechanisms can be key to counteracting impunity, especially where judicial processes are non-existent or inadequate. One such mechanism, a women's truth-telling panel, has already been organized by Cambodian Defender's Project. Further projects, especially in local communities and outside of Phnom Penh, should be formulated by or in cooperation with organizations working on GBV during Democratic Kampuchea.
- *Create opportunities for survivors of GBV to share and process their experiences of victimization in a safe, supportive and empowering environment.* The limited availability of professional psychosocial support is well documented in Cambodia, particularly outside of Phnom Penh. As well, Western models of mental health services are unfamiliar and may not always be the most appropriate or effective for the Cambodian context. Emotional support and the processing of traumatic experience can be achieved through other means such as discussion circles, self-help groups, narrative therapy processes or other creative means that meet the needs of victims and are accessible and sustainable. One potential model for such an approach can be found in a Victim Support Section (VSS)/Transcultural Psychosocial Organisation (TPO)/Cambodian Defenders Project (CDP)



*CDP GBV Survivors Ceremony.*

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project of self-help groups currently being piloted in Cambodia.<sup>1</sup>

- *Empower victims of GBV to identify and advocate for their own interests in peace-building and transitional justice processes underway in Cambodia.* Such empowerment could be accomplished by helping victims of GBV to identify their needs and interests through a participatory process. This process might involve civil society groups helping victims to determine in what way they might wish to be involved in peace-building and transitional justice initiatives and working with them to identify their goals in doing so and their needs in order to foster their effective and meaningful participation. Civil society groups might also provide technical assistance and training to support victim involvement and build their confidence and capacity to engage in peace-building and transitional justice processes.
- *Donors should consider funding both programmatic and research-based projects directed at GBV under the Khmer Rouge.* Additional research, particularly on those issues noted in the recommendations for research and scholars (below), is usually quite difficult to fund. However, in a context where limited information on GBV during Democratic Kampuchea is available and where transitional justice mechanisms are underway, it is imperative to better understand not only the facts of what occurred, but also how it impacted victims, families, communities and the broader society. As well, participatory research projects would serve the important functions of empowering victims to take an active role in these processes and help to identify their needs and bring their perspective into the process.

### 1.2.3 The Royal Government of Cambodia

- *Acknowledge, honor and involve victims of GBV under the Khmer Rouge through government projects and processes.* In whatever way the government addresses the atrocities of the Khmer Rouge going forward, it should consult with and include the perspective of survivors of GBV. One mechanism for achieving this might be to form a special advisory panel to the government on GBV under the Khmer Rouge which could be coordinated through the Ministry of Women's Affairs with the purpose of proposing projects and programming and offering input and advice on how to successfully integrate the perspective of this unique group of survivors into initiatives contemplated by the government.
- *Support civil society and ECCC generated initiatives on GBV under the Khmer Rouge.* As noted earlier, civil society organizations are already moving forward with projects and programming that address the experience and needs of the survivors of GBV under the Khmer Rouge. The ECCC may also grant reparations awards (judicial measures) which address the harms experienced by survivors of GBV. In both these cases, there are a number of proactive steps that the Cambodian government can take to support and participate in these initiatives. One way this might be achieved is for the government to assign a liaison from the Council of Ministers, Ministry of Women's Affairs or National Assembly to facilitate government cooperation on these projects, many of which will require coordination with local government authorities or will face other bureaucratic hurdles in their implementation.

<sup>1</sup> For a description of this project, refer to *infra* fn. 72.

- *Create civil society and government partnerships to acknowledge and support victims of GBV under the Khmer Rouge*

The government should engage directly with civil society and victims to formulate programming that will raise awareness of GBV under the Khmer Rouge and support victims of this violence. Not only would such programming provide an important measure of acknowledgment to victims of the Khmer Rouge, but it could also be linked to broader issues of GBV in present day Cambodia, thus serving to diminish the stigma experienced by the victims of these crimes and combat impunity for this violence.



*GBV survivor views photos at Tuol Sleng Museum.*

### 1.2.4 Researchers & Scholars

- *Conduct research to better understand the communities affected by GBV under the Khmer Rouge.* Research on this topic to date has mostly focused on the general nature of GBV and establishing that such violence did in fact take place. In the studies that have been conducted, respondents mention how these crimes may have disproportionately affected certain groups (e.g. the Cham, the Vietnamese, sex workers, etc.). In one example of oral history taking in one of these communities, Farina So has studied the experience of Cham women under the Khmer Rouge recounting several instances of GBV perpetrated against these women.<sup>2</sup> The information collected through these sources is a starting point and makes an important contribution to data which has otherwise been limited and usually comes from individuals outside of these groups. It would be valuable to better understand how minority groups experienced and were affected by this violence in greater detail and from their own perspective. In order to effectively reach members of these groups, targeted research within these communities would be necessary. The results of any such research could be integrated into projects documenting the experience of survivors the Khmer Rouge as well as other awareness raising and truth-telling campaigns.
- *Investigate the attitudes, perspectives, needs and interests of survivors of GBV under the Khmer Rouge.* So far, the actual victims of GBV under the Khmer Rouge have had only a limited voice in the development of projects to serve them or the broader transitional justice process. Research should be conducted to identify how victims of GBV view the transitional justice process underway in Cambodia, what they need to recover and reconcile these experiences and how they would like to engage in present and future initiatives. The information gathered through such a process would be useful to develop projects and programming targeting victims of GBV. Ideally, such research would be accomplished using participatory research methods that engage and empower victims.
- *Make further study of GBV during Democratic Kampuchea which focuses on evaluating GBV through the lens of international law and jurisprudence and transformative justice processes.* Tremendous advances in the

<sup>2</sup> See Farina So, *The Hijab of Cambodia: Memories of Cham Muslim Women after the Khmer Rouge* (Phnom Penh: DC-Cam, 2011).

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prosecution of GBV as crimes against humanity, war crimes and genocide have emerged as a result of prosecutions before the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL). Advocates, scholars and victims have also begun to turn their focus to reparations and transformative justice initiatives which seek to prevent the recurrence of GBV and permanently alter the social structures and dynamics that foster it. Research should be undertaken to support the adjudication of these crimes, identify the impacts GBV has had in communities in the long and short term and identify the social and cultural phenomena that perpetuate GBV in Cambodian society.



- *Broaden the study of GBV to include the extended period of violence and political instability experienced in Cambodia.* Both the period preceding and following Khmer Rouge rule were marked by significant upheaval and conflict. Cambodians lived through a protracted civil war, nearly four years of Khmer Rouge rule and conflict with Vietnam, and many years of political strife and continued violence under Vietnamese rule. Respondents in this survey as well as other sources have reported GBV which occurred during these periods of armed conflict, insecurity and political instability. In order to understand the full context of GBV and present a complete picture of the experience of victims, it is essential that a study be made of these periods as well.
- *Carry out studies on gender-based violence occurring in contemporary Cambodia.* The lack of awareness or sensitivity to gender-based violence is not limited to the period of Democratic Kampuchea, but applies to Cambodian society today.<sup>3</sup> An overall culture of silence on the topic and impunity for these crimes reinforces the stigma felt by victims, whether they were victimized today or under Khmer Rouge rule. Research on GBV in present day Cambodia would serve the interests of victims of GBV past, present and future by raising the profile of this issue and creating a public dialogue on the topic which could serve to confront the social stigma experienced by victims of GBV, challenge the impunity surrounding these crimes and bring this important issue out of the shadows.
- *Design research projects that allow for repeated contacts with respondents in order to be able to build sufficient trust so that they feel safe to share their experiences of GBV.* It is well documented in the literature on GBV research that study design should, as much as possible, create a safe environment for vic-

<sup>3</sup> See e.g. Cambodian League for the Promotion and Defence of Human Rights (LICADHO), *Rape and Indecent Assaults Cases, and the Cambodian Justice System* (Phnom Penh: LICADHO, 2004), 6 (noting that “Cambodia faces a crisis of sex crimes against women and children” and “[s]ex crimes have huge consequences for individual victims and Cambodian society”); and Amnesty International, *Breaking the Silence: Sexual Violence in Cambodia* (London: Amnesty International, 2010), 5 (stating that “[m]ost police, NGO workers and public officials working with the issue agree that rape is on the increase” and that “the lack of appropriate services for victims of rape is acute, and reflects social attitudes about rape and sexual violence”).

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tims to come forward and share their stories. The issues of respondent safety and security were given serious consideration in the development of this study; however, the limited resources available did not allow for a number of the design elements considered. This fact may well have affected the number of direct victims of GBV that were identified in this study. In the future, researchers should try ensure that they have sufficient funding and time to build the kind of trust and sense of safety necessary to encourage victims to speak out.



## 2. INTRODUCTION

This research project was undertaken in order to improve and deepen understanding of the extent and characteristics of the GBV that occurred during Democratic Kampuchea,<sup>4</sup> a period of violent totalitarian rule which followed on years of civil war in Cambodia and instability in both the country and the region. Although numerous sources reference GBV under Khmer Rouge rule, this violence remains largely absent from the public discourse on Khmer Rouge atrocities and has been given only limited exposure through the prosecutions taking place at Cambodia's war crimes tribunal, the ECCC.

Building upon previous research that indicates that not only did GBV take place during Democratic Kampuchea, this study suggests that the full picture of what happened, who was affected, who was responsible and how the regime's leaders reacted still remains to be revealed. Though more than thirty years have passed since the fall of Democratic Kampuchea, those interviewed in this and other studies paint a clear picture of how GBV was able to flourish in the atmosphere of terror, control and impunity created by the Khmer Rouge. Now, as the survivors of the Khmer Rouge age and Cambodia shines a light on this dark period of its history through the ECCC and other transitional justice mechanisms, it is ever more pressing that this facet of Khmer Rouge persecution be brought to light.

When Cambodia emerged from the three years, eight months and twenty days of Khmer Rouge



rule on January 7, 1979, the term GBV had yet to be coined. In the decades that have passed since, the special vulnerability of women and children in times of war and conflict has become better understood and documented the world over, as has the tendency in post-conflict societies to overlook or minimize the violence targeting these vulnerable groups. GBV is now widely understood to operate on the basis of the lower status afforded women in society and the power imbalances and vulnerabilities this creates for women and girls, both on a personal and structural level. It is also now understood that the forces and dynamics that put women and girls at risk for GBV in times of peace are often exploited and exacerbated in times of war and conflict, creating impacts at every level of society

from the individual to the whole and reaching from the moment GBV in armed conflict is perpetrated well into the future.

This research was undertaken to help to bring the experience of GBV under the Khmer Rouge into the mainstream public discourse on the crimes perpetrated in Democratic Kampuchea, place this GBV in the context of a contemporary understanding of such violence, advocate for the inclusion of this part of Cambodia's history into the transitional justice mechanisms that Cambodia undertakes now

<sup>4</sup> The terms Democratic Kampuchea (DK) and Khmer Rouge rule are used interchangeably throughout this report to denote the period of time between April 17, 1975 and January 7, 1979 when the Khmer Rouge ruled the entire country.

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## INTRODUCTION

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and in the future, and combat the legacy of impunity for the GBV perpetrated under DK as well as, by extension, that occurring in present-day Cambodia.

The remainder of this research report has been organized into four main sections, beginning with section three of the report which details the design and methods used in this study. Section four provides background information intended to provide a context within which the current research findings can be better understood. The background portion includes discussion of the history and practices of the Khmer Rouge as well as the treatment of women and the family unit under Khmer Rouge rule. It briefly discusses contemporary conceptions of the nature and origins of GBV in armed conflict. The section concludes with a review of prior research and commentary produced on the topic of GBV during Democratic Kampuchea as well as the treatment that GBV has been given in the proceedings currently underway before the ECCC.

The fifth section of the report presents the findings of this research study. This includes a review of the demographic characteristics of our research respondents, followed by research findings divided by the type of GBV reported and, finally, a thematic discussion of how these findings might be understood and what they suggest. The report closes with a section detailing the conclusions that can be drawn from this research and which informed the recommendations presented in the executive summary section of the report.

## 3. STUDY DESIGN

With a focus on deepening the current understanding of GBV that occurred in Democratic Kampuchea, the survey design, including the research questions addressed and the methods used to answer these questions, was informed significantly by studies previously undertaken, as well as insights and information gained through key informant interviews conducted during the study design period. In response to these sources as well as more practical considerations, this study was undertaken in two provinces, Battambang and Svay Rieng.

The reasons for selecting these locations were four-fold. First, constraints on resources dictated



*Research field work team in Svay Rieng province.*

that the geographic scope of the field work for this study be limited. Second, geographically focused research on GBV had not been previously conducted in these two provinces. Third, in interviews conducted with local experts, it was repeatedly suggested that GBV might have been more prevalent in Svay Rieng and the areas to which Svay Rieng's population had been evacuated, including Battambang province. And, fourth, it had also been suggested that GBV might have been more prevalent at and in areas near prisons and execution sites, so research was conducted in the vicinity of such sites in these provinces.<sup>5</sup>

### 3.1 RESEARCH QUESTION

The study was designed to collect data to answer the following questions:

- What types of GBV took place in Battambang and Svay Rieng provinces under Khmer Rouge rule?
- Who were the victims of this violence and who were its perpetrators?
- What were the details and characteristics of this violence such as the location and circumstances under which it occurred?
- How does the experience of GBV in these areas differ from or replicate the reported characteristics of GBV studies conducted in other areas of the country?

### 3.2 METHODS

Respondents for this research study were initially recruited from a total of eight communes falling within each of two provinces, Battambang and Svay Rieng, using a snowballing technique.<sup>6</sup> Initial interviews were conducted with individuals recruited via intermediaries<sup>7</sup> in their local communities using a set

<sup>5</sup> Research was conducted in areas near Kirirum Pagoda, Tlok Pagoda and Boueng Rae Pagoda. All three of these sites are named in the Closing Order in Case 002 now before the ECCC. See Closing Order (Public Redacted Version), Case File No. 002/19-09-2007-ECCC-OCIJ, ECCC Doc. No. D427, 15 September 2010.

<sup>6</sup> In "snowball" sampling, pre-selected informants are interviewed and asked to suggest additional individuals who might be interviewed on the same topic. The subsequent informants are chosen on the basis of these suggestions. Snowball sampling is non-probabilistic (sample data cannot be used to represent a particular universe of respondents) and purposive (the sample is identified on purpose, and is non-random).

<sup>7</sup> Intermediaries were recruited through civil society organizations and local contacts. They largely comprised village and commune leaders, civil society organizers and local women's representatives.

of criteria thought to be indicative of a greater likelihood to have experienced or witnessed GBV during Democratic Kampuchea. This included individuals who were thought or known to have witnessed or experienced GBV, had worked at or near prisons or execution sites, had held positions of authority in Democratic Kampuchea, were thought to have experienced especially severe or harsh treatment, had worked at elevation (such as in trees or on mountains) and/or had worked as mid-wives or healthcare providers during the period of Khmer Rouge rule. At the close of each interview, interviewees were asked whether there was anyone else who they felt the research team should interview or that might have information about the subjects covered in the interview. As time and resources allowed, these additional referrals were invited to interview with the research team as well.

Interviews were conducted one-on-one with respondents in a confidential setting at or near their homes with interviewers interviewing respondents of their same sex. A standardized script explaining the purpose (to understand and report on sexual violence which occurred under the Khmer Rouge) and nature (independent research undertaken by a non-governmental, civil society organization) was used to introduce the project. Verbal informed consent was obtained using a procedure that stressed the confidential nature of the interview and that participation was completely voluntary (including the right to refuse to answer any question and to discontinue the interview entirely at any point). All respondents were provided information on psychological support services available via telephone and any respondent who experienced significant emotional upset during the interview process was offered the opportunity to speak with the research team psychologist.



*Research interviewer heads to the field.*

A semi-structured interview questionnaire, comprised of a lesser portion of closed and a greater proportion of open questions, formed the basis of the interview. Interview questions were grouped by the following categories: socio-demographic information, life under the Khmer Rouge and GBV (i.e., sexual mutilation, sexual exploitation, sexual slavery forced prostitution, rape, sexual abuse and humiliation, and other issues). Emphasizing the qualitative nature of the data collected, interviewers encouraged respondents to expand upon answers to questions and relate information they thought relevant. The questionnaire was first developed in English and then translated to Khmer. Extensive review of the translation was undertaken with local experts and back-translation of the instrument was made to ensure the accuracy of the language used. The questionnaire was then piloted with twenty-one respondents outside of the study sites in order to further ensure that it was easily understood and culturally appropriate.

Data collection for this study was performed by a team of eight interviewers who were recruited based on past research and/or interviewing experience as well as their performance in the pre-field work training sessions. Training was provided to the field work team on research interview methods (e.g., techniques to minimize bias, data correction, ethics in research, informed consent, gender sensitive interviewing, protecting confidentiality, etc.) as well as the topic and purpose of the study. Interviewers also participated in follow-up practice activities before beginning the field work. In the field, interview-

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ers worked in teams of two to better facilitate confidentiality at the interview site and on-site review of survey responses on the questionnaire. Two site supervisors oversaw the interview teams, ensuring the consistent adherence to the research interview protocols. As well, they conducted a second review of survey questionnaires in the field in order to decrease the likelihood of data collection errors.

### 3.3 LIMITATIONS

This study was envisioned as a small-scale, follow-up to the work that previous scholars, researchers and commentators have produced on the topic of GBV under the Khmer Rouge. Every effort was made to conduct this study rigorously through the application of tested research methods and techniques as well as the use and adaptation of best-practices for research specific to the topic of GBV, particularly in conflict and post-conflict environments. Nonetheless, there remain limitations that must be acknowledged.

As mentioned earlier, this study was conducted on a relatively small scale and in a non-representative fashion (i.e., not employing random sampling of an adequate sample size). Therefore, the findings presented here and any conclusion drawn from them cannot be understood to be broadly representative of the communities where surveying was conducted nor of the experience of Cambodians in general during Democratic Kampuchea.



*Pre-field work interview training session.*

As well, the events that this study investigates took place well over thirty years ago. It is reasonable, then, that the memories and information respondents provided may have been affected by the passage of time or intervening events, producing recall errors or bias. However, questions were developed to verify the accuracy and consistency of responses, and suspect data has not been reported here.

Every effort was made to interview as many respondents as possible, including those suggested by first round respondents. However, the research team's ability to schedule second round interviews was significantly limited by the time and resources available. Among those that the team was not able to interview are several individuals who respondents believed to be direct victims of GBV. Though it is impossible to know what these individuals might have reported, this limitation may have had a diminishing effect on the proportion of direct victims represented in this study and should be taken into consideration.

Finally, although great care was taken to develop easily understood, clear and culturally appropriate questions, the possibility exists that interview questions were not well understood or were interpreted by the respondent in a fashion distinct from the intended meaning of the researchers. The potential for these problems was reduced through the careful process used to develop and vet the survey questionnaire as well as the open nature of many of the questions that allowed the respondent to give a more complete and detailed answer. In the event that there was misunderstanding, the lengthy discussion of each topic in an open format allowed the author to better grasp the meaning that the respondents attached to the questions and analyze the data accordingly.

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## 4. BACKGROUND

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### 4.1 THE KHMER ROUGE & DEMOCRATIC KAMPUCHEA

Cambodians lived through increasing levels of instability and violence beginning in the latter half of the 1960s and culminating in the fall of Phnom Penh to the Khmer Rouge on April 17, 1975.<sup>8</sup> The Khmer Rouge, the common term used to refer to the Communist Party of Kampuchea (CPK), was led by a small and secretive group of Cambodians most of whom had lived and studied in France. They returned to fight, and eventually win, a revolutionary war against two successive Cambodian governments to install a communist regime in Cambodia. In the early days of the Khmer Rouge's newly-formed state, Democratic Kampuchea, residents of Phnom Penh were forced out of the city *en masse* and returned to their home villages or other destinations in the countryside. In the months that followed, a similar process was carried out in other provincial capitals and towns.<sup>9</sup> Along the way and continuing throughout the regime, many who were identified as being wealthy, educated, linked to previous regimes or otherwise viewed as an obstacle or threat to the new regime were systematically killed.<sup>10</sup> Members of ethnic and religious minority groups, including the Vietnamese, Cham Muslim and Chinese were subject to persecution on the basis of this identity.<sup>11</sup> Within a very short period of time, the whole of Cambodia's population, estimated to have been somewhere between 7 and 8 million at the time,<sup>12</sup> was taken hostage in their own land and saw their lives forever changed.

As the Khmer Rouge regime's plan to radically transform the country into a communist, agrarian utopia took shape, the use of currency, private ownership of property and the independent pursuit of livelihood and family were all outlawed.<sup>13</sup> In their place, the country's population was put to work farming rice, building infrastructure and serving the interests of *Angkar*, an at once amorphous and omnipotent euphemism for the regime's leaders, the party and their project.<sup>14</sup> Gradually, virtually the whole population was grouped into cooperatives where eating, sleeping, working and all other aspects of daily living were highly regulated and communalized. Much of the country's civilian population was forced to perform exhausting manual labor, was subject to forced transfer or evacuation, and often lived without adequate food, medical treatment or rest, resulting in widespread illness, malnutrition and death.<sup>15</sup> Moreover, brutal

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<sup>8</sup> For a detailed discussion of the factors and circumstances contributing to these events, see David Chandler, *The Tragedy of Cambodian History: Politics, War and Revolution Since 1945* (Chiang Mai: Silkworm Books, 1994).

<sup>9</sup> David Chandler, *A History of Cambodia*, 4th ed. (Chiang Mai: Silkworm Books, 2008), 256-257.

<sup>10</sup> See generally Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79* (New Haven: Yale University Press, 1996); Elizabeth Becker, *When the War Was Over: Cambodia and the Khmer Rouge Revolution* (New York: Public Affairs, 1998); and Chandler, *History of Cambodia*.

<sup>11</sup> For more information on Khmer Rouge policies toward ethnic groups, see Kiernan, *Pol Pot Regime*, 241-309. See also, Becker, *When the War Was Over*, 228, 233, 242, 243, 245.

<sup>12</sup> Kiernan, *Pol Pot Regime*, 456-457. Kiernan estimates the pre-Khmer Rouge population in 1975 at 7.89 million citing the "the pre-war population calculations of the leading demographer of Cambodia." A wide variety of sources set the number in roughly the same range. These are documented on lines 647-658 of the tables produced by R.J. Rummel, accessed November 7, 2011, <http://www.hawaii.edu/powerkills/SOD.TAB4.1B.GIF>.

<sup>13</sup> Chandler, *History of Cambodia*, 255; and Chandler, *Tragedy of Cambodian History*, 1.

<sup>14</sup> Paraphrasing the work of Ith Sarin in his book *Regrets for the Khmer Soul*, Elizabeth Becker writes that "[t]he individual... had to submit entirely to the rule of Angka. And Angka was credited with nearly mystic omnipotency; its word was law and any attempt to break it was always discovered." Becker, *When the War Was Over*, 141. Chandler describes the Angkar Loeu ("upper organization") as being "as distant, mysterious, arbitrary, and impossible to question as any Cambodian monarch had been in pre-colonial times." Chandler, *Tragedy of Cambodian History*, 246.

<sup>15</sup> See Becker, *When the War Was Over*, 148-149; Chandler, *Tragedy of Cambodian History*, 246-247; 260; and Chandler *History of Cambodia*, 255, 259-260.

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punishments, including beatings, imprisonment, torture, killing and mutilation were used on a widespread basis to control the population and ferret out alleged enemies of the revolution.<sup>16</sup> Oftentimes, neighbors, children and family members were encouraged or compelled to report on “bad elements” or purported subversive networks within their families, work groups and communities. Individuals and families alike were deeply affected by the unbending policies of the regime. Religion, cultural practices and traditional family relationships were considered suspect and targeted for destruction.<sup>17</sup>

### 4.2 WOMEN & THE FAMILY IN DEMOCRATIC KAMPUCHEA

Under Khmer Rouge rule, every aspect of family life became highly regulated. Husbands, wives, parents and children were often separated into distinct work units or even moved to different geographic locations.<sup>18</sup> Frequently, shortly after birth, newborns were given to others to be nursed and cared for, while their mothers returned to labor with work units during the day.<sup>19</sup> Children were taught that *Angkar*, rather than their family, was the entity to which they owed respect and allegiance.<sup>20</sup> Meals were often taken separately from family in communal halls and, typically, visits with family members were granted infrequently and only then with the express permission of local leaders.<sup>21</sup> Although there was some variation in these practices, most notably on the basis of one’s status in the regime and sometimes geographic location, family life as most Cambodians had known it was dramatically altered under Democratic Kampuchea.

### 4.3 CONCEPTUALIZING GBV IN CONFLICT AND POST-CONFLICT SETTINGS

As a starting point, this study approaches GBV “[a]s an umbrella term for any harm that is perpetrated against a person’s will that is the result of power imbalances that exploit distinctions between males and females.”<sup>22</sup> Notably, this study focuses on the sexual aspect of GBV that has been increasingly recognized as endemic to conflict-affected areas and in times of war.<sup>23</sup> The approach taken here also recognizes “that men and boys may also be victims of GBV, including sexual violence.”<sup>24</sup> Accordingly, this research study sought information on GBV committed in Democratic Kampuchea irrespective of the

<sup>16</sup> For example, this is known to have taken place in Tuol Sleng Prison in Phnom Penh. See Becker, *When the War Was Over*, 224, 262, 285-287.

<sup>17</sup> On the abolition of religion under the Khmer Rouge and treatment of monks during this period, see Ian Harris, *Buddhism under Pol Pot* (Phnom Penh: DC-Cam, 2007), 105-138. For discussion on the effects on family life and cultural practices, see Kalyanee Mam, “The Endurance of the Cambodian Family Under the Khmer Rouge Regime: an Oral History,” in Susan E. Cook, ed., *Genocide in Cambodia and Rwanda: New Perspectives* (New Brunswick, NJ: Transaction Publishers, 2006). See also Becker, *When the War Was Over*, 153 (“Religion was suppressed in the name of conservation. All religious and social celebrations were prohibited, and Buddhism was derided as backward and feudal. Marriage was more or less outlawed...”).

<sup>18</sup> See generally Kalyanee Mam, “Democratic Kampuchea (1975-1979): Women as Tools for Social Change” (undergraduate thesis, Yale University, 2000).

<sup>19</sup> *Ibid.*, 10-19.

<sup>20</sup> Becker, *When the War Was Over*, 229.

<sup>21</sup> *Ibid.*; and Chandler, *History of Cambodia*, 258.

<sup>22</sup> “Gender-Based Violence,” Reproductive Health Responses in Crisis Consortium, accessed November 6, 2011, [http://www.rhrc.org/rhr\\_basics/gbv.html](http://www.rhrc.org/rhr_basics/gbv.html). See also Jeanne Ward, “If not now, when?: Addressing GBV in Refugee, Internally Displaced and Post-Conflict Settings, A Global Overview” (New York: RHRC, 2002), 8-9; and Sally Engle Merry, *Gender Violence: A Cultural Perspective* (Malden: Blackwell, 2009), 15.

<sup>23</sup> Jeanne Ward and Mendy Marsh, “Sexual Violence Against Women and Girls in War and Its Aftermath: Realities, Responses and Required Resources,” Briefing Paper for Symposium on Sexual Violence in Conflict and Beyond, Brussels, Belgium, June 21-23, 2006, 3; and Jeanne Ward, “If Not Now, When? Addressing GBV in Refugee, Internally Displaced, and Post-Conflict Settings, A Global Overview” (New York: Reproductive Health for Refugees Consortium, 2002), 7.

<sup>24</sup> “GBV: Overview,” Reproductive Health Responses in Crisis Consortium, accessed November 6, 2011, [http://www.rhrc.org/rhr\\_basics/gbvoverview.html](http://www.rhrc.org/rhr_basics/gbvoverview.html) (content adapted from Reproductive Health Responses in Crisis Consortium, *Reproductive Health in Humanitarian Settings: An Inter-agency Field Manual, Inter-agency Working Group on Reproductive Health in Crises*) (New York: Reproductive Health for Refugees Consortium, 2010).

sex of the victim.<sup>25</sup>

The facts and events that are the subject of this study took place long before the genesis of the term GBV or the study of how such violence might be linked to war and conflict-affected settings. With special emphasis on the underlying gender norms and power imbalances between men and women,<sup>26</sup> scholars and advocates now recognize that GBV can manifest itself in a variety of ways in conflict settings:

The stimulus for GBV, particularly sexual crimes, committed in periods of armed conflict varies. Sexual violence can be capricious or random—the “spoils of war”—resulting from the break down in social and moral systems. Indeed, it is likely that this kind of “collateral” GBV is an element of all wars. In addition, sexual violence may be systematic, for the purposes of destabilizing populations and destroying bonds within communities and families; advancing ethnic cleansing; expressing hatred for the enemy; or supplying combatants with sexual services.<sup>27</sup>

Experts also note that the murder of women in armed conflict is gendered, “that the means and method of death [i]s often sexualized, such as by having a sexual organ or body part mutilated or exploded, by having a fetus ripped from the womb, or by being raped with broken glass or crude weapons.”<sup>28</sup> Although closely tied to peacetime GBV, that which is perpetrated in conflict settings is often more widespread, brutal and public in line with the increased vulnerability of women and girls, the breakdown of social structures that in non-conflict settings place limits on the practice of gender-based violence and the impetus perpetrators may feel to use this form of violence to exact wounds or punishments on the enemy.<sup>29</sup>



Over the last twenty years, the UN Security Council has passed two groundbreaking resolutions on the topic of GBV. First, Resolution 1325, which emphasizes the need for women to be involved at all stages of peace processes and to end impunity for GBV in armed conflict, and “calls upon all parties to armed conflict to respect to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.”<sup>30</sup> And, nearly a decade later, the even more strongly worded Resolution 1820 calling for expanded measures to prevent sexual violence, asserting that sexual violence poses a threat to international peace and security and “stress[ing] the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace, justice, truth, and national reconciliation.”<sup>31</sup>

<sup>25</sup> Though the overwhelming majority of GBV reported in this study was perpetrated against women and girls, several instances of such violence committed against boys were also revealed and are discussed in the findings section of this report.

<sup>26</sup> For a thoughtful discussion of how these roles and imbalances play out through GBV in armed conflict, see Margaret Urban Walker, “Gender and Violence in Focus: A Background for Gender Justice in Reparations,” in *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, ed. Ruth Rubio-Marin (Cambridge: Cambridge University Press, 2009), 18-62.

<sup>27</sup> Ward, *If not Now*, 7. For another categorization and description of GBV in conflict, see Walker, “Gender and Violence.”

<sup>28</sup> Kelly Askin, “Prosecuting Wartime Rape and Other Gender-Related Crimes under International Law: Extraordinary Advances, Enduring Obstacles,” *Berkeley Journal of International Law* 21 (2003): 298.

<sup>29</sup> See Kristen Hagan, “The Nature and Psychosocial Consequences of War Rape for Individuals and Communities,” *International Journal of Psychological Studies* 2 (2010): 2 (asserting that “[a]lthough rape is traumatic regardless of when it occurs, during war, rape tends to be of greater magnitude, frequency and intention”). For further discussion of the distinctions between peacetime and wartime GBV, see Walker, “Gender and Violence,” 28-32.

<sup>30</sup> United Nations Security Council, Resolution 1325, 31 October 2000, S/RES/1325 (2000).

<sup>31</sup> United Nations Security Council, Resolution 1820, 19 June 2008, S/RES/1820 (2008).

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Moreover, the topic of GBV in times of war and armed conflict has received increasing attention in international law. International war crimes tribunals, including the ICTY, the ICTR and the SCSL have prosecuted GBV as a wide-range of crimes under international law including: genocide, crimes against humanity, war crimes and grave breaches of the Geneva Conventions.<sup>32</sup> Drawing upon the jurisprudence and practice developed in these courts, the International Criminal Court (ICC) has been empowered with a “progressive and groundbreaking” statute that contemplates an even broader scope of gender-based crimes,<sup>33</sup> though it remains to be seen in how effectively the Court will make use of these powers.<sup>34</sup> The progress made in prosecuting gender-based crimes before international courts already reflects a more systematic and rigorous approach taken in dealing with GBV in armed conflict and a growing international commitment to accountability of those responsible for these crimes.

In addition to coping with the aftermath of GBV in conflict settings, as evidence mounts that rates of GBV actually increase in post-conflict settings,<sup>35</sup> the long-term consequences of war-time GBV on societies has emerged as a pressing concern. Furthermore, with advances in international law on GBV and formal accountability processes for gender-based crimes having gained traction, attention is increasingly directed at providing reparations to victims of GBV. Importantly, victims and advocates emphasize the need to realize guarantees of non-repetition through reparations that seek to transform the cultural norms and practices that make GBV so prevalent, whether in times of peace or conflict. In this way, the treatment of GBV in transitional justice processes is now seen as both a backward and forward looking endeavor. As noted by a participant in a recent UN conference on reparations for gender-based violence:

In the aftermath of mass atrocity, states have the opportunity to review and reform systems and policies that entrenched discrimination and marginalization of certain groups. Reparations programmes that seek to address both the causes and consequences of wartime violations and operationalize principles of gender equality, non-discrimination and victim participation and empowerment can further these goals and have transformative impacts on victims, communities and states.<sup>36</sup>

### 4.4 GBV IN DEMOCRATIC KAMPUCHEA

#### 4.4.1 Gender in Cambodia before the Khmer Rouge

Cambodian culture in modern times, particularly in the period leading up to Khmer Rouge rule, placed significant restrictions on women.<sup>37</sup> In this period, traditional views on the roles of women and

<sup>32</sup> For an overview of how these courts have treated GBV, see Rashida Manjoo and Calleigh McRaith, “Gender-Based Violence and Justice in Conflict and Post-Conflict Areas,” *Cornell International Law Journal* 44 (2010), 11-31.

<sup>33</sup> Laurie Green, “First-Class Crimes, Second-Class Justice: Cumulative Charges for Gender-Based Crimes at the International Criminal Court,” *International Criminal Law Review* 11 (2010), 530.

<sup>34</sup> See *Ibid.* (criticizing decisions such as that made by the Pre-Trial Chamber to not charge gender-based crimes in *Prosecutor v. Jean-Pierre Bemba Gombo*).

<sup>35</sup> See Colleen Duggan and Adila Abusharaf, “Reparation of Sexual Violence and Democratic Transition: In Search of Gender Justice,” in *The Handbook of Reparations*, ed. Pablo de Greiff (New York: Oxford University Press, 2006), 623-649.

<sup>36</sup> UN Women and UN Development Program, *Reparations, Development and Gender: Report of the Kampala Workshop*, 1-2 December 2010, 6 (quoting conference participant Ruben Carranza, a reparations expert from the International Center for Transitional Justice).

<sup>37</sup> It should be noted that scholars argue that the role of women in Cambodian society has changed over time and was not always as it has been in more recent history. See e.g. Trudy Jacobsen, *Lost Goddesses: The Denial of Female Power in Cambodian History* (Copenhagen: NIAS Press, 2008) (discussing the relative high status of women in Cambodia’s history and the much more recent decline in women’s status and power since).

their appropriate place and behavior in society were evident in cultural markers such as the *Chbab Srey*<sup>38</sup> (“Code for Women”) and a well-known Cambodian proverb still in use today which asserts that “men are gold, women are white cloth.”<sup>39</sup> As suggested by this refrain, “women can be ‘spoiled’ and thereafter become useless, while men cannot.”<sup>40</sup> In the 1960s and 70s, Cambodian women had limited freedom and autonomy in a culture where arranged marriage was the norm and women’s opportunities for education, independence and self-determination were typically quite limited. Courting and interaction between the sexes was overseen by family members and a woman’s virginity was considered a prized asset and an important measure of her worth as a potential spouse.<sup>41</sup> Sexual encounters outside of marriage, consensual or otherwise, would have devastated a bride’s chances for marriage and family life.<sup>42</sup>

### 4.4.2 Gender-Based Violence in Democratic Kampuchea

As compared to the information available on a wide variety of topics related to the atrocities committed by the Khmer Rouge, relatively little research has been produced on GBV in Democratic Kampuchea. In one of first studies to touch upon the topic, Richard Mollica and colleagues from the Harvard Program in Refugee Trauma interviewed nearly 1,000 Cambodian refugees in Thai border camps on mental health issues in 1990. Using generalizable survey methods, the study found that 17% of respondents had been raped or sexually abused during Democratic Kampuchea.<sup>43</sup> Beyond this, it does not appear that the topic garnered much attention, apart from the occasional reference in historical, political and biographical accounts produced in the 1990s, until some years later. As negotiations for an international criminal tribunal were underway, one observer called for “much more research...on the subject of violence against women during the Khmer Rouge period.”<sup>44</sup>

Just after this call to action was made, Kalyanee Mam, a Yale University undergraduate, conducted interviews and produced a thesis analyzing the use of gender as an instrument for the reordering of Cambodian society through Khmer Rouge policies. This study, based on interviews conducted in Kandal province in 1999 and 2000, included details of forced marriage, rape and sexual abuse experienced

<sup>38</sup> The *Chbab Srey* is a well-known Cambodian poem, drafted in the nineteenth century, which provides instruction to girls and young women on how to comport themselves in accordance with Cambodian societal expectations of female behavior. In the pre-Khmer Rouge period, this document was studied in schools and was a well-known cultural touchstone exemplifying ideal female behavior. See Jacobsen, *Lost Goddesses*, 119-122. As noted by Nakagawa, these sources of cultural knowledge still hold important sway in Cambodian society. See Kasumi Nakagawa, *More than White Cloth?—Women’s Rights in Cambodia* (Phnom Penh: CDP, 2006), 13.

<sup>39</sup> This proverb demonstrates the emphasis in Cambodian society placed on women’s virtue. Unlike men, any mark against a woman’s virtue poses a threat to her worth and reputation as well as that of her family. For further discussion of women’s sexuality in Cambodian society, see Nakagawa, *More than White Cloth*, 27.

<sup>40</sup> *Ibid.*, 13. The implication is that as white cloth, women who violate the gendered social mores dictated by Cambodian culture become permanently stained by their transgression, whereas a man who does the same does not “absorb” the taint of his actions and can expect to maintain his social status and reputation.

<sup>41</sup> See Rebecca Surtees, “Rape and Sexual Transgression in Cambodia” in *Violence Against Women in Asian Societies: Gender Inequality and Technologies of Violence*, L. Bennett and L. Manderson, eds. (New York: Routledge, 2003), 105-106.

<sup>42</sup> For a detailed discussion of women’s status and gender relations in the post-colonial period and the lead up to Democratic Kampuchea, see Jacobsen, *Lost Goddesses*, 148-180.

<sup>43</sup> Richard F. Mollica, et al, “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 (1993): 581-586.

<sup>44</sup> Laura McGrew, “Cambodian women and Year Zero,” *On the Record: Women of Southeast Asia Fight Violence* 5 (1999), [www.advocacy.net.org/resource/530#Camodian\\_Women\\_at\\_Year\\_Zero](http://www.advocacy.net.org/resource/530#Camodian_Women_at_Year_Zero), accessed November 6, 2011.

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by women living under the Khmer Rouge.<sup>45</sup> Following on this, Katrina Anderson, a U.S. law student, marshaled the available research to advocate for and suggest possible means for addressing the sexual violence and gender-based crimes of the Khmer Rouge through the legal proceedings of the ECCC as well as other transitional justice mechanisms.<sup>46</sup>

Set against this backdrop, a more ambitious study targeting GBV under the Khmer Rouge was undertaken in 2006 by a team of researchers at Cambodian Defenders Project (CDP), led by Kasumi Nakagawa. Preliminary research questionnaires were completed with approximately 1,500 non-randomly selected respondents in five of Cambodia's provinces. An additional 96 in-depth interviews (28 males and 68 females) then followed up on the most promising of these questionnaires. The project sought to test whether all victims of GBV under the Khmer Rouge had indeed been killed and whether Cambodian culture would prevent victims from sharing their stories, as was commonly thought.<sup>47</sup> This research produced two reports which detailed findings of GBV in the areas of forced marriage and rape, rape outside of marriage, and other forms of sexual assault including sexual abuse, sexual mutilation and forced nudity.<sup>48</sup> As well, one of these reports also called for public awareness raising efforts on GBV under the Khmer Rouge, explored the possibility of these crimes being prosecuted before the ECCC, and made a number of recommendations to the Court to increase its sensitivity and responsiveness to victims and witnesses of GBV.<sup>49</sup>

CDP's 2006 study not only confirmed what earlier studies had found, but also expanded upon the understanding of GBV under the Khmer Rouge which had been developed up to that point in time. The results further confirmed that, in spite of the prohibition on "immoral acts" in Democratic Kampuchea, GBV often occurred with impunity.<sup>50</sup> It also established that in addition to numerous reports of rape and rape before execution, there was also rape in prisons, reeducation centers, Khmer Rouge offices and bases that did not result in the death of the victim. In fact, some of these surviving victims<sup>51</sup> contributed their stories to the research.<sup>52</sup>

One area of gender-based violence which has received more sustained focus is forced marriage in Democratic Kampuchea. A number of studies have looked at different aspects of forced marriage, including the longevity of these marriages<sup>53</sup> and their effect on the education of the children resulting from these unions,<sup>54</sup> among other topics. In perhaps the most extensive of these studies, Peg LeVine, a clinical psychologist, rural mental health specialist and professor, published a book that focuses in part

<sup>45</sup> See generally Mam, *Democratic Kampuchea*. This thesis has been adapted and published as "The Endurance of the Cambodian Family Under the Khmer Rouge Regime: an Oral History" in Susan E. Cook, ed., *Genocide in Cambodia and Rwanda: New Perspectives* (New Brunswick, NJ: Transaction Publishers, 2006), 119-162.

<sup>46</sup> Katrina Anderson, "Turning Reconciliation on Its Head: Responding to Sexual Violence Under the Khmer Rouge," *Seattle Journal of Social Justice* 3 (2005): 785-832.

<sup>47</sup> Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime: Stories of Survivors from the Democratic Kampuchea (1975-1979)* (Phnom Penh: CDP, 2008), 14.

<sup>48</sup> See generally, Nakagawa, *Gender-Based Violence*; and Bridgette Toy-Cronin, "I Want to Tell You." *Stories of Sexual Violence during Democratic Kampuchea (1975-1979)* (Phnom Penh: CDP, 2006).

<sup>49</sup> See Bridgette Toy-Cronin, *I Want to Tell You*.

<sup>50</sup> *Ibid.*, 11.

<sup>51</sup> *Ibid.*, 8-10.

<sup>52</sup> *Ibid.*, 8-15 (citing the testimony of four women who survived rape perpetrated during Democratic Kampuchea).

<sup>53</sup> Patrick Heuveline and Bunnak Poch, "Do Marriages Forget Their Past? Marital Stability in post-Khmer Rouge Cambodia," *Demography* 43 (2006): 99-125.

<sup>54</sup> Katsuo Kogure, "Impacts of Forced Marriages in Cambodia under the Pol Pot Regime," Discussion Paper No. 805, Institute of Social and Economic Research, Osaka University, March 2011, accessed November 6, 2011, <http://www.iser.osaka-u.ac.jp/library/dp/2011/DP0805.pdf>.

on marriages under the Khmer Rouge and drew upon the author's decade-long study of 192 men and women married under the Khmer Rouge.<sup>55</sup> In her work, LeVine makes a detailed account of the diverse experiences of marriage under the Khmer Rouge and the variety of ways that their participants perceive the experience, but she resists deeming these marriages "forced."<sup>56</sup> Though she acknowledges the harsh circumstances that many of those who were married by the Khmer Rouge faced, including the lack of traditional rights, unhappy couplings and prescriptive sex, she emphasizes the diverse and changing nature of marriage practices under the Khmer Rouge and the way that those married perceive their experiences.<sup>57</sup>

### 4.5 GBV BEFORE THE ECCC

In spite of research supporting the prevalence of GBV under the Khmer Rouge and calls that this facet of Khmer Rouge violence be included in the crimes considered in the proceedings before the ECCC, GBV has so far played a relatively minor role at the Court. The Court's first case, against Kaing Guek Eav (*alias* Duch), dealt with crimes committed at S-21, S-24 and Choueng Ek, sites notoriously used for the detention, torture and killing of enemies of the regime and their families. In this case, a single charge of rape as a crime against humanity<sup>58</sup> was brought against the defendant and he was convicted of the crime.<sup>59</sup>



Case 002, now before the Trial Chamber of the ECCC, addresses a much wider scope of crimes and geographic locations.<sup>60</sup> Among these, the indictment against the defendants includes the charge of forced marriage,<sup>61</sup> but not rape within forced marriage, which was stricken from the indictment by the Pre-Trial Chamber.<sup>62</sup> Submissions of the Co-Prosecutors and Lead Co-Lawyers and Civil Party Lawyers calling for the reintroduction of the crime of rape are presently before the Chamber.<sup>63</sup> Notably, the inclusion of gender-based crimes largely resulted from the efforts of Civil Party Lawyers to ensure that

<sup>55</sup> Peg LeVine, *Love and Dread in Cambodia: Weddings, Births, and Ritual Harm under the Khmer Rouge* (Singapore: NUS Press, 2010).

<sup>56</sup> *Ibid.*, 16-35.

<sup>57</sup> *Ibid.*, 16-35, 88-89.

<sup>58</sup> This instance of rape, described as "coercive sexual penetration" was perpetrated by an S-21 interrogator against Duch's former school teacher. Closing Order (Public Redacted Version), Case File No. 002/14-08-2006, ECCC Doc. No. D99, 8 August 2008, paras. 105, 137.

<sup>59</sup> Judgment, Case File No. 001/18-07-2007/ECCC/TC, ECCC Doc. No. E188, 26 July 2010, paras. 366, 559.

<sup>60</sup> The crimes indicted in Case 002 include: 1) movement of the population (temporally divided into three phases), 2) worksites and cooperatives (totaling six and including S-24 which was also within the scope of Case 001), 3) security centers and execution sites (totaling fourteen), 4) specific groups (totaling four and including Buddhists, the Vietnamese, the Cham, the Vietnamese, and Forced Marriage); and 5) three other circumstances considered "other." See Closing Order (Public Redacted Version), Office of the Co-Investigating Judges, Case File No. 002/19-09-2007-ECCC/OCIJ, ECCC Doc. No. D427, 15 September 2010.

<sup>61</sup> Case 002 Closing Order, D427, para. 1613.

<sup>62</sup> In the Pre-Trial Chamber's decision on appeals to the Closing Order in Case 002, it accepted the arguments put forward by the Ieng Thirith and Nuon Chea defense teams and struck rape as a crime against humanity out of the Case 002 Closing Order. See *e.g.* Pre-Trial Chamber Decision on Ieng Thirith's and Nuon Chea's Appeals Against the Closing Order, Case File No. 002/19-09-2007-ECCC/OCIJ (PTC 145 & PTC 146) D427/2/12, 13 January 2011, para. 11(2).

<sup>63</sup> Both the Co-Prosecutors and lawyers for Civil Parties have since called for the recharacterization of rape as a crime against humanity in its own right, rather than under the sub-category of "other inhumane acts." See Co-Prosecutors' Request for the Trial Chamber to Recharacterize the Facts Establishing the Conduct of Rape as the Crime Against Humanity of Rape Rather than the Crime Against Humanity of Other Inhumane Acts, Case File No. 002/19-09-2007-ECCC/TC, ECCC Doc. No. E99, 16 June 2011. In June 2009, Civil Party Lead Co-Lawyers and Lawyers also made a similar, confidential submission to the Court.

## BACKGROUND

these crimes be considered by the Court.<sup>64</sup> Of the 2,122 Civil Parties<sup>65</sup> admitted at the time of the Closing Order, 664 of these were initially admitted<sup>66</sup> on the basis of “regulation of marriage.” With the Pre-Trial Chamber’s June 23, 2010 decision on the admissibility of the remaining Civil Party Applicants and the admission of an additional 1,744 Civil Parties, this number has likely substantially increased.<sup>67</sup>

As concerns other forms of GBV, including rape outside of forced marriages, indictments were not forthcoming. On rape, the Co-Investigating Judges “observed that the official CPK policy regarding rape was to prevent its occurrence and to punish the perpetrators.”<sup>68</sup> On this basis, rape outside of the context of forced marriage was excluded from the initial indictment and it appears that the prosecution of other gender-based crimes, such as sexual mutilation and torture, were not investigated by the Court.



*Main Courtroom of the ECCC. Photo credit: Public Affairs, ECCC.*

The trial for Case 002 began in late November 2011 and it remains to be seen what prominence gender-based crimes will given. However, if developments thus far are any indication, it would appear that many of the gender-based crimes perpetrated by agents of the Khmer Rouge will not be prosecuted at the ECCC. Though the judges of the Trial Chamber have the authority to recharacterize crimes and admit new evidence on their own initiative,<sup>69</sup> efforts to encourage such an approach on the part of victims’ representatives have thus far not met with success.

In addition to the possibility of a conviction, the ECCC has also opened the opportunity for victims of the crimes prosecuted by the Court to seek reparations<sup>70</sup> —a first in an international tribunal prosecuting individual perpetrators. Recent changes to the Internal Rules of the Court have established a further means, in the form of non-judicial measures, to address the harms suffered by all victims of the Khmer Rouge irrespective of the crimes charged and Civil Party status. In this case, even if gender-based crimes are not prosecuted, victims of these crimes may still be able to benefit from reparations projects directed at addressing their suffering which can be implemented before any judgment is made in the cases

<sup>64</sup> See e.g. Second Request for Investigative Actions Concerning Forced Marriages and Forced Sexual Relations (Public Redacted Version), Case File No. 002/19-09-2007-ECCC/TC, ECCC Doc. No. D188, 15 July 2009; and Co-Lawyers for the Civil Parties’ Fourth Investigative Request Concerning Forced Marriages and Sexually Related Crimes (Public Redacted Version), Case File No. 002/19-09-2007-ECCC/TC, ECCC Doc. No. D268, 9 December 2009. These are but two examples of numerous requests for investigative action as well as submission of documentation of GBV during Democratic Kampuchea added to the case file.

<sup>65</sup> Civil Parties are victims or relatives of victims of the Khmer Rouge atrocities committed in Democratic Kampuchea who have established that they suffered physical, material, or psychological injury “as a direct consequence of at least one of the crimes alleged against the Charged Person.” Article 23bis(1)(a), Internal Rules of the ECCC (Rev. 8). Once admitted by the Court, the mandate of the ECCC allows for these victims to participate in the proceedings before the court to support the efforts of the prosecution and request reparations for the harm they have suffered. See Article 23(1), Ibid.

<sup>66</sup> Case 002 Closing Order, D427, para. 861(stipulating that 664 Civil Parties were admitted by the Pre-Trial Chamber on the basis of forced marriage). It bears mention here that not all 664 of these Civil Parties are direct victims of forced marriage. Some are qualified as Civil Parties on the basis of their close relationship to a victim.

<sup>67</sup> The figures provided here were tabulated by staff of the Victims Support Section and Lead Co-Lawyers Section of the ECCC; however, at the time this report was published, there was not a reliable figure documenting the total number of Civil Parties which have been admitted on the basis of forced marriage (“regulation of marriage”) in Case 002.

<sup>68</sup> Case 002 Closing Order, para. 1429.

<sup>69</sup> Rule 93, Internal Rules (Rev. 8) (granting the Trial Chamber the power to conduct additional investigations where it considers it necessary); and Rule 98(2), Ibid. (granting the Trial Chamber the authority to “change the legal characterization of the crimes as set out in the indictment, as long as no new constitutive elements are introduced”).

<sup>70</sup> Rule 23, Internal Rules (Rev. 8) (granting Civil Parties the right to claim “moral and collective” reparations in proceedings before the Court); Rule 23 *quinquies*(1) (stipulating that reparations may not be made in the form of “monetary payments” to Civil Parties); and 23 *quinquies*(3), Ibid. (granting that reparations they may be in the form of claims against the Accused or in the form of judicially recognized projects).

before the Court.<sup>71</sup> Although not a substitute for a judicially enforceable reparations judgment against a convicted person, this approach poses an interesting and important new opportunity for addressing the needs of survivors of GBV. One such project has already been developed and received funding.<sup>72</sup>

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<sup>71</sup> The Internal Rules state that “[t]he Victims Support Section shall be entrusted with the development and implementation of non-judicial programs and measures addressing the broader interests of victims. Such programs may, where appropriate, be developed and implemented in collaboration with governmental and non-governmental organizations external to the ECCC.” Article 12*bis*(3), Internal Rules (Rev. 8).

<sup>72</sup> The Victims Support Section (VSS) of the ECCC, Cambodian Defenders Project (CDP), and the Transcultural Psychosocial Organisation (TPO) are jointly implementing a UN Trust Fund to End Violence Against Women financed project which aims to promote a gender-oriented transitional justice process by integrating criminal, restorative, economic and reparative justice measures for female survivors of the Khmer Rouge, including victims of GBV. This project operates parallel to the proceedings at the ECCC and is independent from the reparations which may be awarded by the Court.

## 5. FINDINGS

### 5.1 DEMOGRAPHICS

**Table 1: Respondents' Demographic Characteristics**

[Sample Size (n) = 104]

Sex		Age		District (Province)	
Female	51.0%	40 - 49	13.5%	Banan (BTB)	26.9%
Male	49.0%	50 - 59	45.2%	Sangkae (BTB)	27.9%
		60 - 69	26.9%	Chantrea (SR)	17.3%
		70 - 79	10.6%	Svay Chrum (SR)	27.9%
		80 - 89	3.8%		

Status		Ethnicity		Work	
New Person	65.3%	Khmer	83.7%	Farming/Construction	74.0%
Base Person	25.0%	Khmer-Chinese	6.7%	Service Role	6.8%
Khmer Rouge	3.8%	Kampuchea Krom	4.8%	Group/Village Leader	4.8%
Candidate	2.9%	Khmer-Vietnamese	1.0%	Livestock Herder	3.8%
Don't Know	3.0%	Other	3.8%	Nurse/Midwife/Doctor	3.8%
				Other	6.8%

#### 5.1.1 Sex & Age

The interviews for this study were conducted with 104 respondents who lived in Democratic Kampuchea. 51% of respondents were female and 49% were male. The mean age of respondents interviewed in this survey was 59 years old. The youngest respondent was 42 years old at the time of the interview and the oldest was 84 years old. The vast majority (72.1%) of all respondents were aged between 50 and 69 years old at the time of their interview which would have made them between approximately 15 and 34 years old at the start of Democratic Kampuchea, in April 1975.

### 5.1.2 Geographic Location & Proximity to Khmer Rouge Sites

Respondents were drawn from two districts in Battambang province, Banan and Sangkae, as well as two districts in Svay Rieng province, Svay Chrum and Chantrea. A total of 46 interviews (44.2%) were completed in Battambang Province (BTB), while 58 (55.8%) were completed in Svay Rieng province (SR).

Over 80% of all respondents were able to identify prisons, security centers and/or execution sites in the immediate vicinity of the areas in which they lived during Democratic Kampuchea. Three respondents (2.9%) reported working at such locations, while another twelve (12%) reported being imprisoned in such a site or living immediately adjacent to a prison, security center or execution site during Democratic Kampuchea.



A number of the prisons, security centers and execution sites named by respondents, including Tlok Pagoda and Kirirum Pagoda, are well documented sites of mass abuse, torture and killing known to have taken place under the Khmer Rouge.<sup>73</sup> Both of the aforementioned crime sites are included in the Closing Order for Case 002, which is now before the ECCC. The information gathered through these interviews suggests that the activities that the Khmer Rouge carried out in the numerous other prisons, security centers and execution sites implicated in respondents' interviews were quite similar to those known to have taken place in the sites named in the Closing Order.

### 5.1.3 Status under the Khmer Rouge

As noted earlier, the Khmer Rouge was known to have grouped and viewed individuals in terms of their perceived allegiance to the regime and their personal background as well as other factors. Respondents in this survey were asked to identify the status they were assigned by the Khmer Rouge. Nearly two-thirds of respondents (65.3%) indicated that they were considered “new people”<sup>74</sup> under the regime, while another quarter (25.0%) of respondents were considered “base people.”<sup>75</sup> Four respondents (3.8%) identified themselves as affiliates of the Khmer Rouge, usually in low-level positions such as a soldier or driver, while another 2.9% reported that they were considered “candidates”<sup>76</sup> by the Khmer

<sup>73</sup> See e.g. Case 002 Closing Order, D427, paras. 551-571 and 644-666.

<sup>74</sup> “New people” (*neak thmei*) was the classification given to people who had not lived in Khmer Rouge controlled areas prior to April 17, 1975 and were, thus, new to the revolution. See Becker, *When the War Was Over*, 226. For the purposes of coding and classification here “deportees” (*neak phñoe*) have been included in the category of new people. These are people that have been moved between areas and often were settled in remote or unoccupied areas or only allowed temporary stay at cooperatives, before being moved on to work elsewhere.

<sup>75</sup> “Base people” or “old people” (*neak moultanb*) were generally people who lived in Khmer Rouge controlled areas before the fall of Phnom Penh and were considered to have contributed to the revolution. See *Ibid.*

<sup>76</sup> “Candidates” occupied a middle position between new people and base people under the Khmer Rouge. They were typically new people who were afforded more participation in the management of cooperatives and enjoyed a slightly higher status and treatment than new people. See *Ibid.*, 227.

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Rouge. The final 3% indicated that they were not aware of having been assigned any status by the regime.

### 5.1.4 Ethnicity

More than eight out of ten respondents (83.7%) reported that they are ethnic Khmer. The next most frequently reported ethnicities were Khmer-Chinese at 6.7% and Kampuchea Krom<sup>77</sup> at 4.8%. As well, one respondent identified herself as Khmer-Vietnamese and another 3.8% of respondents identified themselves as belonging to a different ethnic group, identified as “other” in Table 1 above. Among those in the “other” category were respondents who identified as Khmer-Thai, Khmer-Lao and Khmer-Vietnamese-Chinese.

### 5.1.5 Work under the Khmer Rouge

Nearly three-quarters of respondents (74%) identified their work under the Khmer Rouge as either farming or construction or some combination of both. Other notable responses included serving as the leader of a work unit or village, livestock herding, acting as a nurse, midwife or doctor, and service roles such as a cook, tailor or fisherman. A number of respondents indicated that they were given new work assignments over the course of the regime, particularly as younger respondents aged and were shifted from a children’s unit to a young persons’ mobile unit. The data collected on work assignments reflects the respondent’s duties at the start of Democratic Kampuchea.

## 5.2 GENERAL FINDINGS ON GBV

### 5.2.1 Sources of Knowledge

**Table 2: Respondents’ Reported Knowledge of GBV**

[Sample Size (n) = 104]

Overall Reported Knowledge (86.5%)		Direct Witness (51.9%)		Personal Experience (5.8%)	
Rape	65.4%	Rape	28.8%	Sexual Abuse & Humiliation	4.8%
Sexual Mutilation	24.0%	Sexual Mutilation	16.3%	Sexual Rape	1.0%
Sexual Abuse & Humiliation	20.2%	Sexual Abuse & Humiliation	13.5%	Sexual Mutilation	--

The respondents for this study were identified through a *non-random, non-representative*<sup>78</sup> snowballing technique which sought to identify interview candidates that possessed knowledge of GBV under the Khmer Rouge. The data collected demonstrates that this aspect of the study design was highly successful as

<sup>77</sup> Kampuchea Krom literally means “lower Cambodians” in the Khmer language. It refers to ethnic Khmer from the Mekong Delta region of what is now southern Vietnam, an area that was part of Cambodia before it was granted to Vietnam by the French colonial power in 1949.

<sup>78</sup> The author notes that, due to the non-representative sampling technique used to identify respondents for this survey, the rates of knowledge of GBV in this group are not representative of any broader population, not even that of the communities where respondents reside. Rather, they are reported here simply as a useful indicator of the types of knowledge these individuals possess and the success and relative ease with which respondents who could report on GBV were found.

among all respondents nearly 90% reported having some knowledge of GBV which took place between April 7, 1975 and January 7, 1979. This includes knowledge gained through a personal experience of victimization, as a direct witness to such violence, by having been told of such violence directly by the victim and having been told by others.

Delving deeper into the sources of this knowledge, it was found that more than 50% of all respondents had been the direct witness to some kind of GBV—in some cases multiple incidents and/or multiple types of this violence. Where this was the case, the witnesses learned of the GBV either by seeing the act taking place with their own eyes, hearing it while it was in progress or seeing the evidence after the act, as in the case of sexually mutilated bodies. Moreover, nearly 6% of respondents in this study reported being direct victims of some form of GBV during Democratic Kampuchea. The majority of these victims (5 out of 6) reported having experienced sexual abuse or humiliation, while one individual reported her own gang rape.

Apart from the first two categories of knowledge, respondents also learned of GBV as a result of victims having shared their stories with them directly or having been told by someone else. In the case of the latter, sometimes such knowledge was gained as the consequence of being told by someone with close connection to the victim, such as a family member, while other times this resulted more generally from information about GBV being “common knowledge” in a community or work unit or it having been something that was discussed by people either during the time of Democratic Kampuchea or in the period following its collapse.

What follows is a more detailed descriptive presentation of the data on GBV collected through the interviews for this study. The data has been organized into categories for the purposes of making a clear presentation not only based on the acts of GBV, but also the scenarios and circumstances that were common in the data provided by respondents. Extensive reference has been made to specific details and language used by respondents in reporting these events. Where the exact language is employed, it appears in quotes; however, in order to preserve the confidentiality of our respondents, citation to their interview transcripts has not been included in the published version of this report. A separate section analyzing the key themes and important issues raised through respondents’ reports of GBV follows after.

## 5.2.2 Rape

### 5.2.2.1 Introduction

Overall, rape was the single most reported type of GBV by participants in this study. More than six out of every 10 respondents (65.4%) reported knowledge of rape in Democratic Kampuchea. Moreover, more than one quarter of all respondents (28.8%) reported having directly witnessed rape, while one respondent reported having personally experienced rape at the hands of the Khmer Rouge. In six cases (5.8%), a single respondent witnessed multiple rapes over the course of the regime. Moreover, respondents reported a wide range of scenarios in which rape occurred.

In order to structure this discussion, the author has adopted the definition of rape currently in use in international law. Under this definition, rape occurs where:

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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.<sup>79</sup>

and

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.<sup>80</sup>

In view of this definition, penetration of the genitals or anus of the victim with a foreign object is classified here as an act of rape. As well, sexual exploitation, often described by respondents as involving victims who have “exchanged” sex for food, benefits, or for their own or a family member’s survival, and sexual slavery, involving women who were “kept” by Khmer Rouge officials to service them sexually, fit within the definition of rape and are, therefore, discussed under this heading.

The details reported here are drawn primarily from personal and eyewitness accounts of rape and, to a lesser extent, from accounts of rape reported by a victim directly to the respondent. Numerous respondents reported scenarios where they saw rapes in progress or were acquainted with victims who divulged what had happened to them. The descriptions of rape presented here are organized into common categories that emerged from the interviews conducted for this study.

### 5.2.2.2 Gang and Mass Rape

In a personal account of gang rape, a female respondent described how, just days after her fiancé and remaining family had been killed, she was called away from the bath by one of her rapists and taken

*“I was only eighteen and a virgin [...]. I screamed for help, [but] they hit and kicked me until I agreed to have sex with them. It was so painful. They pulled my legs apart [...]. I am so angry with the rapists. Whenever I recall those memories, I feel so hurt. I have been so thin since then.”*

*--A female respondent describing how she was raped by her group leader and three others*

to the forest blind-folded. She reports having been raped near the pagoda by four men, one of whom she recognized as her group leader by his voice. The same victim, who worked as a nurse in the regime, also treated a young woman who told her that she had been raped by her group leader and nine others before she died. It is unclear if this victim died as a result of injuries sustained in

these rapes. Many respondents in this survey also reported having directly witnessed or having been told by victims about rapes carried out by multiple perpetrators. In some cases, these were in the form of the gang rape of individual victims or mass rapes carried out by multiple perpetrators against groups of women or families immediately before their murder.

<sup>79</sup> Article 7(1)(g)-1(1), Crime Against Humanity of Rape, Elements of Crimes, International Criminal Court, accessed November 6, 2011, <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>. Although the article cited here refers to the crime against humanity of rape, this element is consistent across all of the characterizations of this crime (i.e., genocide and war crimes).

<sup>80</sup> Article 7(1)(g)-1(2), Ibid. Although the article cited here refers to the crime against humanity of rape, this element is consistent across all of the characterizations of this crime (i.e., genocide and war crimes).

In the case of gang rape, a female respondent who was 13 or 14 years old at the time witnessed the rape of a woman in her cooperative on the overgrown grounds of the former school. Drawn to the site by the cries of a familiar voice, she found three Khmer Rouge cadre with her acquaintance who was naked and gagged with a Krama.<sup>81</sup> She recalled that the woman was fighting the men as they were raping her and burning her skin. Just days later, another young woman from the same woman's cooperative told the respondent that she had been raped by two Khmer Rouge soldiers and impregnated. The respondent reported that luckily the rape victim was not killed and delivered the baby after the fall of DK.

In another case, a female respondent in Battambang, who worked as a rice delivery person in the regime, described the rape of a young woman she worked with who she saw being led away by two or three Khmer Rouge cadre. She reported that she and several others followed and witnessed the rape and subsequent murder of the victim. When two of the others who had observed the rape were caught trying to leave the scene, they too were killed and buried in the same grave with the rape victim.

**"I have seen this story several times at Banan Mountain. In 1975, beautiful women were taken there and then raped and killed."**

*--Male respondent describing the mass rape and execution of women in Battambang province*

Several respondents reported incidents of mass rape carried out against families and in purges of new people and the Vietnamese. In all reported cases of mass rape in this study, the victims were murdered after the rape. Two of these reports took place during what several respondents call the "chaos" of the waning days of the regime. In one such case, the respondent describes that "[a]t some places where [the Khmer Rouge and Vietnamese forces] were not yet fighting, they raped first and then they destroyed. Most of the young...were female and pretty." He went on to recount how, toward the end of the regime, he witnessed the same scene at least four or five more times and that the killing, carried out by young Khmer Rouge cadre, occurred routinely every day beginning at three o'clock in the afternoon. "The men would be killed in long lines, but the women, who wore only shorts, would be taken away from the line and then brought back [after the rape]."

In another mass rape in Battambang province, the respondent reported coming across the rape and execution of an entire family as she went to a local pond to fetch water. "I heard before they died; they tried to beg the soldiers not to kill them. I heard the women screaming and begging 'please don't rape me.'" Returning to the site later, she found all the bodies in a mass grave and was shocked to see that one of the women had been pregnant at the time of her rape and murder. As well, a male respondent from Battambang province reported seeing in late 1975 the rape of a group of women who were wives of former Lon Nol soldiers and officials. "They took only the children and wives of the soldiers and I watched what they were doing for at least 15 minutes...They saw me [from afar] and shouted at me, but I said I was urinating."

Similar events were reported to have occurred in the last days of Democratic Kampuchea by re-

<sup>81</sup> The Krama is a traditional cotton scarf, usually woven in a checkered pattern. It is both worn and employed for a variety of other household and practical uses. Under Khmer Rouge rule, it was part of the regime's required uniform for both military and civilians alike.

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spondents who had been evacuated to Pursat and Prey Veng provinces. A female respondent, who was returning to her hometown in Svay Rieng from a liberated area to the west with other survivors, remembers coming across a mother and her children near a pagoda in Pursat province. She and the others were recaptured by the Khmer Rouge there and saw this woman being raped and her daughters being dragged off into the forest, where she believes they were also raped and killed.

### 5.2.2.3 Rape in Khmer Rouge Installations & Cooperatives

A number of respondents referred to rapes that took place in Khmer Rouge installations, such as prisons, district offices and communal kitchens. Although these should have been locations where a higher degree of institutional accountability and adherence to policies against gender-based violence<sup>82</sup> would have been expected, reports suggest that they instead represented areas where Khmer Rouge authorities had even more freedom, and often privacy, to do as they pleased. They were also locations where victims

**“They committed the rapes openly, in front of us [...]. They were delighted.”**

*--Male respondent from Battambang describing the rape of women imprisoned in a local security center.*

would be particularly powerless to escape or find help from someone around them. A respondent who had worked as a driver and prison guard under the Khmer Rouge described several instances

of rape, noting that the prison staff raped women held in the prison behind an old curtain and “in front of us [...] they were delighted.” He recalled that the raping would sometimes go on for long periods and noted with astonishment that the rapists seemed to feel no shame for their actions.

In another community, five different respondents independently described the same events concerning several young women who were assigned to work for the district chief and were raped and impregnated by him at the district office. In the end, all three victims were found dead in the local pagoda. A relative of one of the victims describes his “beautiful cousin who was taken to work near the district committee. They said they took her to work and serve them. In fact, they had sex with her and she became pregnant. They killed her. She took poison and died. They reported that she was poisoned by food, but, in fact, she was killed.”

A woman who led a mobile work unit in Democratic Kampuchea recalled that one of the members of her work group who had been imprisoned told her that young and old women alike were raped in the prison by the guards working there. The same respondent also reported that another guard that worked there told her that “all kinds of soldiers there could rape as they like” and that “they did not care; whoever was on hand or in their sights.” Likewise, a female respondent from Svay Rieng province reported that her nephew witnessed, from a mango tree near the local security center, the sexual abuse and forced nudity of his two sisters. She recalled returning with him to the tree to find the two sisters being gang raped by the prison staff.

Respondents described rapes that occurred when the opportunity presented itself in the cooperative, such as when bathing or venturing outside their home at night to relieve themselves. One respon-

<sup>82</sup>Of course, the term GBV was not employed by the Khmer Rouge. However, as discussed in the later section on “moral offenses,” at least ostensibly, the regime forbade any form of sexual interaction outside of marriages that it recognized or sanctioned.

dent reports seeing the rape of a local village woman by moonlight: “I was urinating when I saw [Khmer Rouge spies] raping a woman in the middle of the rice field. I could hear her screams and when I saw that, I ran away from that place, because if they knew that I saw them, they would kill me as well.”

Several respondents also described instances where the rapist actually raped a woman in the presence of her husband or other family members with impunity, even when the rapes were reported to superiors. Two respondents in Svay Rieng independently reported a well-known case in their village of a Khmer Rouge militiaman (*chblop*) who would go to a couple’s house and sleep upstairs with the wife, while relegating the husband to sleep on a mat under the house. In this case, the respondents noted that the “husband saw with this own eyes that his wife was forced to sleep with the *chblop*” and reported the situation to local leaders. The respondent remembered that a “judgment meeting” was called in the communal kitchen soon after and the whole village learned of the situation, but, in the end, nobody involved was punished.

Respondents also emphasized the particular vulnerability to GBV of married women who lived alone in the cooperatives, because their husbands had been ordered to work in mobile units, had died, or had been killed. Some respondents suggested that local leaders intentionally sent men away in order to have easier access to their wives. In one such case, a male respondent from Battambang province reported that he “used to hear that the chief of the soldiers forced the men to go first, and then they had sex with the wives” and that he raped “many women” this way. Another male respondent, a former village chief under the Khmer Rouge, recalled the story of a young, married woman whose soldier husband was sent away. Later, when she was discovered to have been impregnated by a local Khmer Rouge official, she was killed. In another case, a victim’s husband complained at a public meeting about the rape and abuse of his wife by the cooperative chief while he was away, but it is unclear whether his complaint resulted in the punishment of the perpetrator.

“Her husband climbed into the pile of hay and listened as his wife begged the soldiers not to rape her. Nobody said or did anything to help her [...] they were afraid of being killed themselves. When I met her in the morning, she wept and clamored profusely.”

--Female respondent, describing the rape of her neighbor in a cooperative in Battambang

Other respondents noted the vulnerability of young women who worked in mobile work units or away from the village. In one such case, a female respondent in Svay Rieng province, who was sent to tend cattle with other youth, recalled seeing such a woman being chased by two Khmer Rouge soldiers in the distance. She and her sister watched as the woman tripped and fell to the ground and was caught by her pursuers who proceeded to gag her with a krama and rape her there, in the open. When done, she remembers that the soldiers killed the girl with an axe and, later, numerous people in the area saw her body before “*Angkar* took it away.”

In another, a female respondent from Svay Rieng province told the interviewer that she remembered thinking that a ghost was calling her when she faintly heard her name called while walking through an open field. Instead, she recognized a friend from her work unit lying in a shallow grave, partially covered by a palm leaf and gravely wounded with deep, bleeding gashes to her shoulders. The victim told the

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respondent that “[t]he head of the unit called me to work, but in fact he called me to rape me. After he did, he brought me here to be killed. They abused me like this.” More than thirty years later, the respondent reported still being haunted by the fact that she could not help her friend and that when she went back to find her the day after seeing her, the victim had disappeared.

### 5.2.2.4 Rape with a Foreign Object

As noted at the beginning of this section, the definition of rape applied in international law encompasses not only acts of rape perpetrated through penile penetration of the victim, but also that with a foreign object. More than one out of every ten (12.5%) respondents reported knowledge of this form of rape while over half of these (6.7%) reported personally seeing dead bodies with a foreign object still protruding from their genitals.

The reports in this study most commonly involved dead bodies whose genitals had been impaled with bamboo or the branches of trees or shrubs. Reports of rape with a foreign object in this study

**“They beat women on the buttocks [with their rifles] and, sometimes, they inserted the rifle into their anus until the woman died.”**

*--Woman reporting what she witnessed while imprisoned by the Khmer Rouge*

were always connected with the murder of the victim. In every case reported by a direct witness, they had come across the victim when he/she was already dead. However, a female respondent reported that she had heard from others that

women, while still alive, were raped by agents of the Khmer Rouge “with a sharp-pointed knife [which they] pushed into their vagina. Then they would ask whether it felt comfortable or not. If not, they would push it in violently.”

A male respondent in Battambang province described digging up graves with fellow villagers shortly after the collapse of Democratic Kampuchea and finding that “[the Khmer Rouge] has stabbed wood into the genitals of the victims [...]. We saw such things that made us pity the dead.” As well, a respondent who was still a monk in Battambang province in early 1976 remembers coming across a group of Khmer Rouge soldiers along the road, next to a row of corpses. He described his shock at seeing these soldiers stabbing and poking the branches of an orange tree into the vaginas of the female corpses.

In addition, a female respondent was told by a prison guard how a young female prisoner had been killed by shoving a stick into her vagina. When the respondent came across the body, she described seeing the victim: “Her skirt was full of blood. The soil was wet with rain and colored with her blood.” Another male respondent from Battambang province reported coming across a pile of naked corpses: “[They] were undressed, just like banana trees. The men and women were separated from each other [...]. Not only were the women killed, but the Khmer Rouge had pushed wooden sticks into their vaginas [...]. I was really saddened and terrified.”

### 5.2.2.5 Rape Through Sexual Exploitation & Sexual Slavery

Nearly half of all respondents (46%) reported knowledge of sexual exploitation or sexual slavery, including 20.2% who were direct witnesses. The concept of sexual exploitation fits within the definition

of rape given above, insofar as there is penetration as described in the definition. The distinction made by respondents in describing these acts as compared to the other rapes reported here was the coercion, duress or abuse of power, instead of physical force, that was used by the perpetrator to accomplish the rape. As described by the respondents here, the victims in these cases had no choice in whether to comply with the wishes of the perpetrator—they were driven to do so by necessity and their instinct for survival. They acquiesced to these encounters in circumstances of wide-spread starvation, disease, overwork, violence and murder.

A female respondent in Battambang province reported that her cousin, who was married and had three children at the time, had sex with the local chief of the soldiers because he gave her extra food, rice and other necessities. Another female respondent reported that a woman with whom she worked told her that she had agreed to have sex with a work group leader in order to get more food. Another female respondent from Svay Rieng province described learning that her female group leader was having sex with a male superior in order to get special food. A 70-year-old female respondent recalled accidentally coming upon the deputy chief of the cooperative kitchen while he was having sex with a young married woman whose husband had been sent away in a mobile unit. She also described that the woman received extra rice.

**“I’m not sure how many women he had, but I just knew that those women were not willing to do it—they had to do it in order to save their lives.”**

*--Female respondent in Svay Rieng province describing the inability of women to resist the sexual advances of a local Khmer Rouge official*

A male respondent described how the wife of his friend in the mobile work unit had sex with the chief of the unit and was given food in exchange, which she shared with her husband. He also noted that this chief had similar relationships with a number of the women in the village. Another male respondent in Svay Rieng province reported that one of his young female relatives had sex with the local chief in order “to survive and not be evacuated somewhere else.” A third male respondent in Battambang province remembered overhearing a leader in his cooperative saying that “he could have any girl that he wanted [...] and that those girls were not reluctant to go with him, because they were all very hungry.”

In some cases described here, particularly those of women who were “kept” by the Khmer Rouge to provide sexual services, the abuse experienced by these women might also be classified as sexual slavery. Sexual slavery is understood in international law as a situation in which:

[t]he 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.<sup>83</sup>

For instance, a male respondent in Battambang province described how a particular group of women, which included his cousin, was kept in a separate building at the cooperative. He sometimes saw the women kept there being taken to the cooperative chief’s quarters. The cooperative chief could also often

<sup>83</sup> Article 7(1)(g)-2, Crime Against Humanity of Sexual Slavery, Elements of Crimes, International Criminal Court, accessed November 6, 2011, <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>. Although the article cited here refers to the crime against humanity of rape, this element is consistent across all of the characterizations of this crime (i.e., war crimes).

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be found in these women's quarters. Later, the respondent's cousin admitted to him that she and the other women were taken to have sex with the leader who would then allow them to eat in exchange.

### 5.2.2.6 *Attempted Rape*

Four respondents reported that they or others had narrowly escaped being raped during Democratic Kampuchea. A female respondent from Svay Rieng province described how her mobile unit was kept in the fields harvesting rice until late in the night, when a Khmer Rouge cadre supervising them grabbed her by the neck and tried to drag her into the forest threatening to rape her before one of the other cadre stopped him. Another female respondent described the story of a nurse who lived in her cooperative and returned from work disheveled and with her clothes torn. The young woman told her parents and the respondent's family that a Khmer Rouge cadre had stopped her on her bike and tried to rape her, but she had gotten away. A female respondent in Battambang described how the commune chief had "summoned [my sister-in-law] and tried to force her to have sex with him, but he did not succeed because my brother went to get her there, when he found out she was not home." Even though she was quite young at the time, a female respondent from Svay Rieng described how a young *chhlop* grabbed her by the shirt and threatened to rape her when she took food to her father at the prison. She escaped when her father began to fight with the boy and she ran away.

### 5.2.2.7 *Rape & Attempted Rape of Men*

In the course of this research, two respondents raised the issue of rape perpetrated by female Khmer Rouge group leaders against the young men in their charge. A first respondent from Svay Rieng province reported that he learned from a friend that a female acquaintance of his, who was a group leader, had raped a boy. "When one of the young men in her group returned at night, she forced him to have sex with her, but because he was so young, he didn't know about this. He was so afraid and he was killed the next morning." A second respondent from Battambang province described how his own group leader touched him in a way he found menacing and asked him to go to a meeting during the night. Though he was relieved to have thwarted her advances, he recalled that when he refused, she cried and he worried that she would punish him by reporting him to authorities.

### 5.2.2.8 *Rape Before and After Democratic Kampuchea*

The survey questionnaire used to conduct the research interviews in this study asked strictly about the period of Democratic Kampuchea, from April 17, 1975 to January 7, 1979. However, several respondents spoke of GBV in the Lon Nol period preceding Democratic Kampuchea or during the Vietnamese "liberation" of Cambodia. In one such case, the respondent reported that a local Khmer Rouge leader raped and abused young women beginning before the fall of Phnom Penh and continuing several years into Democratic Kampuchea. As well, an older female respondent who lived in a Khmer Rouge controlled area in 1974 reported seeing young women who were blindfolded and taken away from the local security center during the night. She recalled that a young woman held at that center admitted that

she had been taken away in one of these groups, raped and brought back, but refused to tell anyone else because she believed she would be punished for her involvement. Another respondent referred to acts of sexual violence perpetrated against women and girls by Vietnamese troops who entered the country in later 1978 and early 1979.

### 5.2.3 Sexual Mutilation & Sexual Torture

For the purposes of this study, sexual mutilation is understood to include any act which inflicted injury or destruction to the sexual organs, genitals, breasts or buttocks of the victim. In some cases, the sexual mutilation inflicted on the victim may also comprise an act of sexual torture. The war crime of torture is understood in international law as when:

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind.<sup>84</sup>

Acts of penetration with foreign objects occurring either before or after death, even though they were sometimes described as “torture” by respondents, are not included here. Rather, such acts are classified as rape, as noted in the previous section.

More than 15% of all respondents reported that they had witnessed sexual mutilation at some point while living in Democratic Kampuchea. Moreover, the majority of these respondents reported knowledge of either multiple instances or multiple forms of this type of GBV. Though the majority of these reports concern having seen the evidence of this violence on dead bodies or the sexual organs removed from bodies, a few respondents also reported having witnessed these acts while they took place.



*Prisoner bed at Tuol Sleng Museum.  
Photo credit: Nicolas Pascarel*

One common report in this category regards mutilated bodies that were found individually or at mass execution sites or graves. A female respondent, who was often sent to tend cattle in Prey Veng province, remembered seeing several female corpses whose breasts had been “pinched and cut with iron” floating in the flood waters along the road. A female respondent in Svay Rieng province, who witnessed her remaining siblings and fiancé being executed, reported that “they sawed those people little-by-little, not allowing them to die immediately,” reporting that the soldiers tortured and then cut off her fiancé’s penis. In several cases, the respondent described women’s bellies being cut open and fetuses being removed and killed.

Additionally, respondents reported sexual mutilation that took place while the victims were imprisoned or being raped. A male respondent in Svay Rieng province, who had been imprisoned for one

<sup>84</sup> Article 8 (2)(a)(ii)-1, War Crime of Torture, Element of Crimes, International Criminal Court, accessed November 6, 2011, <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsofCrimesEng.pdf>.

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year before, reported that he heard of men being electrocuted and hit on their genitals in prison, though he did not receive this treatment himself. Similarly, a woman imprisoned in Battambang province who had reported being forced to bury many mutilated bodies, also recalled an incident when she actually saw Khmer Rouge soldiers “curse[d] and called [the victim] a prostitute. They were cutting her breasts and they forced her to laugh; they threatened her not to weep.” As well, in a rape mentioned earlier in this report, the witness recalled that as the men were raping the victim, they were also burning her skin.

A number of respondents, almost all in Svay Rieng province, reported seeing human genitals, sexual organs and buttocks which had been cut from the bodies of the victims and hung from trees or otherwise displayed publicly, often in front of Khmer Rouge installations such as district offices, prisons and commune offices. One such respondent saw human buttocks hanging from a krosang tree near the local pagoda which was being used as a prison at the time. Another woman who was young at the time recalled that “I saw a prisoner and he told me to look at the tree. I was surprised to see a woman’s vagina hanging from the tree by a wire. He said that he knew [the victim] and that she hadn’t done anything wrong.” A man who had worked as a doctor under the Khmer Rouge recalled that after prison officials had raped and killed the four women he had seen them with the day prior. He reported that “they cut out [their vaginas] and dried them. Then, they took them around to the doctors in the commune to look at.”

### 5.2.4 Sexual Abuse & Humiliation

Nearly 20% of respondents reported being either a direct witness (13.5%) or having personally experienced (4.8%) sexual abuse and humiliation in Democratic Kampuchea. Survey respondents described a wide variety of practices ranging from verbal abuse and harassment to being forced to watch the rape of a workmate. In the context of control and terror inspired by frequent and often unpredictable acts of violence under the Khmer Rouge, many survivors felt these acts of GBV foreshadowed a worse fate awaiting them. The data provided by the respondents in this category has been grouped according to the types of acts involved.

#### 5.2.4.1 Verbal Abuse & Mockery

Several respondents heard Khmer Rouge officials and soldiers who verbally abused and mocked women, especially new people evacuated from other areas. One woman recalled that “[s]ometimes they teased the women, saying that they had been prostitutes during the Lon Nol regime.” Another respondent reported that Khmer Rouge cadre would taunt her and tell her that they loved her: “[t]hey said that if I didn’t agree that I loved them too, they would kill me...they would report me and have me killed...They called me the ‘enemy.’” This woman went on to report that when her extended relatives found out that she had told these men she did not love them, they so feared retribution that they fled the cooperative and tried to escape to Vietnam.

*“I don’t know exactly what he did. I just know that he went there at night to verbally humiliate the women.”*

*--Female respondent who worked in a weaving collective in Battambang describing the activities of a Khmer Rouge soldier*

#### 5.2.4.2 *Forced Nudity*

Respondents in this survey also reported a wide variety of circumstances where women and men were forced to remove their clothes. In one such case, the respondent reported “I was walking and just happened to see two young women,” who she knew to be Cham Muslim, “dancing naked in front of the soldiers [...]. Their hands were above their heads in the air.” As well, the majority of respondents who had witnessed mass execution reported that women and men were forced to remove their clothes before they were killed. Others reported hearing, sometimes from Khmer Rouge cadre or guards themselves, that young women were called to the district office and made to undress in front of officials there. A male respondent from Svay Rieng reported being invited into the prison by its chief to watch a young Vietnamese woman sing naked in front of a group of Khmer Rouge security staff and leaders. Both he and another respondent independently reported that the woman was later held down, raped and, then, killed.

#### 5.2.4.3 *Forced Witness to GBV*

A female respondent, who was just 15 years old at the start of Democratic Kampuchea and had already secretly witnessed a violent rape, reported that she and two other young women from her work unit were called by Khmer Rouge cadre in order to be taken to another worksite. However, she reports that they were instead led to a nearby forest and she and another girl were forced to watch the third being raped by the men. “They said they wanted us to be prepared for sex [...] [and] that five days later it would be my turn.”

#### 5.2.4.4 *Unwanted Touching*

A number of survey respondents reported that they witnessed Khmer Rouge leaders and officials touching and groping women in their cooperatives. A male respondent from Battambang province described how a local troop commander “behaved badly...he walked too near to, touched and used sexual words [with women in the cooperative].” Another respondent reported that many people in his cooperative said they had seen this kind of treatment as well, though he never personally witnessed it. Two separate respondents from Svay Rieng province also recalled the story of a local woman and her daughter who were abused by Khmer Rouge soldiers: “[t]hey tormented the old lady and her daughter. They showed them an eggplant and accused them of being thieves. Then, somehow, they used a tree branch to pull up the old lady’s skirt for pleasure.”

#### 5.2.5 *Forced Marriage*

As discussed earlier, the survey questionnaire for this study did not query respondents on the subject of marriage or forced marriage under the Khmer Rouge. However, on their own initiative, nearly 20% of respondents raised this issue. In most of these cases, the respondent discussed their own forced marriage or that of a relative. Three common themes were discussed by these respondents: first, that these marriages took place in a context where “love was not permitted” by the Khmer Rouge, which they implied contrasted to the normal practice; and second, that the marriages were performed in stark

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contrast to what the respondents understood as a proper wedding. Respondents described marriages involving anywhere from 20 to over 100 couples, leading one respondent to mention that people were married in “herds” under the Khmer Rouge.

Third, and in line with findings from other research, respondents commented on the pressure that couples were under to acquiesce to the marriages and to have sex after being married.

One female respondent from Svay Rieng, who was 17 years old at the time, reported having submitted to her marriage in 1977 because she was afraid that, if she had not, her parents would have been killed. A male respondent in Battambang related the story of a young woman in his commune who was forced to marry and, on the first night with her new husband, wore trousers and brought a mosquito net and blanket with her to bed to try to avoid a sexual encounter. Later, this woman’s husband left her at the respondent’s house and, only then, did he discover that she had been raped and abandoned by her new husband.

In accord with the diversity of practices and experiences described in research on forced marriage, respondents in this study also expressed attitudes about forced marriage that varied significantly. For

**“For those who were married, they were grouped together...20, 30, 40 couples. Marriages were performed for herds of couples!”**

*--Female respondent from Svay Rieng province describing the weddings she witnessed in Democratic Kampuchea*



*Bas relief in Battambang Province depicting forced marriage under the Khmer Rouge.*

example, one female respondent in Battambang commented that “[i]n that regime, if the man suggested someone to marry, they could accomplish this, even if the woman did not want to. She had to agree because of *Angkar*.” While another female respondent in Svay Rieng reported that even when Khmer Rouge cadre requested certain brides, these requests were not always granted. Concerning the outcome of such a marriage, a female respondent from Svay Rieng commented that, though she was forced to marry and “we did not know each other well, we could live comfortably together until he died.” One respondent even suggested that, although she had been disappointed about her forced marriage in 1976, she was later grateful that she had a husband, because she felt this offered her some protection from the sexual violence she witnessed against others. However, as noted in the reports in this section and others, spousal rape and the rape of married women took place nonetheless.

### 5.3 COMMON THEMES IN REPORTS OF GBV

#### 5.3.1 Moral Offenses & the Regulation of Sexuality

Khmer Rouge leaders in Democratic Kampuchea had an explicit policy, pronounced through the “Twelve Codes of Conduct of the Combatants,” which expressly prohibited the abuse of women, in-

cluding forcing a woman to have sex or having sex with a woman who is not your wife.<sup>85</sup> Throughout the regime, this policy was enforced against combatants as well as the general population and, as noted by respondents in this study, was applied to consensual as well as non-consensual relationships.<sup>86</sup> The regime’s stance on “moral offenses,” as a violation of this code was termed at the time, has led some, including the Co-Investigating Judges at the ECCC,<sup>87</sup> to suggest that this policy was routinely enforced. This view was shared by a few respondents in this survey, one of whom reported that “[w]henver the leaders found out about [unsanctioned] relationships, . . . both people would be killed.” The Khmer Rouge policy on moral offenses also seems to have encouraged others, including a number of people consulted in the development of this project, to conclude that prohibition on immoral acts prevented or significantly limited the occurrence of GBV in Democratic Kampuchea.<sup>88</sup> However, both the data collected here and in prior studies<sup>89</sup> suggest that, though the policy prohibiting moral offenses may have resulted in the punishment of some individuals for such GBV, it did not prevent the occurrence of widespread GBV in Democratic Kampuchea. As suggested by some researchers and supported in our interviews, the more likely outcome may be that GBV was simply pushed “underground.”<sup>90</sup> Moreover, the policy also appears to have had the perverse effect of punishing the victims. Respondents in this study reported several instances in which women who were known to have been raped were killed for their involvement in moral offenses or committed suicide to avoid punishment for offenses committed against them.

**“Even though [the Khmer Rouge] did not allow immorality, in fact, it was only talk. Their actions were worse than brutish.”**

*--Male respondent in Battambang province*

In this study, only one respondent, who denied being aware of any GBV in Democratic Kampuchea, expressed the view that the regime’s stance against love and unsanctioned sexual relationships effectively prevented GBV. He reported that “acts related to sexual abuse did not happen in Pol Pot’s time . . . morality was very good. No one was forced to have sex. If someone did, they would have been killed.” In contrast, respondents who had witnessed acts of GBV were skeptical of Khmer Rouge policies regarding immoral acts and seemed to hold a more nuanced view of the application of policies against moral offenses under the Khmer Rouge. A respondent who had seen sexually mutilated corpses and had reliable knowledge of sexual violence perpetrated by Khmer Rouge leaders commented that “[f]or those who wore black, lets say ‘the leaders,’ it was okay for them to break the law, but for us, the simple people, we could be killed if they found we secretly loved or made love with each other.” Another respondent who knew of several rapes in his cooperative perpetrated by the district chief commented in his interview that “[i]n that regime, those who were just ordinary people or had low status would be found guilty, but the soldier who had raped women would be okay. Sometimes, they would even kill the women in order to hide the truth.”

<sup>85</sup> Youk Chhang, “The 6th Code of Conduct,” *Searching for the Truth* 15 (2001), 1. See also Chandler, *Tragedy of Cambodian History*, 209.

<sup>86</sup> See Youk, “6th Code of Conduct.”

<sup>87</sup> See Case 002 Closing Order, D427, para. 1429 (stating that “the official CPK policy regarding rape was to prevent its occurrence and to punish the perpetrators”).

<sup>88</sup> Several scholars of Democratic Kampuchea and experts working in the field of GBV expressed this view to the author. See author’s personal interview notes. As well, a number of respondents in this study indicated that sexual violence under the Khmer Rouge was consistently punished. According to one respondent, “whenever the leaders found out about [unsanctioned] relationships, . . . both people would be killed.”

<sup>89</sup> Refer to discussion of this issue in the section on GBV in the Khmer Rouge Period, *supra*, 19-21.

<sup>90</sup> See Anderson, *Turning Reconciliation on Its Head*, 790; and Mam, *Democratic Kampuchea*, 25.

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Respondents in this survey reported three cases where a perpetrator of GBV was accused of moral offenses. In one of these cases, the perpetrator escaped before he could be judged, while the victim was killed for her involvement with the perpetrator. In the second case, the victim's husband accused the perpetrator (a group leader) and a "judgment meeting" was held. However, neither the perpetrator nor the victim was punished. In a third case, both the victim and the perpetrator were killed for what the regime perceived as their moral offenses.

Of course, this is not to say that the policy against moral offenses had no effect. In numerous interviews, respondents commented on acts undertaken by perpetrators to avoid discovery of their offenses, including reports that they killed their victims, ran away or killed themselves in order to avoid punishment. Also, a large number of respondents reported that they would not have dared to speak to a member of the opposite sex or engage in any behavior that might suggest a romantic involvement for fear that they would have been punished for a moral offense.

Responses concerning moral offenses suggest that the prohibition on moral offenses favored the powerful and silenced victims who feared that coming forward about their own victimization might get them killed. In one such case, a respondent reported that "there were four victims who dared to say that they had been raped, but they were killed." Furthermore, at least in the experience of the respondents questioned for this survey, Khmer Rouge punishments for moral offenses were more likely to target those involved in consensual relationships than acts of sexual violence. In fourteen of the seventeen stories reported by respondents concerning individuals or couples accused of moral offenses, the individuals concerned were involved in a consensual relationship.

### 5.3.2 Coping, Fear, & Stigma

Several respondents in this survey, especially women who were young at the time and were sent to work away from their families, reported a strong awareness of the threat of sexual violence. In response, these women developed strategies to try to avoid victimization. One young woman who lived under the Khmer Rouge as a teenager described how stories of the commune chief's rape of young women at the commune house circulated in her mobile unit noting that "we were warned not to go, if you were called for a secret meeting with the chief." Another respondent noted that after the young women in her working group found out about the rape of several other women, they were warned to stay away from a particular stretch of road where the rapes had occurred and to avoid going to any "special meetings" arranged just for women. This same respondent, who traveled as a member of a mobile unit, noted that she heard the same kind of warnings in every area where she was sent to work.

Still other respondents voiced the sense of futility that those living under the Khmer Rouge felt about their circumstances. A female respondent, whose sister divulged to her parents that she had been raped while working away from the family, reported the response of her father: "[h]e told me to be careful and that we had to be patient in order to survive." Other respondents echoed feeling trapped by the circumstances under which they were living. A female respondent from Battambang reported the story of a local villager woman who was called to meet a Khmer Rouge official and was raped, "[s]he already

had a husband, but they dared not say anything against those bad guys—they would have been killed, if they dared to do it.” The data collected in this survey also suggests that fear was pervasive among both victims and those who had not been sexually victimized. As one female respondent put it “[a]t that time, those who kept silent and acted silly could survive longer than those who learned about a lot of things.” Another woman reported that a victim of rape told her that the perpetrator had threatened kill her if she ever told anyone what had happened. In some cases, this fear was reinforced by the chilling effect of seeing women who complained about GBV be punished for committing an immoral act.

Both the findings of research studies and developments before the ECCC make clear that, although victims of GBV do come forward to share their stories of sexual victimization, they often do so in spite of significant incentives to remain silent. In this study, a woman who was gang raped by her group leader told her interviewer that “I have never told anyone about [my rape]. This is the first time I have told[...]. I didn’t even tell my husband; then we got divorced.” Although she told the interviewer that she was very grateful for the opportunity to tell her story now, it is notable that she did not feel comfortable sharing this information with even her closest loved ones. As well, respondents referred interviewers to a number of women who were widely believed in their communities to have suffered GBV under the Khmer Rouge; however, none of those women who we were able to meet admitted to having been personally victimized. Additionally, the respondents who provided this information often expressed doubt that the victims would speak with someone about their experiences, and in some cases, were reluctant or refused to provide such information because they feared retribution for sharing the victim’s “secret.” This is not to say that Cambodian women will not speak out or that Cambodian culture would prevent it, but rather, to acknowledge that, just as in many other cultures, there are significant risks for Cambodian victims to do so and that they may need safety, support and encouragement in the process.

“I am just afraid a little bit of speaking out. In Pol Pot’s time, if they heard someone talk about [sexual violence/immorality] we’d be executed[...]. No one dared talk; even when we knew the truth, we wouldn’t speak out.”

—Female respondent in Battambang Province expressing her reluctance to discuss sexual violence in her interview

Likewise, numerous observations from interview respondents suggest that victims’ experiences of sexual violence are often shrouded in silence by those around them—indicating a persistent social stigma associated with sexual victimization in Cambodia.<sup>91</sup> A respondent who had first-hand knowledge of a woman who was raped by a high-ranking Khmer Rouge leader said that the victim survived “but her family tries to keep the story hidden.” Another respondent, in whom a rape survivor confided, reported with astonishment in her interview that the victim had told her fiancé of the rape and the resulting pregnancy and that they had *still* married. This stigma is also manifested by reports from respondents demonstrating the contempt with which victims were sometimes viewed by those around them. One witness to mass rape reported that “[t]he soldiers accused their victims of being prostitutes and they said that if the

<sup>91</sup> This stigma is well documented in literature on GBV in Cambodia. See e.g. Surtees, *Sexual Violence in Southeast Asia*, 104-106 (citing a number of sources including the author’s interviews as well as Cambodia scholars Ebihara and Ledgerwood on this point). See also LICADHO, *Rape and Indecent Assault*, 5, 29; and Amnesty International, *Breaking the Silence*, 17-20 (noting the continued existence of significant prejudice against victims of gender-based violence).

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women hadn't been prostitutes before, the soldiers would not have treated them in that way." A female respondent who reported that a cooperative chief she lived under surrounded himself with "the beautiful wives of others" who he had brought to him during the night commented disdainfully that these women "hurried to him, just like the ladies who run to welcome their clients."

Women and men living under the Khmer Rouge were aware of and feared the threat of GBV and tried to develop strategies to cope with it. Victims and witnesses to GBV were deeply troubled by what they saw and experienced, but have rarely had opportunities to talk about or get support in dealing with what they lived through.<sup>92</sup> Moreover, there is ample evidence that victims of GBV are reluctant to come forward and that there is a negative stigma associated with victims of GBV which likely aids in silencing them.

### 5.3.3 Victims & their Fate

In all but four cases, women were the victims of the GBV reported in this study. This is consistent with information identified in other studies and the general acknowledgment among advocates and scholars that women and children are most often the victims of GBV.<sup>93</sup> Beyond the question of the sex of the victims, a number of respondents emphasized in their interviews that they believed fair-skinned, Vietnamese and "new people" were especially targeted for GBV by the Khmer Rouge. This seems to have been the case in some circumstances, especially where the victims were raped *en masse*. However, respondents in this survey also reported a wide array of GBV committed against "old people," particularly rape and sexual exploitation which occurred on a repetitive basis in cooperatives. One representative example is the three victims of rape and impregnation in Svay Rieng province mentioned earlier in this report.<sup>94</sup> They were classified as old people by the regime, but were repeatedly raped by a local official.

Respondent interviews also document that GBV occurred within the ranks of the Khmer Rouge. One female respondent reported that "[t]he security chief raped a staff member of the upper organization and she became pregnant. When others found out about his actions, he shot himself, rather than get in trouble with *Angkar*." Another female respondent was told that a young, female Khmer Rouge group leader had been moved in with her male superior. However, when her mother found out about this arrangement and tried to see her daughter, she found out that her daughter had already been killed. Community members believed that the daughter was coerced to sexually service her boss. These cases suggest that women from a wide variety of backgrounds were raped in the regime.

A common denominator which links all the victims of GBV in this study is their vulnerability created by circumstances in which those affiliated with the regime often had near total control over all

<sup>92</sup> Many respondents in this survey expressed surprise that the interviewers wanted to discuss the topic of GBV with them. As well, a number of respondents, including a survivor of rape, expressed gratitude for the opportunity to share information about GBV and indicated that nobody had ever asked them about the subject before.

<sup>93</sup> Nakagawa, *Gender-Based Violence*, 27-28 (noting that only two of the reported incidents in her study involved rape of a male); Toy-Cronin, *I Want to Tell You*, 18 (referring to three eyewitness accounts of sexual violence against males in the 2006 CDP data, but also noting that the nature of the study and significant stigma against male victimization may have resulted in underreporting of the phenomenon). See also Ward, *Sexual Violence Against Women*, 15 (recognizing that boys and men may be exposed to gendered violence, yet the inequality of power that is the foundation of GBV, coupled with women's inferior status in virtually all societies, means that women and girls are the primary targets of GBV around the globe.)

<sup>94</sup> *Supra*, 30.

aspects of the victims' daily lives, were indoctrinated to view the population with suspicion and disdain, and were often not held accountable for their actions. These circumstances made most of the population vulnerable and created circumstances ripe for GBV and other abuses by the Khmer Rouge. However, in the case of those victimized by GBV, this vulnerability might have been heightened by status within the regime or by the particular circumstances of the individual.

For example, women assigned to work in mobile units would have had little protection from violence. In a significant number of the rapes described in this survey, the GBV reportedly happened away from villages and was witnessed by respondents while they traveled and worked in mobile units. In these units, women often labored well into the night and in isolated locations. In other cases, the vulnerability of the victims was increased by the absence of their husband or family members that would otherwise have made it more difficult for

**“Single people in the mobile units always encountered these types of problems, but those of us with a family and who stayed in the village [...] did not.”**

*-- Male respondent in Battambang province referring to the special vulnerability of women working in the mobile units*

the perpetrator to commit the violence. In the case of populations that were generally targeted for persecution, such as “new people” and the Vietnamese, their vulnerable status in the regime was magnified by the fact that they were viewed as “enemies.” Further, in several telling examples, respondents reported that victims from cities were berated for being “prostitutes.” In one example, a female respondent from Battambang province reported that “[t]he soldiers accused their victims of being prostitutes and they said that if the women hadn’t been prostitutes before, the soldiers would not have treated them in that way.” Such a term is likely to be a reference both to the fact that the person was a “new person” (with all the attendant negative associations in Khmer Rouge ideology) and also of such low moral character to be an enemy of the revolution.

Based on the findings of this study, the fate of victims of GBV is complex. Though many victims were reported killed and others were even reported to have killed themselves to avoid punishment, one survivor of rape and several survivors of sexual abuse were interviewed for this study. As well, numerous respondents interviewed for this study claimed to be aware of victims who survived their rape and survived Democratic Kampuchea. In one such example, a male respondent described how a woman who was raped and left for dead in a nearby pagoda survived and crawled back to the village and was helped by the inhabitants. He reported that this woman later immigrated to the United States. In numerous other, less dramatic stories, respondents referred the researchers to living survivors of GBV in their communities. Other times, the respondents reported that they knew the victims had survived the Khmer Rouge, but they had lost track of them since.

#### 5.3.4. Perpetrators & Punishment

The questions in this survey were designed in such a way to allow the respondents to provide examples and information on acts of GBV without regard to the identity or affiliation of the perpetrator. Nonetheless, in all but one instance, respondents identified members of the Khmer Rouge as the

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perpetrators of the GBV reported here. Perpetrators were identified at a wide range of levels within the Khmer Rouge hierarchy, rising to the level of district chief. As might be expected in a regime which so tightly controlled information, particularly about the upper echelons of its leadership, respondents did not provide information on who might have been aware of this violence beyond the district level.

In a surprising number of cases, in spite of the passage of time and the fact that they had never been asked about the events described in their interviews, respondents were able to name the specific

**“Ordinary people just thought of their stomach. They did not have enough food to even consider doing such a thing.”**

*--Female respondent responding to the interviewer's question whether people other than the Khmer Rouge ever perpetrated GBV*

perpetrators of the GBV they reported. Not surprisingly, this was most common when the events described took place in their community or happened repeatedly. In several communities where interviews were conducted, multiple respondents described different instances of GBV perpetrated

by the same individual and/or independently reported a single well-known instance of GBV. In cases of GBV perpetrated away from the village and against victims working in mobile units, respondents were usually not able to identify the perpetrators, other than specifying that they were Khmer Rouge cadre or soldiers, based on their appearance and/or behavior.

Notably, several respondents who lived in Svay Rieng during Democratic Kampuchea named the perpetrators of GBV as “soldiers from the Southwest Zone” and a few respondents indicated that acts of GBV became more frequent and/or violent with the arrival of troops and leaders from the Southwest Zone and Area 24 in Takeo province.<sup>95</sup> One female respondent in Svay Rieng province commented in her interview that “when cadre from Area 24 took power, they began to torture nurses and mistreat residents.” A female respondent who lived in Svay Rieng in 1977 reported that four Southwest Zone soldiers raped and shot a member of the cooperative during a particularly violent period of time when there were mass executions under way.

Respondents described a variety of outcomes for perpetrators of GBV under the Khmer Rouge. Respondents reported that perpetrators had been punished (killed or disappeared) in four cases, three of which involved higher-level officials who had perpetrated numerous acts of GBV which were well known in their communities and one of which involved a lower-level troop leader. Even in the cases where these perpetrators were punished, the cause for their punishment is sometimes unclear. Moreover, in a particularly cruel twist of fate, respondents also reported in two of these cases that the victims, as well as the perpetrator, were killed on the basis that both victim and perpetrator were responsible for having committed a moral offense. In other cases, survey respondents described that perpetrators had been “investigated,” but found not guilty, had escaped at the fall of the regime, or had been killed by villagers after the Vietnamese takeover.

At least in the reports of GBV collected through this study, there is little evidence to suggest that perpetrators, who were overwhelming male agents of the Khmer Rouge, were consistently punished for

<sup>95</sup> The Southwest Zone under Democratic Kampuchea comprised all of Takeo as well as parts of what are now Kampot, Koh Kong, Kompong Speu and Kandal provinces.

their acts. Moreover, in at least some circumstances where they were punished, it is not entirely clear that the GBV was the reason for their punishment. As well, in a number of cases, Khmer Rouge authorities punished both men and women for moral offenses without making any effort to determine what had really happened or who was responsible.

### 5.3.5 Ethnic Minorities

Respondents in this survey detailed several cases where the victims of GBV were members of ethnic minority groups. In each case, the respondent(s) suggested that the ethnic identity of the victim was a motivating factor for the violence. In one example, a female respondent who had come across an ethnic Vietnamese mother and her children being raped near a pagoda reported that “[t]he Khmer Rouge knew that the Vietnamese had run to Pursat Pagoda and pursued them there, raping and killing them.” In another, the respondent describes seeing two Cham Muslim young women who were forced to dance naked in front of Khmer Rouge soldiers and suggests that the soldiers did so in order to see their lighter skin. Similarly, another respondent suggested that an ethnic Chinese woman was targeted for rape because of her skin, which the respondent described as “white like a chicken’s egg.”

### 5.3.6 Other Trends: Place, Practices & Timing

Although the data collected in this research was gathered in a non-representative fashion, some of the findings suggest trends that merit further study and consideration. First among these is the seeming importance of place. Interviews were conducted in two districts in each of two provinces, Battambang and Svay Rieng. The practice of GBV reported in these locations was sometimes quite distinct from that reported in other areas. For example, almost all reports of the amputation and public display of genitals, sexual organs and buttocks were reported to have occurred in one district in Svay Rieng province. Though respondents in both districts in Battambang province and the remaining district in Svay Rieng province reported seeing sexually mutilated bodies, bodies raped with a foreign object or even acts of sexual mutilation while in progress, no reports were received from these areas on the kinds of public displays described in the remaining district. Furthermore, the fact that these amputated sexual organs were publicly displayed at Khmer Rouge installations would certainly seem to suggest that Khmer Rouge leaders in this area not only knew about, but tolerated sexual mutilation and sexual torture.

**“It seems like [rape] was an infection spreading from one village to another.”**

*--Female respondent who labored in a mobile unit in Svay Rieng province*

As well, all of the mass rapes reported by respondents in this survey occurred in western Svay Rieng, Prey Veng, Pursat and eastern Battambang provinces. Given that the Khmer Rouge evacuated large portions of Svay Rieng’s eastern inhabitants to points westward, this trend suggests that sexual violence might have been particularly concentrated in areas where evacuees were relocated and during purges of former Lon Nol officials and suspected Vietnamese. This is further supported by the fact that several respondents reported these mass rapes shortly after the fall of Phnom Penh in mid to late 1975, during large scale movement of residents from Svay Rieng province in 1977 and 1978 and in the last days



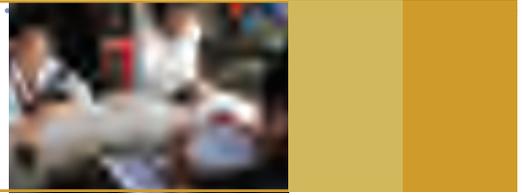
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of the Khmer Rouge regime. This also suggests the concentration of certain acts of GBV in particular areas and also at certain times. Certainly, more detailed research is needed to better document and understand these linkages between the practice of gender-based violence and the places and timing under which it occurred.

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## 6. CONCLUSIONS

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The data collected through this study reinforces and adds to that detailing the nature and characteristics of GBV perpetrated by agents of the Khmer Rouge in Democratic Kampuchea in previous studies. All of the types of GBV that have been identified in previous studies were also reported in this study. Important additional characteristics about gender-based violence under the Khmer Rouge, which were not prominent in previous studies, were also found. In particular, respondents in this study painted a particularly rich picture of the variation in practices concerning the application of the Khmer Rouge policy against moral offenses. Respondents described the murder of victims by perpetrators to cover-up their crimes and the suicides of victims desperate to avoid punishment by the Khmer Rouge. However, the respondents also described a broader number and range of circumstances in which the Khmer Rouge policy against moral offenses was not enforced and where gender-based violence appears to have been tolerated.

Another unique aspect of these research findings is the detailed accounts provided by respondents describing types of gender-based violence which occurred only in certain areas and at particular times in Democratic Kampuchea. Though these findings require further investigation, they provide useful clues to understanding how GBV was practiced in Democratic Kampuchea and, potentially, how it links to the activities and policies of the Khmer Rouge leaders at the time. Such detail as to the nature of GBV in particular geographic locations and times has not been previously reported to the same extent or level of detail, as it was in this study.

Unlike the reported data in other studies, respondents in this study also provided a high degree of detail on the identity and fate of the perpetrators of GBV under the Khmer Rouge. What results is an ambiguous picture of how known perpetrators of GBV were treated by leaders of the regime. The fact that there appears to have been ample opportunity for perpetrators to hide their acts in many cases, a lack of accountability when they were discovered and even signs of encouragement or tolerance of this type of violence suggests that there was the potential for widespread gender-based violence, even if it was not carried out publicly or as an official, systematic policy implemented in all areas of Democratic Kampuchea. The relationship between Khmer Rouge actors and the GBV perpetrated in Democratic Kampuchea as well as the public nature of some acts, especially sexual mutilation and the display of body parts, suggest the possibility that GBV was used as a tool for punishing the enemies of the regime and maintaining control of the populace through the terror and fear generated by sexual violence. Further research is needed to determine the extent to which other practices of GBV might also have been known, tolerated or even fostered by Khmer Rouge leaders.

It is notable that, through a fairly simple recruitment process, it was possible to identify and interview respondents who possessed wide-ranging and often first-hand knowledge of GBV under the Khmer Rouge. Moreover, in spite of the passage of more than 30 years since the end of Democratic Kampuchea, these respondents were able to recall significant detail about these events and were willing to share what they knew with researchers. These two facts confirm CDP's earlier findings suggesting that

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all victims of gender-based violence had not been killed or died in the time since, and that victims and witnesses are willing to speak about their experiences. Notwithstanding the challenges of conducted this type of research, it is clear that doing so can render useful results.

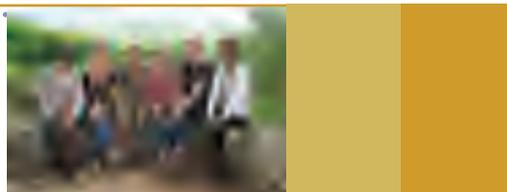
Contrary to widely-held public, and sometimes even scholarly, perception that GBV under the Khmer Rouge was a relatively rare occurrence, these research finding suggest that it was an important and relatively well-known aspect of the suffering experienced among victims and survivors of Democratic Kampuchea. Attitudes undermining the importance of GBV should not come as a surprise given that scholars, advocates and the international community increasingly recognize that GBV in war and conflict is often minimized and overlooked in the aftermath of these events. Moreover, given the status of women in Cambodia and the fact that this GBV occurred long before modern conceptions of these crimes existed or society recognized how prevalent and destructive they are, it is not unexpected that acknowledgment of these crimes would be slow in coming. However, in light of the advances that have been made both in international law and mechanisms of accountability, the much greater understanding of the prevalence and operation of GBV in conflict settings and the research already generated on the topic in Cambodia, it is imperative that the ECCC as well as governmental and non-governmental actors take up the issue of GBV during Democratic Kampuchea.

This research highlights the need for continued and sustained efforts to raise awareness of GBV under the Khmer Rouge and develop strategies to identify and address the needs of its survivors. It is now widely accepted that in order to be effective and legitimate, transitional justice and peace-building initiatives must take gender and GBV into account. It is the hope of the author, Cambodian Defenders Project, and all those involved with this study, that the information uncovered through this research will serve as a catalyst to raise awareness and bring the issue of GBV during Democratic Kampuchea to the forefront as the work of the ECCC and other transitional justice initiatives move forward in Cambodia. In the interest of suggesting concrete measures to accomplish this, we offer the recommendations outlined in the executive summary portion of this report.

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## 7. AUTHOR & ACKNOWLEDGMENTS

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### 7.1 RESPONDENTS

The deepest debt of gratitude for this project is owed the 104 Cambodian survey respondents who welcomed us into their homes and communities and shared their personal stories of suffering and survival as well as their knowledge of GBV with the research team.

### 7.2 AUTHOR

Katrina Natale joined the Project on GBV as a summer research fellow in 2010 while a student of law at the University of California, Berkeley. She holds a bachelor's degree in international studies and political science from the University of Oregon and is a 2013 J.D. candidate at Berkeley Law. She has previously conducted research in the U.S., Chile and Cambodia. She has also worked extensively on gender and sexual violence issues with non-profit organizations in the U.S., Chile, and Cambodia.

### 7.3 RESEARCH TEAM

PGBV Research Fellow, Katrina Natale, served as the lead researcher for this study. The entire staff of the PGBV dedicated extensive time and resources to the development and execution of this research study. This includes Savorn Duong, Program Coordinator; Charya Heng, Legal Assistant; Chakrya Leang, Program Assistant; Sophyady Sar, Program Assistant; Beini Ye, Program Advisor; and Sotheary Yim, Team Psychologist. A special debt of gratitude is owed to the data collection and data preparation interns who participated in this project with enthusiasm and dedicated an immense amount of time and effort to ensuring the efficient and accurate collection and preparation of a tremendous amount of data. These teams included: Sovannara Chan, Bopha Chhay, Sronglong Chhem, Somphors Chor, Kimeng Chhun, Rothmony Chhuon, Sovisothe Chou, Kiriatarasy Chout, Leakpheapdey Dav, Monycheat Hang, Chenda Heng, Engtry Heang, Sophearun In, Kolvorn Koa, Kakada Kuy, Dara Lim, Leanghorng Lim, Chanrun Luy, Visoth Ny, Ratha Phan, Sovatdy Roeung, Sinuon San, Sun San, Vannthida Smann, Gekhong Sok, Chantha Tak, Sodasy Van, and Houykeang Y. We would also like to thank TranCare, Ltd. who provided transcription services.

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