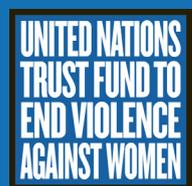


# A Study about Victims' Participation at the Extraordinary Chambers in the Courts of Cambodia and Gender-Based Violence under the Khmer Rouge Regime



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Transcultural Psychosocial Organization Cambodia

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## **A STUDY ABOUT VICTIMS' PARTICIPATION AT THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA AND GENDER-BASED VIOLENCE UNDER THE KHMER ROUGE REGIME**

This research project was conducted by the Transcultural Psychosocial Organization Cambodia (TPO) from February 2014 to September 2014. It was part of the “Women and Transitional Justice in Cambodia” project (2011-2014) that was funded by the United Nations Trust Fund to End Violence Against Women and implemented by the Victims Support Section (VSS) of the Extraordinary Chambers in the Courts of Cambodia (ECCC), Cambodian Defenders Project (CDP) and TPO.

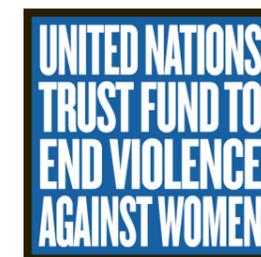
### **TRANSCULTURAL PSYCHOSOCIAL ORGANIZATION CAMBODIA (TPO)**

The Transcultural Psychosocial Organization Cambodia (TPO), established in 1995, is Cambodia's leading NGO in the field of mental health care and psychosocial support. It is the only psychosocial organization in Cambodia engaged in transitional justice activities in the context of the Extraordinary Chambers in the Courts of Cambodia (ECCC). Since 2007, and based on a Memorandum of Understanding with the ECCC, TPO has been providing comprehensive psychosocial services to ECCC Civil Parties. These range from on-site support at the tribunal, culturally-sensitive trauma therapy and self-help groups to truth-telling activities and research projects. TPO also has many years of experience in designing and implementing community-based programs aimed at combating and preventing gender-based violence in Cambodia.

### **GENDER-BASED VIOLENCE DURING THE KHMER ROUGE REGIME**

More information about the “Women and Transitional Justice in Cambodia” project as well as this report can be downloaded from the following website: <http://gbvkr.org/gender-based-violence-under-khmer-rouge/>. The website also hosts a range of research and resources on sexualized and gender-based violence during the Khmer Rouge regime. It includes audio and film recordings.

A Study about Victims' Participation  
at the Extraordinary Chambers  
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# Acronyms

<b>CDP</b>	Cambodian Defenders Project
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CPK</b>	Communist Party of Democratic Kampuchea
<b>GBV</b>	Gender-Based Violence
<b>ECCC</b>	Extraordinary Chambers in the Courts of Cambodia
<b>NGO</b>	Non-Governmental Organization
<b>TPO</b>	Transcultural Psychosocial Organization Cambodia
<b>UN</b>	United Nations
<b>UNSC</b>	United Nations Security Council
<b>UN SCR 1325</b>	United Nations Security Council Resolution 1325 on women, peace and security. Other related resolutions include UN SCR 1820, 1888, 1889, 1960, 2106 and 2122
<b>VSS</b>	Victims Support Section of the ECCC

# Dedication & Acknowledgments

## Respondents

This report is dedicated to the 222 women and men who participated in the research and shared their painful experiences and memories with us. Their voices contribute to a better understanding of gender-based violence under the Khmer Rouge and give insight into victims' expectations towards participating in the Khmer Rouge trials. They will contribute to current efforts in ending gender-based violence globally as well as inform discussions about meaningful participation of victims in justice processes.

## Authors

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## Research Team

Gratitude is owed to Theary Lok, Thida Tep, Lady Nuth, Theara Chan, Sophy Suon, Sokhan Chun, and Channa Pil for administering the survey. Thanks also to Chansopheap In for assisting with data entry.

## Partners and Advisors

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## 1. Executive Summary

Under Khmer Rouge rule (1975-1979), one of the most brutal regimes in world history was unleashed. It subjected the Cambodian population to forced transfer and evacuation, forced labor, torture, imprisonment and execution. An estimated 1.5 million – a quarter of the then population – died under the regime from execution, overwork or starvation. Whilst such atrocities are well documented, comparatively little research has been undertaken into the gender-based violence that occurred.

During the three years and eight months that the Khmer Rouge was in power, gross acts of sexualized violence were committed against both men and women, including: rape, forced marriage and sexual humiliation.

This survey was undertaken in the framework of the “Women and Transitional Justice in Cambodia” project (hereafter: the Project)<sup>1</sup> aiming at exploring experiences and attitudes of direct and indirect victims of sexualized and gender-based violence under the Khmer Rouge, who participate as Civil Parties in the Extraordinary Chambers in the Courts of Cambodia (ECCC). It explores victims’ perceptions towards their participation in the Khmer Rouge trials as well as its impact. It gathers data about types and frequency of gender-based violence during the Khmer Rouge regime and asks questions over who the perpetrators were, what their motivations were as well as what the consequences were for committing acts of sexual violence. The study also examines whether victims have attained support and how the memories of such violence continue to impact victims’ thoughts and behavior. In addition, the study seeks to contribute to advocacy efforts for transitional justice mechanisms that redress the massive human rights abuses endured under the Khmer Rouge.

### **1.1 KEY FINDINGS**

#### **Victims’ participation**

222 respondents were interviewed for this study, all of which are civil parties of Case 002 of the Extraordinary Chambers in the Courts of Cambodia (ECCC). The most common motivation stated by the respondents for participating in the ECCC was to obtain justice for themselves and their relatives. Respondents also listed seeking the truth and attaining physical and mental healing as reasons for being involved with the ECCC.

<sup>1</sup> For more information about the Project see: <http://gbvkr.org/gender-based-violence-under-khmer-rouge/>

Respondents listed in order of importance the following organizations as having supported them in participating in the ECCC since the start of Case 002: TPO, Cambodian Human Rights and Development Association (ADHOC), national lawyers, the ECCC VSS and CDP. A considerable majority of respondents (88.1%) reported feeling extremely or quite a bit supported by the assistance they received. Two respondents reported feeling that nobody could help until they met a non-governmental organization (NGO), which introduced them to other survivors to share experiences, and feel better about what had happened under the Khmer Rouge. The experience of being acknowledged as a survivor of the regime and being taken cared for by the NGOs and others at the ECCC contributed essentially to the high satisfaction of victims with the services provided at the Court.

70.5% of survey participants met their national lawyers at least 1 to 3 times; 68.8% met their international lawyer at least 1 to 3 times. 9.1% of respondents stated that they never met their international lawyers compared to 2.9% for national lawyers. Results demonstrate that those civil parties who were direct beneficiaries of the Project were able to see their national and international lawyers more often and were better prepared for participating in the Courts' hearings than civil parties who were not taking part in the Project.

95.4% of respondents expressed that participating in the ECCC had a positive impact on them and their family. When specifying the positive impact respondents emphasized the importance of justice ("The ECCC brings justice for the victims"; "There are lawyers who seek justice for me"). Quite a few also explained that being a civil party would help them releasing pain and reducing anger. Some stated that participating in the ECCC enabled them to better understand "what is wrong and right" as well as the reason for the murder of their relatives.

99.1% of study participants further agreed that participating in activities as civil parties gave them a sense of justice. 98.6% noted that being civil parties gave them more hope for the future. Moreover, 97.3% believed being a civil party helps them to better deal with their pain and suffering. The vast majority (99.5%) of respondents believe that the ECCC can bring justice to the victims of the Khmer Rouge.

### Sexualized and gender-based violence during the Khmer Rouge regime

The survey assessed the following forms of sexualized and gender-based violence: forced marriage, survival sex, forced sexual services, sexual mutilation, sexual abuse and sexual humiliation. All interviewees have experienced sexualized or gender-based violence under the Khmer Rouge whether directly or indirectly:

[Table 1. Overview on types of gender-based violence and number of victims/witnesses<sup>2</sup>](#)

Type of gender-based violence	Percentage of respondents (%)	
	Direct victim	Witnesses
Forced marriage	54.1	Not assessed
Rape (outside of forced marriage)	4.6	30.6
Survival sex	1.1	23.5
Forced sexual services	0.0	14.6
Sexual mutilation	1.1	20.4
Sexual abuse and humiliation	8.3	24.1

Whilst the perpetrators and victims of such violence were both female and male, an overwhelming majority of perpetrators were male whilst the victims were female. The impacts of this violence have survived beyond the Khmer Rouge, continuing to affect the psychological and social lives of those who suffered.

**Forced marriage:** It has already been documented through other research and the applications of civil parties to the ECCC that the Khmer Rouge forced hundreds of thousands of people to marry and produce offspring to be workers for the regime.

In this study, 119 respondents (54.1%) reported forced marriage during the regime. 96.6% of these had not wanted to marry the person they were asked to wed. Over half (59.3%) of those asked to marry tried to refuse. The majority of those who tried to refuse were subjected to verbal threats (69.4%) and to a lesser extent imprisonment (4.8%), sexual assault (3.2%) and other forms of punishment such as hard labour (12.9%). A vast majority (80.5%) of those who finally married felt forced to have sex after the wedding proceedings. Whilst in many cases (57.6%), people felt that being observed by Khmer Rouge cadre was enough to make them feel forced to have sex, 24.2% reported that they were directly ordered to have sex; some experienced verbal threats (7.6%) and others physical violence (4.5%). 51.9% of respondents reported having a child as a result of the marriage. This is one of the reasons why over a third (37.3%) of the respondents subjected to forced marriage decided to stay together after the fall of the regime. Meanwhile, 49.0% stayed together because they had developed a close relationship with one another.

A considerable majority of respondents (61.0%) confirmed that there was a reading out of the Khmer Rouge forced marriage policy during the marriage procedure.

<sup>2</sup> The research did not attempt to determine the prevalence of different types of sexualized and gender-based violence during the Khmer Rouge regime. Authors assume that within the sample, more direct victims of different forms of gender-based violence exist. Yet victims were not able or willing to disclose their experiences.

**Rape:** Of the total 222 respondents, 67 (30.6%) reported having witnessed rape during the Khmer Rouge regime, whilst 10 (4.6%) of respondents reported having experienced rape outside of forced marriage directly. Several witnesses of rape confirmed that rape was committed before victims were executed. 4 witnesses stated that especially new people<sup>3</sup> became victims of rape. Others reported that women were raped in prison and by medical staff and Khmer Rouge cadres when in hospital or visiting the doctor. One respondent reported witnessing a woman gang raped by four cadres. Another respondent reported being raped as punishment for not working when she was sick, while one interviewee was raped as she refused to marry the person the Khmer Rouge assigned her to.

A significant majority (85.1%) of respondents reported that Khmer Rouge cadres were the perpetrators of the rapes. According to the respondents of this study, all the perpetrators of rape were male. An overwhelming majority of victims were female (97.0%) whilst 3.0% of respondents knew about male victims. 44.8% of witnesses of rape reported that there was more than one perpetrator involved in the rapes.

Both, witnesses of rape and direct victims, reported that the perpetrators did not give any reason for committing rape (56.8% and 6 out of 10 victims). 4 witnesses stated that rape was committed to discriminate against new people. 11.4% of the witnesses also reported the perpetrators enacted the abuse because they felt entitled to do so.

The majority of both direct victims (8 or 60.0%) and witnesses (63.2%) of rape reported that the rapists received no punishment. 12.1% of witnesses stated that rapists were arrested and 10.3% reported that they were killed. However, only 50.0% of witnesses confirmed that the arrests and killings were a consequence of the rape committed.

**Survival sex:** 51 respondents (23.5%) reported having witnessed survival sex; sex traded for food or privileges necessary to survive. 2 respondents had direct experience of survival sex. Respondents confirmed that people exchanged sex mainly for food, medicine, easier work duties and protection. 8 respondents further confirmed that new people offered sexual services to base people<sup>4</sup> as a means to protect themselves from harm and/or to purchase food. One respondent had sex with a civilian in exchange for gold so that she could trade it for rice to eat. Another respondent traded sex for porridge to eat.

In 92.2% of the cases witnessed by respondents, Khmer Rouge cadres were the perpetrators. All witnesses reported that perpetrators were male whilst victims were

<sup>3</sup> People who lived in areas not controlled by the Khmer Rouge during the war and who were new to the revolution, later including those who were evacuated from the cities. See Glossary.

<sup>4</sup> People who were workers or peasants before 17 April 1975 when the Khmer Rouge came to power.

female. Entitlement was the most common reason given for the abuse according to 32.3% of witnesses.

Both direct victims and 59.1% of witnesses of survival sex reported that nothing happened to the perpetrators as a consequence of participating in such activity. Nevertheless, a small number of witnesses reported perpetrators disappearing, or being imprisoned, arrested or killed, the majority of which were considered to be a punishment for being involved in survival sex.

**Forced sexual services:** 32 interviewees (14.6%) reported having witnessed forced sexual services. 53.1% of witnesses reported that there was more than one perpetrator involved in forced sexual services. According to several study participants, Khmer Rouge cadres held especially good-looking women as sex slaves. A number of witnesses described that team leaders, military leaders or village chiefs abused their positions by organizing women for their subordinates and forcing them into prostitution. One witness reported that some women were kept to have sex with cadres in order to produce children and if the woman refused she would be killed. Two witnesses knew about forced pregnancies which resulted in the death or killing of the women victims. Another witness explained that new people were forced to provide massages and engage in sexual acts with cadres.

Half of the witnesses (51.9%) reported that nothing happened to the perpetrator of forced sexual services.

**Sexual mutilation:** 44 out of the sample of 222 respondents (20.4%) reported having witnessed sexual mutilation, whilst 2 respondents reported being direct victims. According to the witnesses, 95.7% of the perpetrators were Khmer Rouge cadres. Almost all (97.7%) of perpetrators were male, whilst one witness reported a female perpetrator. Compared to other forms of gender-based violence, a rather high number of victims of sexual mutilation were male (20.5%) according to witnesses in this survey. Cutting or squeezing the female breast, mutilating the vagina by inserting hot iron or other objects and cutting the penis were the types of mutilation mentioned by the interviewees. One witness reported seeing a man's penis cut off whilst in prison. A further witness reported that girls who refused to have sex with Khmer Rouge cadres were punished by having their vagina burned by inserting a hot iron.

72.7% of witnesses reported that there was more than one perpetrator involved in committing sexual mutilation. One direct victim reported that she was sexually mutilated because she refused to marry. Five witnesses of sexual mutilation described that acts of mutilation were committed as a punishment for not complying with "Code Number Six", the Khmer Rouges' so called policy against "moral offenses".

Half of the witnesses of sexual mutilation reported that nothing happened to the perpetrator as a result of their committing the abuses.

**Sexual humiliation and abuse:** 53 of the total 222 respondents (24.1%) reported having witnessed sexual abuse or humiliation during the Khmer Rouge regime while 17 interviewees confirmed that they suffered directly from sexual abuse. Acts of sexual abuse or humiliation described by witnesses and victims in this survey include: teasing or verbal harassment, unwelcome sexual advances, kissing and hugging, touching of bodies and genitals, forced nudity (in public) and forcing someone to witness rape. One witness reported observing two sisters; one was raped whilst the other was forced to watch. Another witness reported that during the evacuation of Phnom Penh, civilians were forced to undress and cadres touched their genitals.

According to witnesses the majority of perpetrators were male (88.7%), while 5 interviewees reported about female perpetrators. More than half of the witnesses reported that no reason was given to the victims for the sexual abuse and humiliation. Also, more than half of witnesses as well as direct victims stated that the perpetrators received no punishment for their actions.

**Abortion:** 21 respondents (9.7%) reported that they witnessed women who tried to have or had an abortion while one respondent stated that she had an abortion. Becoming pregnant after rape/forced marriage or as a result of a secret love relationship were mentioned as reasons why women tried to undertake abortions. Due to the lack of medical care during the regime, abortions were made by dangerous and painful means, often resulting in death of women according to witnesses. Witnesses described that women took unreliable medicine, jumped from trees or threw themselves against walls in order to lose the baby.

**“Code Number Six”<sup>5</sup>:** A significant majority of respondents (85.8%) reported knowing about the Khmer Rouges’ policy “Code Number Six” on “Immoral Offenses”. Most respondents explained that an immoral offense was understood as having a love relationship outside of a state-sanctioned marriage: “To secretly love each other without letting Angkar<sup>6</sup> know”. A notable majority of those who knew about the code reported knowing about people who were punished for committing immoral offenses during the Khmer Rouge reign: Among those 159 respondents who knew about the code, 79 reported incidents where people accused of offending the code were killed. 30 reported that offenders were subjected to hard forced labor.

<sup>5</sup> “Code Number Six”, often referred to as the rule on “moral offenses,” was one of the “Twelve Codes of Conduct of the Combatants” by the Khmer Rouges.

<sup>6</sup> Literally, the Organization, referring to the highest decision-making body of the Khmer Rouge regime.

**Moments of resistance:** Moments of resistance were described by study participants mainly in the context of forced marriage. 59.8% of respondents reported that they witnessed people who tried to refuse to get married. 31.5% saw men or women resist or escape from sexual violence. One incident involved a woman who shot herself because she was forced to have sex with a Khmer Rouge cadre. 4 witnesses reported that people ran away as they tried to escape from sexual violence. 24.1% of men and women helped each other avoid violence, mainly in the context of forced marriage, by pretending to have sexual relationships with each other in order to protect one another.

**Gender-based violence after the Khmer Rouge:** 12.5% of those who had reported experiencing direct gender-based violence of any type during the Khmer Rouge regime reported that they had also experienced it afterwards. In the majority of cases (65.0%) victims had experienced domestic violence, whilst 17.5% had been raped.

**Attitudes towards gender-based violence:** The vast majority of respondents considered that it is not acceptable that men used violence against women during the Khmer Rouge (89.5%) or afterwards (96.3%). Likewise, the vast majority did not consider it acceptable for women to use violence against men in any instance. Respondents expressed general doubts, however, that women were actually able to act violently against men, reflecting traditional gender roles in Cambodia. Respondents believed that perpetrators of gender-based violence under the Khmer Rouge should be punished as they “hurt others” and committed a crime. They also thought that forcing people into (sexual) relationships should be punished. They further believed that punishment would set an example to deter younger generations from using sexual violence.

**Impacts for victims:** The impact of gender-based violence has been considerable with 51.1% of respondents reporting it has affected their psychological wellbeing. Respondents reported continuing to feel shame, fear and hopelessness as a result of their experiences. 26 respondents described feelings of anger and revenge. 19 stated that they feel in pain and hurt. A considerable number of interviewees described symptoms of ‘baksbat’<sup>7</sup>, including nervousness, sleeping problems and headaches. 20.4% of respondents said that the experience of violence has affected their physical wellbeing, whilst 15.2% reported that it has harmed their sexual functioning. 9 female respondents reported feeling on-going pain in the vagina and uterus while 5 respondents reported feeling uncomfortable when having sex.

30 female respondents reported feeling discriminated against and enduring a bad

<sup>7</sup> Literally, broken courage, Cambodian idiom of distress.

reputation due to the gender-based violence they suffered during the regime. 6 victims of forced marriage stated that they suffer from a lack of respect in their community, because members of the community believe their marriage went against tradition.

Among the 119 victims of forced marriage, 68.9% revealed that they are still worrying about what others may think of them in light of the sexual violence they have experienced. 89.9% of respondents reported feeling that no one understands them. The vast majority reported that they are still suffering from feelings of shame (50.0%) and guilt (87.5%). 60.0% of respondents to this survey reported that they have never spoken about their experiences.

**Help-seeking:** More than half of the respondents (62.3%) reported that they have never sought help from a doctor, traditional healer, counselor, health center or hospital before becoming a civil party of the ECCC. Among those, who sought for help, the majority asked for assistance from monks and nuns or laymen and laywomen as well as traditional healers. Among those respondents who have not sought help, 67.6% stated that it was because services were simply not available.

**Coping:** The majority of survivors stated that being forced to ensure their daily survival helps them to carry on. They reported that the daily grind of hard work offers a focus, which enables them to keep pushing forward without being consumed by the horrors of the past. Main sources of strengths mentioned by survivors were family (41.8%) and religion (13.2%). Mostly female emphasized the importance of Buddhist beliefs and practices in coping with their loss and pain. Several respondents stated that since being a civil party, they make use of psychological counselling offered by NGOs. Besides the ongoing mental suffering a considerable number of respondents also identified positive aspects of having gone through painful experiences such as developing spiritual consciousness, gaining deeper respect and understanding towards others, cherishing societal norms and values and being mentally stronger.

**Survivors' needs:** The big majority of civil parties (98.6%) stated that they wanted to see the perpetrators of gender-based violence punished. 95.4% of respondents stated that victims should have access to services, prioritizing general support services that integrate legal advice and information sharing as well as psychological care. Upon being asked what should be done for survivors of gender-based violence during the Khmer Rouge, interviewees prioritized prosecution and punishment of perpetrators, psychological care and monetary compensation. Some indicated that a memorial would help them so they can pray for the dead.

## 1.2 RECOMMENDATIONS

Gender-based and sexualized violence perpetrated by and during the Khmer Rouge has lasting impacts for women, men and families. The abuses suffered are a grave violation of human rights. The Royal Government of Cambodia, the ECCC, non-government organizations (NGOs) and practitioners must all work to ensure much needed redress and reparations are provided. The results of the study demonstrate that participation of survivors of gender-based violence in justice initiatives can be valuable for victims if integrated participation and support mechanisms are in place combining legal aid, information sharing, psychological assistance as well as offers aiming at strengthening victims' self-organization and empowerment.

### a. Royal Government of Cambodia (RGC)

The RGC must institute redress and reparations for victims of sexual and gender based violence, in line with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violation of International Human Rights Law and Serious Violations of International Humanitarian Law, as well as the Nairobi Declaration on the Right of Women and Girls to Remedy and Reparation, including:

- Improve psychological and social support services by training doctors, psychologists, nurses and social workers on responding to issues of sexualized and gender-based violence including forced marriage, rape and sexual abuse.
- Ensure that staff who are trained on therapy to overcome sexualized and gender-based violence are employed by hospitals and health centers.
- Institute group and individual therapy programs in the hospitals and health centers for victims.
- Provide affordable legal services to victims, particularly women to enable them to end forced marriages, which may be abusive.
- Include gender-based violence under the Khmer Rouge in the national school curriculum. Use the mass media to disseminate information about the phenomenon. Raise awareness and teach people about the actions of the past to ensure they do not happen in the future.

The RGC must adhere to its commitments under international human rights law, particularly those called for in the 2013 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee's Concluding Observations, including:

- Record progress on implementing reparations and combating restrictive cultural gender stereotypes.
- Commit to non-repetition of gender-based crimes in conflict and post-conflict situations, by developing a National Action Plan on Women, Peace and Security in line with UN Security Council Resolution 1325.
- Include forced marriages, rape and sexual abuse as priority areas in the forthcoming National Action Plan on Women's Advancement (NAPWA) and the National Action Plan on Violence Against Women (NAPVAW).

#### **b. Extraordinary Chambers in the Courts of Cambodia (ECCC)**

- The Public Affairs branch of the Court must disseminate information to the public on how the court is addressing issues of gender-based violence under the Khmer Rouge. With a focus on forced marriage and forced sexual relations, the court must offer clear definitions of these crimes, in addition to information on the gender-based crimes which are not being prosecuted and the reasons for their omission from court proceedings. This will set a framework for how gender-based violence should be addressed in the national courts and relevant policies.
- The Office of the Co-Investigating Judges must investigate crimes of forced marriage and forced sexual relations thoroughly in Cases 003 and 004.
- The VSS of the Court must work together with NGOs and victims to create non-judicial initiatives that take into account the diverse needs of victims, including the need for legal aid, psychological care, information sharing, economic support. Measures should also work to publicly acknowledge the perpetrated crimes and raise awareness of gender-based violence across the country.
- The Lead Co-Lawyers for the Civil Parties and VSS must work with NGOs and victims to develop effective reparation projects including psychosocial support for those who have suffered sexual and gender-based violence.
- The Lead Co-Lawyers for the Civil Parties must challenge the Trial Chamber's Decision that the indicted rape cases are dismissed.
- The Trial Chamber must include the cases of sexual violence into Case 002 since they are seized with these facts by the Closing Order.

#### **c. Non-government Organizations (NGOs) and Practitioners**

- Establish community-based self-help groups for survivors of forced marriage, forced sexual relations, rape and any other forms of sexual abuse. Create a space in which victims can share their experiences and receive psychological and social support.
- Educate survivors about their legal rights and pathways to advocate for their own interests in Cambodia's transitional justice process.
- Record and disseminate information about sexual and gender-based violence under the Khmer Rouge. Educate future generations to ensure these events do not reoccur.
- Undertake campaigns to end victim blaming.
- Design and complete further research projects to enhance knowledge on sexual and gender-based violence under the Khmer Rouge.

## 2. Introduction & Background

### **2.1 GENDER-BASED VIOLENCE IN CONFLICT AND POST-CONFLICT SETTINGS**

It is only recently that conflict-related sexualized and gender-based violence have come under specific scrutiny and received broader international and high-level attention. Sexualized violence related to conflict is now recognized as a threat to peace and security, demanding a high-level response from the United Nations Security Council (UNSC). It also warrants consideration by the UNSC and thus must become a priority agenda issue. Only a short while ago, the UNSC adopted Resolution 2106<sup>8</sup> and 2122<sup>9</sup> to this same end: a strong expression against impunity and for the prevention of sexualized violence; the inclusion of women in peace-building and negotiations; women's empowerment, participation, and human rights, as well as women's engagement in all levels of decision-making. In 2014, the latest UNSC resolutions are to be implemented and will be comprehensively reviewed in 2015.

The recent G8 initiative to prevent sexualized violence in conflict is one of the latest measures in regard to prevent sexualized violence and set an end to impunity.

<sup>8</sup> UN Security Council Resolution 2106, S/RES/2106 (2013), 24 June 2013.

<sup>9</sup> UN Security Council Resolution 2122, S/RES/2122 (2013), 18 October 2013.

## What is sexualized and gender-based violence?

In 1993, the UN Declaration on the Elimination of Violence against Women was the first international document to define violence against women within a broader gender-based framework and identified the family, the community and the state as major sites of gender-based violence. Article 1 of the Declaration defines “violence against women” as “...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life.” It is of great importance that the Declaration clearly states that violence against women constitutes a violation of women’s fundamental rights and freedoms and is a serious human rights violation.

Gender-based violence has become an umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed (gender) differences and roles between males and females. The term “gender-based violence” highlights the gender dimension of these types of acts; in other words, the relationship between females’ subordinate status in most societies and their increased vulnerability to violence. Around the world, gender-based violence is more often directed against women and girls. The nature and extent of specific types of gender-based violence varies across cultures, countries, and regions.

Acts of gender-based violence violate a number of universal human rights, which are protected by international instruments and Conventions. Many - but not all - forms of gender-based violence violate national laws and are considered criminal acts although there are also countries where traditional beliefs, norms and social institutions legitimize discrimination against women and therefore perpetuate violence against women.

Article 2 of the Declaration covers what the international community recognizes as generic forms of violence against women. The definition encompasses but is not limited to: physical, sexual, and psychological violence occurring in the family and in the community, including battering, sexual abuse of female children, dowry-related violence, marital rape; female genital mutilation and other traditional practices harmful to women; non-spousal violence; violence related to exploitation, sexual harassment, and intimidation at work and in educational institutions; forced pregnancy, forced abortion, and forced sterilization; trafficking of women and forced prostitution; and violence perpetrated or condoned by the state.

“Sexualized violence” is an overarching term used to describe any violence carried out through sexual means or by targeting sexuality. The authors prefer to use the term “sexualized” instead of “sexual” violence as it reflects the fact that rape is not an aggressive manifestation of sexuality but a sexual manifestation of aggression.

Sexualized and gender-based violence against women and girls exists worldwide in times of peace. However, its impact and occurrence is heightened by aggravating factors during armed conflict and regularly continues after the conflict or is otherwise related to conflict.

Sexualized violence related to conflict can amount to a tactic of war or be part of a widespread or systematic attack against civilians and constitute international crimes such as war crimes, crimes against humanity or a constitutive act with respect to genocide. Women and girls are particularly targeted by the use of sexualized violence, to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.

## What is “conflict-related” violence?

What are the essential characteristics of sexualized and gender-based violence from the perspective of victims and survivors<sup>10</sup> during, after or in relation to conflict as opposed to times of peace?

- During conflict, armed groups, government armies and state institutions are involved in the commission of sex crimes. They are equipped with arms and highly militarized. Victims have less, if any, chances to resist and escape. The situation is much more dangerous and prevalent for women and girls.
- The level of violence is aggravated and serves either as a means or as a tactic in the conflict or is a by-product, ordered or tolerated because of the conflict.
- Commanders and direct perpetrators go unpunished and enjoy immunity while security breaks down.
- Sexualized and gender-based violence is often committed by more than one perpetrator.
- Those who should protect civilians become perpetrators of sexualized and gender-based violence. Women and girls lack any support or protection during conflict. They are at the mercy of the conflict and powerless and helpless.
- After the conflict, sexualized violence does not stop once the fighting has ceased. A number of countries emerging from armed conflict report a very high and/or increasing incidence of criminal and family based violence.<sup>11</sup>
- Protection by the state and state agencies such as police and courts are not yet

<sup>10</sup> The authors use the terms “victim” and “survivor” as interchangeable.

<sup>11</sup> Un Women, Addressing Conflict-Related Sexual Violence-An Analytical Inventory of Peacekeeping Practice, Second edition (2012), for Liberia, Timor-Leste, Democratic Republic of the Congo and Uganda, at pages 10, 12 and 14.

established and often need decades to function effectively. Impunity for acts of sexualized and gender-based violence committed during and after the conflict, post-conflict poverty, lack of livelihood opportunities and the weakened rule of law, may combine to foster increased inter-personal and sexualized violence and create an environment in which women and girls are particularly vulnerable.

- After conflict and despite demobilization, small arms are still available and used to commit acts of sexualized and gender-based violence. Societies are generally brutalized by the experiences during conflict and violence is tolerated. Conflict resolutions in civil life are often performed in a violent manner.
- Conflict related sexualized and gender-based violence is characterized by the geographic or otherwise close relation to armed conflict without being directly involved but facing the effect of (armed) conflict in form of sexualized and gender-based violence.

The use of sexualized and gender-based violence during, after or in relation to armed conflict, ties in with the imbalances and inequalities that women and girls face in their daily lives during peacetime.

### The meaning of “conflict-related” in the context of combating sexualized violence

Based on a narrow understanding, international and non-international armed conflict is defined in accordance with the Geneva Conventions and their Optional Protocols. The International Red Cross defines international and non-international conflict as follows:

1. “**International armed conflicts** exist whenever there is resort to armed force between two or more States.
2. **Non-international armed conflicts** are protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organisation.”<sup>12</sup>

These definitions have been criticised as insufficient and limited in the manner that they only allow for the combat of sexualized violence in conflict when situations comply with the legal definition of an international or non-international armed conflict. Many authors suggest that the understanding of, and responses to, sexualized and

<sup>12</sup> See at <https://www.icrc.org/eng/resources/documents/article/other/armed-conflict-article-170308.htm>.

gender-based violence must be viewed in a broader context to include acts that occur during, after or in relation to armed conflict, and should not be limited to the narrow definitions of armed conflict as defined in an international or non-international sense.<sup>13</sup>

This broader understanding allows not only for a **response** to, but also for the **prevention** of sexualized violence, and warrants the establishment of an early alert system at the international level, which covers broader situations of concern outside the scope of the above described definitions of the Red Cross.

Security Council Resolutions 1888<sup>14</sup> and 1960<sup>15</sup> acknowledge this need for a broader understanding, as does the UN Secretary-General. In December 2010, the Secretary-General’s Policy Committee tasked the UN Action Network to “Disseminate guidance on the new Conceptual and Analytical Framing of conflict-related sexual violence, denoting sexual violence in a conflict or post-conflict setting that has a direct or indirect link with the conflict itself”.

The January 2012 report of the Secretary-General on conflict-related sexual violence<sup>16</sup> determined the scope as follows: “Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern (e.g. political strife). They also have a direct or indirect nexus with the conflict or political strife itself, that is, a temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (...), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/State collapse, cross-border dimensions and/or the fact that they violate the terms of a ceasefire agreement”.

In the open debate in the UNSC that followed the Secretary-General’s report,<sup>17</sup> some members expressed their concerns that the report covered more than just situations of armed conflict or post-conflict situations. In their opinion, this went beyond the mandate of the Special Representative on Sexual Violence in Conflict.

According to those council members, these incidents or patterns do not constitute threats to international peace and security and are therefore outside the purview of

<sup>13</sup> Buss, Doris, *Seeing Sexual Violence in conflict and post-conflict societies*, in: Buss Doris, Lebert, Joanne, Blair Rutherford, Sharkey, Donna and Aginam, Obijiofor, *Sexual Violence in conflict and post-conflict Societies*, (New York: Routledge: 2014) with further references.

<sup>14</sup> UN Security Council Resolution 1888, S/RES/1888 (2009), 30 September 2009.

<sup>15</sup> UN Security Council Resolution 1960, S/RES/1960 (2010), 16 December 2010.

<sup>16</sup> Conflict-related sexual violence, Report of the Secretary-General, A/66/657\*-S/2012/33\*, 13 January 2012, at <http://www.refworld.org/pdfid/4fbf5b382.pdf>.

<sup>17</sup> United Nations S/PV.6722, 23 February 2012, at <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20S%20PV%206722.pdf>.

the UNSC. This has led to suggestions during the negotiations on the Presidential Statement that the focus should be on sexualized violence in armed conflict rather than conflict-related sexual violence.

Nevertheless, the Presidential Statement that resulted from the open debate commended the Special Representative for carrying out her mandate *“in accordance with relevant Security Council Resolutions”*.

The Presidential statement clearly refers to Security Council Resolution 1888 which states: “[Having considered the report of the Secretary-General of 16 July 2009 (S/2009/362) and] stressing that the present resolution does not seek to make any legal determination as to whether situations that are referred to in the Secretary-General’s report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudice the legal status of the non-State parties involved in these situations”.

Security Council Resolution 1960 requests that the Secretary-General “Establishes monitoring, analysis and reporting arrangements on **conflict-related** sexual violence, including rape in situations of armed conflict and post-conflict **and other situations** relevant to the implementation of resolution 1888 (2009), as appropriate”.

On this basis, there is strong international support for a broader understanding of the context within which sexualized and gender-based violence occurs. Such an understanding would go **beyond** the narrow definitions of armed conflict and post-conflict as defined by the International Red Cross.

Nevertheless, any undertaking by the Special Representative on Sexual Violence in Conflict which involves conflict situations that fall outside the scope of the narrow definition of armed conflict will be under vigilant scrutiny and criticism by some (former) members of the Security Council. These Security Council members dispute any expansion of the Special Representatives’ mandate involving the investigation of countries not defined by the Security Council as conflict zones.

This dynamic now seems to have extended to the 2014 report of the Secretary-General on conflict-related sexual violence.<sup>18</sup> Previous sexual violence reports included reporting on countries that were not armed conflict or post-conflict situations using a category called “other situations of concern”. However, in the 2014 report this section was dropped.

To conclude, the authors suggest that only a broader understanding of conflict-related sexualized and gender-based violence allows for an effective combat of this

<sup>18</sup> Report of the Secretary-General on conflict-related sexual violence, S/2014/181, 13 March 2014.

form of violence, which amounts to a threat against peace and security.

## 2.2 SEXUALIZED AND GENDER-BASED VIOLENCE DURING THE KHMER ROUGE REGIME

From 17 April 1975 to 6 January 1979, the Communist Party of Democratic Kampuchea (CPK), also known as the Khmer Rouge, ruled Cambodia. The Khmer Rouge attempted to rapidly transform the nation into an efficient and productive agricultural society under the leadership of the peasant class. To establish a communist country the Khmer Rouge aimed to destroy the previous social order by dividing the society into two different classes. City dwellers who previously resided in Phnom Penh were deported to the countryside and classified as ‘new people’. The peasantry became the nascent ruling class. The peasantry were classified as ‘old’ or ‘base people’ and given more privileges than the new people. Citizens were subjected to forced labor in order to fulfill production targets set by the government. Such labor included working in rice plantations, salt fields and building irrigation systems and dams.. People were organized into mobile units that were grouped by sex and age. Families were separated. Personal relationships were either banned or closely regulated. Countless people died of starvation, overwork and a lack of medical treatment. The Khmer Rouge closed all businesses, confiscated private property, forbade the use of money, banned religion, halted education, eliminated health care and revoked any notions of parental authority. The regime also abolished the judicial system. Individual rights were non-existent; everyone was controlled by a Khmer Rouge cadre who assigned them work, controlled the amount of food they consumed each day and greatly interfered in their personal lives.

The Communist Party, and in particular its Standing Committee, was referred to as ‘Angkar’ or ‘Organization’. It gained full control of everyone and every aspect of Cambodian society. Angkar was often compared to a pineapple, in the sense that both had hundreds of ‘eyes’. Those whom Angkar considered to be enemies of the revolution were sent to re-education centers or security centers (prisons), which were established throughout the country. At these centers, Khmer Rouge cadres treated the victims inhumanely, often resorting to torture in an attempt to induce confessions regarding their alleged betrayals of Angkar. Subsequently, the victims were taken to be executed at killing fields located all over the country. Increasing numbers of ‘enemies’ were later identified within the ranks of the Khmer Rouge themselves, and the resulting internal purges encompassed workers in government ministries, members of the military, and the Communist Party. Approximately 1.7 million people died during the Democratic Kampuchea (DK) period.<sup>19</sup>

<sup>19</sup> Chandler, David, A History of Cambodia (Boulder: Westview Press: 2000); Chandler, David, Brother Number One. A Political Biography of Pol Pot (Boulder: Westview Press: 1999); Becker, Elisabeth, When the war was over: Cambodia and the Khmer Rouge revolution (New York: Public Affairs: 1998); Kiernan, Ben, The

Sexualized and gender-based violence during the regime of the Khmer Rouge did not receive much attention from researchers and historians. Nevertheless, the range of crimes committed during the DK period as sporadically mentioned by several authors includes but is not limited to: the mutilation of sexual organs as gendered punishment;<sup>20</sup> the exchange of sex for food by starving victims and under general coercive circumstances;<sup>21</sup> rape of males;<sup>22</sup> sexual assaults, forced nudity, and sexual enslavement;<sup>23</sup> fetuses taken from pregnant women, sometimes when these women were still alive;<sup>24</sup> and virginity controls.<sup>25</sup>

Another policy of the Khmer Rouge regime was to force Cambodian men and women to marry each other. Despite some regional differences, it can be derived from the common pattern and the countrywide implementation of this criminal practice that forced marriages were ordered by the rulers of Democratic Kampuchea. The aim was to increase the population and to control sexuality.

Usually, men and women who often did not know each other were gathered in a meeting, had to commit to Angkar and were then assigned to huts where they had “to come along with each other” and to consummate the marriage through sexual intercourse. If they refused to marry, they were often threatened and/or punished.<sup>26</sup>

Until recently, the Khmer Rouges’ “Code Number Six” of the “Twelve Codes of Conduct of the Combatants” was read as a prohibition of rape. However, the full translation, reading and interpretation of the code as well as the narratives of respondents of this survey suggest that it was a rule to prevent and prohibit also consensual sexual activities outside marriage and to keep control over sexuality.<sup>27</sup>

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Pol Pot Regime: Race, Power and Genocide in Cambodia under the Khmer Rouge, 1975–79 (New Haven: Yale University Press: 2005).

20 Jacobson, Trudy, *Lost Goddesses: the denial of female power in Cambodia* (Copenhagen: NIAS Press: 2008), at p. 228.

21 Frieson, Kate, *In the Shadows: Women, Power and Politics in Cambodia*, Occasional Paper Series, No. 26, (Victoria: Centre for Asia-Pacific Initiatives: 2001).

22 Tan, Phong, *Ethnography of Male to Male Sexuality in Cambodia*, UNESCO HIV/AIDS program (Phnom Penh: 2008). (The interviews were conducted several years earlier.)

23 Documentation Centre of Cambodia, *Sexual Abuse Cases under the Democratic Kampuchea (the Khmer Rouge) Regime*, translated by Tieng Sopheap Vichea, (Phnom Penh: DC-Cam: 1999).

24 Locard, Henry, *Pol Pot's little red book. The sayings of Angkar* (Chiang Mai: Silkworm Books: 2004), at p. 258.

25 This latter practice was mentioned by a Cambodian individual participating in the on-going trials before the ECCC, in interview with the author Silke Studzinsky, on 15 September 2008.

26 See in detail the description of the practice in: Ye, Beini, *Forced Marriages as Mirrors of Cambodian Conflict Transformation*, *Peace Review: A Journal of Social Justice*, (Routledge: 2011) 23:4, 469-475.

27 De Langis, Theresa and Studzinsky, Silke, *The ECCC, Sexual Crimes, and the Cambodian Women's Hearing*, Briefing Paper on the ECCC, the Cambodian Women's Hearing, and Steps for Addressing Sexual Violence under the Khmer Rouge Regime, (Phnom Penh: May 2012), at <http://gbvkr.org/wp-content/uploads/2013/02/Briefing-Paper-on-VAWECCC-Theresa-de-Langis-Final-ENG.pdf>.

## 2.3 THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC) AND SEXUALIZED AND GENDER-BASED VIOLENCE

The Extraordinary Chambers in the Courts of Cambodia (otherwise known as the ECCC or the Khmer Rouge Tribunal) have been established pursuant to the Agreement<sup>28</sup> between the United Nations and the Royal Kingdom of Cambodia. The ECCC started in 2006 with the first preliminary investigations by the Co-Prosecutors. The purpose of the Tribunal is to prosecute crimes committed during the period of Democratic Kampuchea (DK) between 17 April 1975 and 6 January 1979. The ECCC has jurisdiction over senior leaders and those most responsible for serious violations of the Cambodian Penal Code. It also has jurisdiction over international crimes of genocide, war crimes and crimes against humanity. The Tribunal is a hybrid court composed of national and international judges and staff and follows mainly civil law procedure. It is the first internationalized court dealing with mass crimes that allows victims to apply as civil parties and to become party to the proceedings alongside the prosecution and the defense.

### Participation rights of civil parties

Victims of sexual and gender-based violence, who apply to become a civil party and, therefore, a party to the proceedings, have largely equal rights within the Court as appropriate. Civil parties' rights are similar to the prosecution and the defense. The Internal Rules determine the purpose of civil party participation as to “a) Participate in criminal proceedings against those responsible for crimes within the jurisdiction of the ECCC by supporting the prosecution; and b) Seek collective and moral reparations”.<sup>29</sup>

Participating in this context means that civil parties exercise a wide range of procedural rights. In addition, the Co-Investigating Judges can interview them during the phase of the investigation. In the trial stage, the Trial Chamber can personally hear them. Given the high number of civil parties at the ECCC,<sup>30</sup> there is only a limited number of civil parties who will give a statement in Court on the facts of the indictment and/or their sufferings.

Civil parties have a right to legal representation, which has been made mandatory

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28 Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea, 6 June 2003, at [http://www.eccc.gov.kh/sites/default/files/legal-documents/Agreement\\_between\\_UN\\_and\\_RGC.pdf](http://www.eccc.gov.kh/sites/default/files/legal-documents/Agreement_between_UN_and_RGC.pdf).

29 Internal Rule 23 (1).

30 In Case 002, a total of 3866 Civil Parties were admitted by the Co-Investigating Judges and the Pre-Trial Chamber upon appeal.

in the trial phase.<sup>31</sup> They have full access to the electronic case files, including confidential parts,<sup>32</sup> and can respond to all applications submitted by the other parties to raise any legal or factual matters proprio motu, thus by their own initiative. Until now, the civil parties have not needed to give reasons as to the extent of their personal interest in the respective matter, unlike victims participating at the International Criminal Court (ICC). Importantly, civil parties have the right during the investigation phase to submit investigative requests<sup>33</sup> to the Co-Investigating Judges in order to get cases of sexual violence addressed and investigated at the ECCC. Such investigative requests aim to get an appropriate indictment. The civil parties mainly used this right in Case 002 in order to get sexualized violence investigated. During the trial phase, the most important right of Civil Parties is the questioning of the accused, witnesses, other civil parties and experts through their lawyers.<sup>34</sup> Civil parties can also submit their own witness, civil party or expert lists to the Trial Chamber in order to ensure the civil parties are heard<sup>35</sup> and other evidence is introduced. Questioning does not need to be linked to a specific personal interest either. Nevertheless, this right, which is unlimited in its application under both the applicable Cambodian Procedure Code and the Internal Rules, was restrained by the Trial Chamber in Case 001. The Trial Chamber ruled that civil parties are neither allowed to question witnesses who testify on the character of the Accused, nor experts who examine the mental health of the Accused and his culpability. The Trial Chamber determined the role of civil parties to foremost be about seeking reparations and, as a result, limited their participation rights to addressing only the guilt of the Accused but not on matters related to sentencing.<sup>36</sup> The Trial Chamber limited the role of civil parties to making submissions only on matters for which they demonstrate a personal interest. Such matters include consideration of the proof of guilt of the Accused for their crimes and the issue of reparations.<sup>37</sup>

This ruling can be seen as a first step towards the “personal-interest-approach” at the International Criminal Court (ICC) where victims are limited in their interventions

31 Internal Rule 23 ter (1). Internal Rule 23 ter (2) stipulates that their rights are exercised by lawyers, except when a civil party is interviewed, either by the Co-Investigating Judges during the Investigations or before the Trial Chamber. When they testify as Civil Parties they do not take an oath (like the Accused) because they are parties to the proceedings.

32 Internal Rule 86.

33 Internal Rule 55 (10).

34 Internal Rule 90 (1) and 91 (2).

35 Internal Rule 80 (2) and (3).

36 Case against KAING Guek Eav, Case no. 001/18-07-2007-ECCC/TC, Decision on Civil Party Co-Lawyers' joint request for a ruling on the standing of Civil Party Lawyers to make submissions on sentencing and directions concerning the questioning of the accused, experts and witnesses testifying on character, 9 October 2009, E72/3, [Sentencing Decision] at [http://www.eccc.gov.kh/sites/default/files/documents/courtdec/E72\\_3\\_EN.pdf](http://www.eccc.gov.kh/sites/default/files/documents/courtdec/E72_3_EN.pdf). Judge Lavergne dissented in parts and stressed that Civil Parties have the same rights like other parties if not explicitly limited. (para. 16).

37 Dissenting Opinion of Judge Lavergne in the Sentencing Decision, at para. 22.

to matters that affect their ‘personal interests’.<sup>38</sup>

Although this limitation has no legal basis in the Internal Rules or the Cambodian Criminal Procedure Code<sup>39</sup> and affects the participation rights of civil parties, the possibility for civil parties to intervene is still broad, as outlined above.

Only through these extensive rights as parties to the proceedings, were civil parties able to push for the inclusion of sexualized violence. They succeeded with the investigation of forced marriage.

### Sexualized and gender-based violence before the ECCC

Despite the mentioning of cases of sexualized violence by some authors, the common and widespread perception, including within the prosecutorial bodies of the ECCC, until recently has been that the Khmer Rouge regime was highly moralistic and did not tolerate such crimes.<sup>40</sup>

Only recently, has more research been conducted.<sup>41</sup> However, this research came too late to be considered by the ECCC and to trigger a change of the prosecutorial strategy for Cases 001 and 002. The prosecutorial strategy for these cases was mainly built in 2006 and 2007 with a focus on the estimated 1.7 million deaths caused by the regime of the Khmer Rouge.<sup>42</sup> Hence, sexualized and gender-based violence was under-investigated at the ECCC and was not part of the initial prosecutorial strategy.

38 Article 68 (3) of the Rome Statute.

39 Judge Lavergne stated that “the decision taken by Trial Chamber tilts towards a view that is far removed both from Cambodian law and the Internal Rules of the ECCC”, at para. 32, Dissenting Opinion of the Sentencing Decision.

40 Studzinsky, Silke, *Neglected Crimes: the Challenge of Raising Sexual and Gender-Based Crimes before the Extraordinary Chambers in the Courts of Cambodia*, in: *Gender in Transitional Justice*, edited by Buckley-Zistel, Susanne and Stanley, Ruth, (Palgrave Macmillan: 2012), at p. 88.

41 Levine, Peg, *A Contextual Study into the Weddings and Births under the Khmer Rouge Regime: The Ritual Revolution*, Asian Studies/Anthropology, (Australia: Monash University: 2007); Nakagawa, Kasumi, *Gender-based violence during the Khmer Rouge Regime. Stories of survivors from the Democratic Kampuchea (1975-1979)*, (Phnom Penh: Cambodian Defenders Project: 2010). (The first edition was published in the Asia Pacific Year Book of International Humanitarian Law, Volume 2, 2006); Natale, Katrina, “I could feel my soul flying away from my body” A study of gender based violence during Democratic Kampuchea in Battambang and Svay Rieng Provinces, (Phnom Penh: Cambodian Defenders Project: 2011); Duong, Savorn, *The Mystery of Sexual Violence under the Khmer Rouge Regime*, (Phnom Penh: Cambodian Defenders Project: 2011); So, Farina, *The Hijab of Cambodia: Memories of Cham Muslim Women after the Khmer Rouge*, (Phnom Penh: Documentation Center of Cambodia: 2011). (This research has only a small chapter on experiences of sexualized violence of Muslim women.);

Yim, Sotheary, “The Past and Present of Forced Marriage Survivors: Experience toward Healing”, (Phnom Penh: Cambodia Defenders Project and medica mondiale: 2012); Rochelle Braaf, *Sexual violence against ethnic minorities during the Khmer Rouge regime*, (Phnom Penh: Cambodian Defenders Project: 2014).

42 See also Studzinsky, Silke, *Victims of Sexual and Gender-Based Crimes before the Extraordinary Chambers in the Courts of Cambodia*, in: *Sexual Violence as an International Crime: Interdisciplinary Approaches*, edited by Anne-Marie de Brouwer, Charlotte Ku, Renée Römkens and Larissa van den Herik, (Cambridge: 2013), at p. 179.

The new research confirms the hypothesis and demonstrates that the Khmer Rouge committed different forms of sexualized and gender-based violence beyond the context of the forced marriage policy. Sexualized and gender-based violence was used by the Khmer Rouge as a means in the widespread and systematic attack against the civilian population and an instrument against those who were alleged enemies of the regime. The findings stand in obvious contrast to the common and widespread perception of the regime.

In Case 001, Mr. KAING Guek Eav was convicted for one case of rape committed against a female prisoner in S-21, committed during the interrogation. The Trial Chamber legally qualified this case of rape as a crime against humanity of torture. Upon appeal of the Prosecution, which wanted to get this act of rape qualified as a crime against humanity of rape, the Supreme Court Chamber held that rape was not a distinct crime against humanity during 1975-1979.<sup>43</sup> The accused revealed and admitted this rape, committed by an interrogator under his command and thus, this was accidental evidence and not triggered by investigations of the Office of the Co-Prosecutors.

Civil Party Lawyers submitted further evidence and highlighted testimonies on additional rapes committed in S-21. These were not, however, considered by the Trial Chamber.<sup>44</sup> In addition, Civil Party Lawyers submitted a request for investigations of forced marriage at S-24, a work site under the command of the Accused.<sup>45</sup> Unfortunately, this request never received a response.

Although sexualized and gender-based violence has not been part of the initial prosecutorial strategy, through the efforts of courageous civil parties who dared to talk about these crimes and through the restless engagement of Civil Party Lawyers to push for investigations<sup>46</sup>, the widespread and systematic policy of forced marriage was eventually included into the closing order of Case 002. It was included as a

<sup>43</sup> Case against Kaing Guek Eav, 001/18-07-2007- ECCC/SC, Appeal Judgment, 3 February 2012, F28, paras.174-183.

<sup>44</sup> See the summary in the closing statements, Case against Kaing Guek Eav, 001/18-07-2007, Transcript, E1/78.1, p.56 l.7-p.66 l.15.

<sup>45</sup> The request is in the confidential domain.

<sup>46</sup> During the investigations Co-Lawyers for Civil Parties submitted various investigative requests to interview or re-interview witnesses and Civil Parties on forced marriages and sexual violence outside of the context of forced marriages, for example '[Redacted] Civil Parties' Co-Lawyers Second Request For Investigative Actions Concerning Forced Marriages and Forced Sexual Relationship', 15 July 2009, D188, at [http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D188\\_Redacted\\_EN.pdf](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D188_Redacted_EN.pdf) and '[Redacted] Co-Lawyers For the Civil Parties' Fourth Investigative Request Concerning Forced Marriages and Sexually Related Crimes', 4 December 2009, D268, at [http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D268\\_Redacted\\_EN.pdf](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D268_Redacted_EN.pdf). A request for expert opinion was filed with regard to sexual violence and in particular forced marriages under the Khmer Rouges. Additional documents and witness statements were submitted. Most documents are classified as confidential.

The Co-Investigating Judges agreed to receive Amici Curiae on this issue but it was impossible to submit them within the deadline from 22 December 2009 until 31 December 2009, see 'Order on Request for Investigative Actions Concerning Forced Marriages and Sexually Related Crimes', 18 December 2009, D268/2, para. 14, at [http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D268\\_2\\_EN.pdf](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D268_2_EN.pdf).

crime against humanity of rape and of other inhumane acts through acts of forced marriage.<sup>47</sup>

In addition, few cases of rape outside of the context of forced marriage, rather accidentally mentioned by witnesses during the investigations of security centers and work sites, were included as facts in the indictment of Case 002.<sup>48</sup>

However, the Office of the Co-Investigating Judges held in the closing order that the accused are not liable for these crimes because "[t]he official CPK policy regarding rape was to prevent its occurrence and to punish the perpetrators. Despite the fact that this policy did not manage to prevent rape, it cannot be considered that rape was one of the crimes used by the CPK leaders to implement the common purpose".<sup>49</sup>

In Case 002, Civil Party Lawyers had submitted evidence which demonstrates the pattern that Khmer Rouge perpetrators went unpunished for committing sexualized violence. The evidence showed that this type of violence was used within the Khmer Rouge policy against alleged enemies. The evidence submitted included witnesses' and victims' statements and documents.<sup>50</sup> However, this evidence was not further investigated and was disregarded.

After civil parties and their lawyers have been successful in getting forced marriage as sexualized crime investigated and indicted, they were disappointed when these crimes were not on the agenda of the first trial in Case 002. When the Trial Chamber severed the case in September 2010, the crimes of forced marriage were deferred to a later stage.<sup>51</sup> Despite the severity of the crime and the fact that 780 civil parties were admitted in Case 002 due to forced marriage, these crimes were not adjudicated in Case 002/01 although survivors of forced marriage form the second largest group of civil parties by crime.<sup>52</sup>

For Case 002, a new concept of representation of civil parties was introduced: two Lead Co-Lawyers were appointed by the Court and seized with the representation

<sup>47</sup> Case of Ieng Sary et al., 002/19-09-2007 ECCC-OCIJ, Closing Order, 15 September 2010, D427, at paras 1430-1432 (rape) and 1442-1447 (other inhuman acts through acts of forced marriage).

<sup>48</sup> Case of Ieng Sary et al., 002/19-09-2007 ECCC-OCIJ, Closing Order, 15 September 2010, D427, at paras.1426-1428.

<sup>49</sup> Case of Ieng Sary et al., 002/19-09-2007 ECCC-OCIJ, Closing Order, 15 September 2010, D427, at para. 1429.

<sup>50</sup> These documents are (still) confidential and not available in the public domain.

<sup>51</sup> Case against Ieng Sary, et al., Case 002/19-09-2007, Severance Order pursuant Rule 89ter, 22 September 2011, E124.

<sup>52</sup> 781 civil parties being victims of the first forced transfer from Phnom Penh on 17 April 1975 compose the largest group. Thus, both groups are very similar in size.

of the “consolidated group” of civil parties.<sup>53</sup> The Lead Co-Lawyers did not agree to the request of some Civil Party Lawyers to demand for the inclusion of the cases of forced marriages and/or to undertake other efforts to include these crimes into Case 002/01.<sup>54</sup>

Meanwhile, the Trial Chamber included forced marriage into the scope of Case 002/02.<sup>55</sup>

The Chamber, however, did not include in Case 002/002 the few instances of rape outside of forced marriage, of which the facts are mentioned in the indictment. The Chamber (wrongly) held that these cases were already dismissed by the Office of the Co-Investigating Judges because the Investigating Judges, while including the facts of these rapes into the closing order, nevertheless held that the accused cannot be held liable for these rapes. The Office of the Co-Investigating Judges found in the indictment that rape was not a policy of the Khmer Rouge leaders and in fact sexual violence was prohibited and prevented under their rule.

The Trial Chamber maintained that the Office of the Co-Investigating Judges “dismissed” the rape cases. The Trial Chamber upheld that it is not authorized to include “new” facts.<sup>56</sup> By doing this, the Chamber ignored that they are seized with the facts of the closing order and that they are not bound by liability findings of the Office of the Co-Investigating Judges.<sup>57</sup> The Lead Co-Lawyers who represent the “consolidated group” of civil parties did not object to the Chamber’s conclusions. Neither did the Co-Prosecutors.

Therefore, the findings of the Trial Chamber determine the exclusion of sexualized violence cases outside of the context of forced marriage from Case 002.

## 2.4 SURVIVORS TODAY AND CONTINUED SUFFERING

It is very common that survivors of sexualized and gender-based violence do not speak about their experiences due to feelings of shame for themselves and their families. Survivors also fear being discriminated against. Some are also fearful of

<sup>53</sup> See Rule 12ter of the Internal Rules of the ECCC.

<sup>54</sup> Under the new concept of Lead Co-Lawyers, Civil Party Lawyers representing their clients and legitimized by a power of attorney had no longer a standing before the Court and were not allowed to submit filings any more. Only submission of the Lead Co-Lawyers were admissible.

<sup>55</sup> Case against Nuon Chea et al., Case 002/19-09-2007, Decision on Additional Severance of Case 002 and Scope of Case 002/02, 4 April 2014, E301/9/1.

<sup>56</sup> Case against Nuon Chea et al., Case 002/19-09-2007, Memo, Further information on remaining preliminary objections, 25 April 2014, E306, at para. 3.

<sup>57</sup> See the comment by Silke Studzinsky at <http://www.civilparties.org/?p=1716>.

retaliation from former Khmer Rouge cadres who remain in communities alongside their victims.

Women in particular continue to suffer from the violence they experienced during that time. Some live with the consequences of forced pregnancy or abortion. Others suffer from gynecological and other physical health issues, such as headaches, pain and disability. Most have ongoing psychological issues related to trauma. This can take many forms including anxiety, depression, panic attacks, flashbacks and insomnia. Many survivors continue to experience poverty, presenting financial challenges to accessing health, legal and other services.

In the decades after the fall of the regime there have been limited opportunities for survivors to talk about past abuses or for collective memorialization and mourning. Survivors face considerable challenges in accessing justice or support. This further perpetuates symptoms of trauma, particularly as mental health facilities are scarce and lack quality. There are few gender violence services available in Cambodia. These are mostly provided by non-governmental organizations and are only located in a few provinces.

The ECCC and the Cambodian justice process initiated by the Tribunal offer a unique opportunity for survivors to talk about the crimes perpetrated against them and voice their needs in regard to justice and redress.

Risks of gender-based violence being perpetrated against current and future generations remain high. Recent Cambodian research indicates that this is indeed the case. One in four women who have been in a relationship report experiencing violence.<sup>58</sup> Incredibly, one in four men admits to having raped a woman or girl, while one in 25 admits to taking part in gang rape.<sup>59</sup> Poverty, lack of education and unemployment, drug and alcohol abuse, widespread trauma in the community, as well as a culture of impunity - all of which can be linked to the Khmer Rouge regime and civil war - are strong risk factors for perpetration of sexualized and gender-based violence.

<sup>58</sup> Ministry of Women’s Affairs, Royal Government of Cambodia 2012, Review report on the National Action Plan to Prevent Violence Against Women.

<sup>59</sup> 2013, ‘It’s a Man’s World’, Al Jazeera 101 East series, documentary, 30 min. Viewed 10 June 2013: <http://www.aljazeera.com/programmes/101east/2013/03/201335205155725918.html>

## 2.5 “WOMEN AND TRANSITIONAL JUSTICE IN CAMBODIA” - THE PROJECT

### Project partners

In response to the issues described above, three organizations have partnered to implement the “Women and Transitional Justice in Cambodia” project (hereafter referred to as: the Project).<sup>60</sup> The Project received three years of funding from the United Nations Trust Fund to End Violence Against Women, granted in 2011. The three partners were: the Victims Support Section (VSS) of the ECCC, the Cambodian Defenders Project (CDP) and the Transcultural Psychosocial Organization Cambodia (TPO).

VSS facilitates participation of victims of the Khmer Rouge regime in the legal proceedings of the ECCC and seeks resources for reparations and non-judicial measures. Non-judicial measures include dissemination of information about participating in legal proceedings and reparations, seeking reparations and ensuring legal representation for individual and collective survivors of violence. CDP is one of Cambodia’s oldest civil society organizations, providing free legal representation, promoting the rule of law, human rights, development of the judiciary and democratic governance. Women’s human rights have long been a focus for its work. TPO is the major local non-governmental organization dedicated to mental health in Cambodia. TPO deals with major psychosocial problems, such as domestic violence and alcohol abuse. It invests into peace-building and conflict resolution.

The overarching goal of the Women and Transitional Justice in Cambodia project was to ensure the engagement of female survivors in the transitional justice process. Women, who have been particular survivors of sexualized and gender-based violence, were encouraged to fully exercise their rights to truth, justice and reparations, which are inherent in transitional justice. Broader goals of the project were to increase gender equality and prevent gender-based violence.

### Strategies of the Project

The project encompassed a range of strategies to promote transitional justice for survivors:

1. **Improve trial attendance of gender-based violence survivors and improve their legal literacy:** Survivors of the Khmer Rouge regime face significant logistical and other obstacles when it comes to their active participation in the trial process. In response, the Project provided Civil Parties with logistical support

services (transport, accommodation, per diem allowance) for their participation in trials. Further, the Project provided legal information and advice to improve survivors’ legal literacy as well as legal representation.

2. **Promote civil justice and historical documentation:** In Cambodia, despite a number of significant truth-seeking and memorialization efforts at the national level, few attempts have been made to deal publicly with the Khmer Rouge past at the local level. Providing opportunities for survivors of sexualized and gender-based violence under the Khmer Rouge to participate in truth-seeking initiatives and public memorialization is central to individual and community healing. The Project’s Women’s Hearings were civil justice processes, allowing survivors to tell their stories in a public forum. An expert panel attended each Women’s Hearing and provided a formal statement in response to the testimony heard. The process was documented in film and print forms for wider distribution.
3. **Provide psychosocial intervention for survivors:** Sexual violence and other gender-based crimes within conflict have very specific psychological consequences. Redress for these violations needs to include access to psychological counseling services. The Project provided Civil Parties with psychological support through self-help groups and “testimonial therapy”, a culturally adapted, short-term trauma treatment approach. Civil Parties were further provided with on-site psychological support when participating in the ECCC hearings.
4. **Build capacity around gender sensitivity among legal practitioners and NGOs:** In order to contribute to the gender-sensitivity of the ECCC and the national legal system, the Project conducted trainings on gender-based violence with lawyers and advocated for gender-sensitive curriculums in legal institutions. As gender-based violence is addressed by various organizations in Cambodia, the Project further brings NGOs and services together for information sharing, problem solving, documentation of good practice and networking. Such meetings provided opportunities to strengthen the collaborative design of gender-based violence prevention and response strategies. Workshops included youth organizations, lawyers and psychosocial support organizations.
5. **Deliver public education:** A key concern of the Project was to raise public awareness about sexualized and gender-based violence during the Khmer Rouge and to reduce discrimination against survivors for crimes perpetrated against them. To this end, project partners have sought to discuss this issue in public forums. The project has been conducting broadcasts with survivors about this issue on public radio, allowing for caller feedback and interaction. The project also held forum theatre productions involving theatre plays on the subject of gender-

<sup>60</sup> For detailed information about the Project and its publications see at: <http://gbvkr.org/en/>

based violence under the Khmer Rouge and today, inviting audience members to act out their own responses to the scenarios posed. Public awareness and education was promoted through the project website (<http://gbvkr.org/en/>). It features information about gender-based violence and the Project, as well as research with survivors, survivor video profiles, radio interviews and more.

The Project has been a unique and forward-thinking endeavor in the Cambodian transitional justice process, especially because it offered a well-suited combination of activities in important areas of transitional justice work. Results of the survey show that there is a continued need for measures to ensure that female survivors of the Khmer Rouge regime, in particular survivors of gender-based violence, can benefit from the Cambodian transitional justice process.

## 3. Methodology

### 3.1 OBJECTIVES OF THE RESEARCH

The objectives of the research are twofold: firstly, it aims to gather information about types and practices of sexualized and gender-based violence experienced by ECCC civil parties during the Khmer Rouge regime as well as to explore after-effects of the violence and coping strategies of survivors. The research further would like to evaluate some aspects of the Project's impact on civil parties by assessing their attitudes towards the ECCC, their participation in the justice process as well as reparations.

### 3.2 RESEARCH DESIGN AND PROCEDURES

The research involved 222 respondents who are all Civil Parties to Case 002 of the ECCC from 18 provinces in Cambodia. The study utilized purposive sampling from among 664 Civil Parties who are admitted by the Co-Investigating Judges to Case 002 due to forced marriage.<sup>61</sup> All respondents were beneficiaries of the Project, however, the level of participation in the project differed significantly: 47 respondents were randomly selected from a total of 64 TPO clients, who participated in TPO's Testimonial Therapy and self-help groups. 50 respondents were randomly selected from a total of 109 CDP clients who are admitted as Civil Parties due to forced marriage. They participated in a number of regional meetings with a focus on legal education and empowerment. All members of these two groups were also invited

<sup>61</sup> 664 victims were initially recognized as civil parties by the Office of the Co-Investigating Judges due to forced marriage in 2010. In 2011, the Pretrial Chamber recognized additional 114 victims as civil parties. As the majority of TPO's and CDP's clients of this Project belong to the civil parties admitted in 2010, the research focused on this group.

by the ECCC VSS to attend the hearings at the Tribunal as part of the Project. 125 respondents were randomly selected among the general group of 664 Civil Parties (excluding TPO's and CDP's clients of the Project). This group – with the exception of a few individuals, who were not able to travel to Phnom Penh - participated in the Court's hearings in the framework of the Project. They did not, however, join any activities offered by TPO and CDP.

The research used a survey of 182 questions with limited opportunities for qualitative responses. Measures were developed by the authors. All items were translated from English into Khmer by TPO staff and were back-translated into English by interpreters who were unaware about the original English version in order to test the accuracy of the Khmer translation. In addition, two questions on expectations towards the ECCC developed by Pham et al.<sup>62</sup> were included.

The interviews were conducted by seven Cambodian interviewers (five female, two male), three of them holding a Bachelor's degree in psychology. Interviewers were already familiar with the functioning of the ECCC and Civil Party participation from previous research work. Concepts of gender-based violence under the Khmer Rouge and the application of the questionnaire were taught in a five-day seminar by TPO staff. Interviewers were supervised by TPO staff and one international psychologist during data collection.

Participants of the study were contacted by phone, either directly or, if this was not possible, through Civil Party representatives<sup>63</sup> or local authorities. Participants were invited to come to TPO's headquarter in Phnom Penh where they were interviewed in structured face-to-face interviews between March 4 and March 25, 2014. Given the sensitivity of the topic, respondents and interviewers were gender-matched, unless requested differently by respondents. No financial compensation was given to the respondents; however, travel and accommodation costs were reimbursed and potential loss of income due to the time spent at TPO was compensated (seven dollars per day). All respondents were given TPO's telephone hotline number in case they needed follow-up psychological support. Informed consent was provided in all cases, with confidentiality protected.

Data entry and analysis were done using the Statistical Package for Social Science (SPSS) version 16.0. Qualitative survey results were translated into English from Khmer for analysis.

<sup>62</sup> Pham, Phuong, Vinck, Patrick, Balthazard, Mychelle, and Hean, Sokhom "After the First Trial: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia". Berkeley, CA: Human Rights Center, University of California, Berkeley, School of Law, 2011.

<sup>63</sup> Cambodian Human Rights and Development Association (ADHOC) initiated and established a nationwide Civil Party Representatives Scheme: "The 122 Representatives act as Communicators and Messengers to strengthen the communication channels between ADHOC, Civil Party lawyers, the ECCC and other Civil Parties." See at: <http://www.adhoc-cambodia.org/?p=685>

### 3.3 LIMITATIONS

As all respondents are civil party to the ECCC, findings are biased to those who have already disclosed their experience of forced marriage and/or other types of gender-based violence during the process of application as civil parties at the ECCC. The research does not attempt to determine prevalence of different types of sexualized and gender-based violence as it was undertaken with only a small sample of ECCC civil parties.

The research sample is imbalanced by the ratio of female respondents to male respondents, with an over-representation of the former. This was due to the target group of the Project, which has focused on female victims of gender-based violence under the Khmer Rouge regime.

The study addresses sensitive issues related to sexuality and violence. Cambodia's traditional culture allows only limited discussion of sexuality among intimate friends and family members. It can be assumed that the majority of interviewees have difficulties in revealing personal sexual experiences in an interview. Moreover, as sexual violence during the Khmer Rouge regime was committed with the purpose of intimidating and humiliating victims. In order to lower interviewees' inhibition, interviewers would first ask if study participants witnessed or heard about different types of gender-based violence before exploring possible personal experiences. Nevertheless authors assume that a considerable number of respondents did not disclose personal experiences of sexual violence and abuse.

Those among the sample who participated in activities of TPO and CDP may have felt more comfortable in responding to questions as they have reached a considerable level of empowerment through their participation in the project and have established relationships of trust with TPO staff. As a result, findings of the study cannot be generalized to other direct victims of sexualized and gender-based violence.

## 4. Results

### 4.1 RESPONDENTS' DEMOGRAPHIC CHARACTERISTICS

The total respondents in this study were 222 and all are the civil parties of Case 002 of the Extraordinary Chambers in the Courts of Cambodia (ECCC).

The majority of respondents were between 50 and 59 years old; the youngest was 40, the oldest 80. Most respondents identified as ethnic Khmer (95.0%), while the remaining respondents were Cham (Muslim) (5.0%). Among the 222 respondents, most of them were females (72.1%) and the rest were male (27.9%). More than half of them (62.6%) were married and nearly one third reported being a widow (33.8%). The majority of the interviewees were Buddhist (91.90%) while some of them were Muslim (5.90%).

[Table 2. Respondents' demographic characteristics](#)

Sample size	Female (%)	Age group (%)			
		40-49	50-59	60-69	>70
222	72.10	9.5	49.5	31.5	9.5

Ethnicity (%)		Marital status (%)			
Khmer	Cham	Married	Divorced	Widowed	With partner, but not married
95.0	5.0	62.6	33.8	1.8	1.4

Religion (%)			
Buddhist	Islam	Christian	Atheist
91.9	5.9	1.8	0.5

## 4.2 LIFE UNDER THE KHMER ROUGE REGIME

Respondents reported living in 17 provinces when the Khmer Rouge came to power.

Table 3. Where were you living when the Khmer Rouge gained control of the country on 17 April 1975?

	Percentage of respondents (%)
Battambang	4.6
Kandal	14.6
Kampong Cham	9.6
Kampong Chhnang	4.1
Kampong Speu	5.0
Kampong Thom	7.8
Koh Kong	0.5
Sihanouk Ville	2.7
Kampot	12.3
Phnom Penh	5.0
PreahVihear	0.5
Prey Veng	9.6
Pursat	10.5
Siem Reap	4.1
SvayRieng	3.7
Stung Treng	0.5
Takeo	5.0

More than half of the respondents (63.2%, with 2 responses missing) reported living with their family after the Khmer Rouge took control of the country. 18.6% reported living in mobile teams, 9.5% in cooperatives, while 3.6% lived with their partners.

Table 4. Who were you living with after the take-over?

	Percentage of respondents (%)
Family	63.2
Partner	3.6
Cooperative	9.5
Mobile team	18.6
Other	5.0

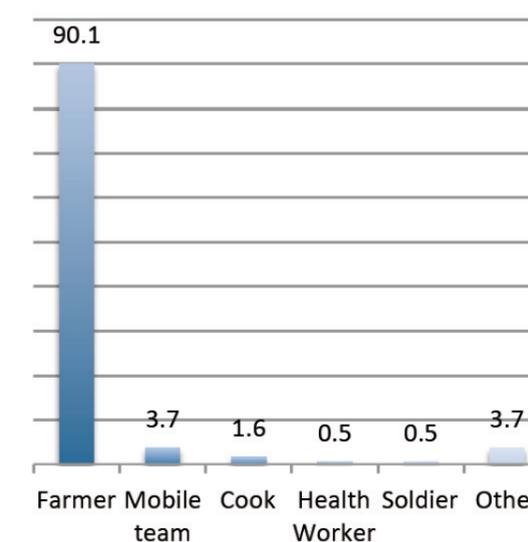
Of all the respondents, 188 (85.5%) reported experiencing forced deportation during the Khmer Rouge regime. Meanwhile, 32 (14.5%) reported that they were not forcibly deported.

Table 5. Were you ever forced by the Khmer Rouge to go to a different place?

Forced transfer	Percentage of respondents (%)
Yes	85.5
No	14.5

The majority of respondents were farmers during the regime (77.7%). Other respondents reported working as a cook (1.4%), soldier (0.5%) or health worker (0.5%).

Figure 1. Respondents' occupation during Khmer Rouge regime (% of respondents)



Among the total population of this survey, more than half of the respondents (55.0%) were considered by Angkar as “new people” while 49.4% were considered as “base people”<sup>64</sup>.

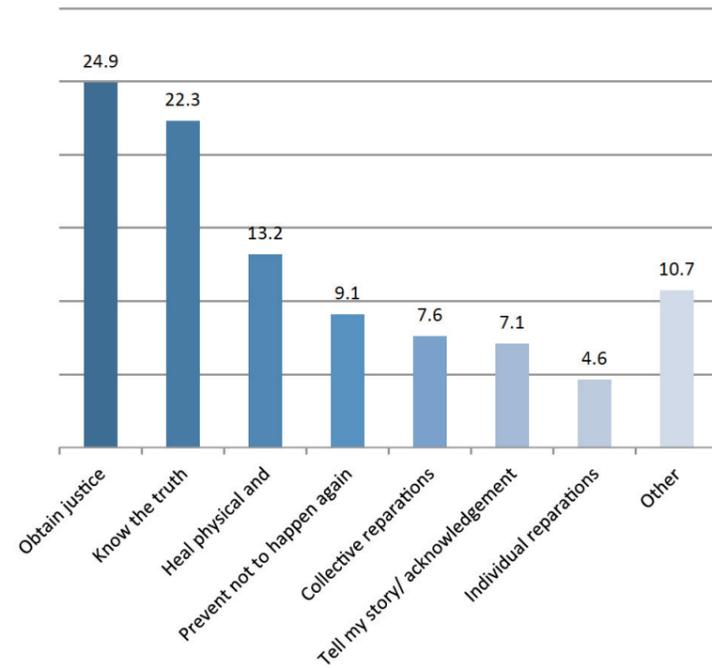
## 4.3 CIVIL PARTY PARTICIPATION AND IMPACT

Respondents in the study were asked about their motivation to participate as civil parties at the ECCC. About one fourth (22.1%) reported that they wanted to obtain

64 People who were workers or peasants before 17 April 1975 when the Khmer Rouge came to power

justice for themselves and for their relatives. Other respondents stated that they wanted to seek for the truth (17.6%), while some respondents (11.7%) mentioned that they wanted to achieve mental and physical healing. 10.9% of the respondents also reported that they wanted to seek for reparations, both individual (4.1%) and collective (6.8%).

Figure 2. Respondents' motivation to participate in the ECCC (% of respondents)



Out of the total sample of 222 civil parties, 63.5% reported having attended the Case 002/001 hearings at the ECCC at least 1 to 3 times. 19.8% attended 3 to 6 times. 10.4% attended more than 6 times. 5.9% reported having never attended the hearings at all.

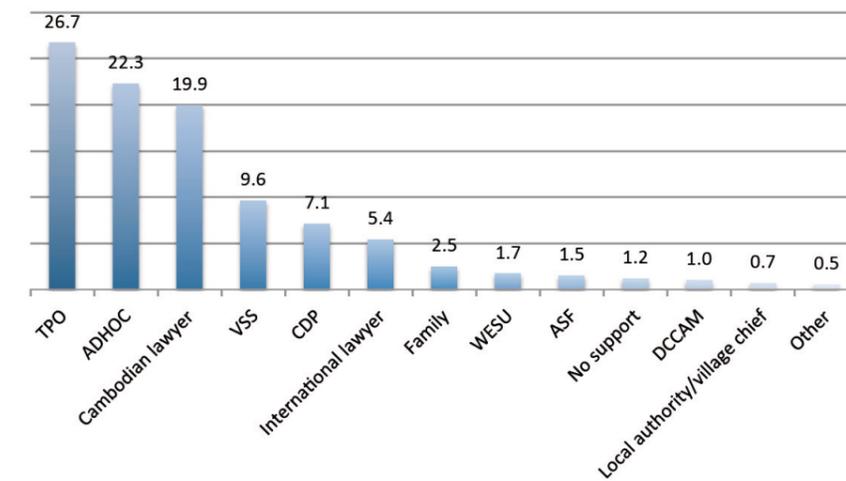
Table 6. How often did you attend the hearings of the Case 002 trial at the ECCC?

Attending hearings at the ECCC	Percentage of respondents (%)
Never	5.9
1-3 times	63.5
3-6 times	19.8
More than 6 times	10.4
Don't know	0.5

Almost all respondents (98.6%) expressed that they would have liked to join the hearings more frequently.

Respondents were asked to list – by order of importance - who or what organization, if any, assisted them in participating at the ECCC since the start of the Case 002/001 trial. More than one fourth of respondents (26.7%) ranked the Transcultural Psychosocial Organization (TPO) in first place. In addition, 22.3% listed the Cambodian Human Rights and Development Association (ADHOC) in first place. Moreover, 19.3% listed their national lawyers, 9.6% the ECCC Victims Support Section (VSS) and 7.1% the Cambodian Defenders Project (CDP).

Figure 3. What organizations assisted you since the start of the Case 002 trial? (% of respondents)



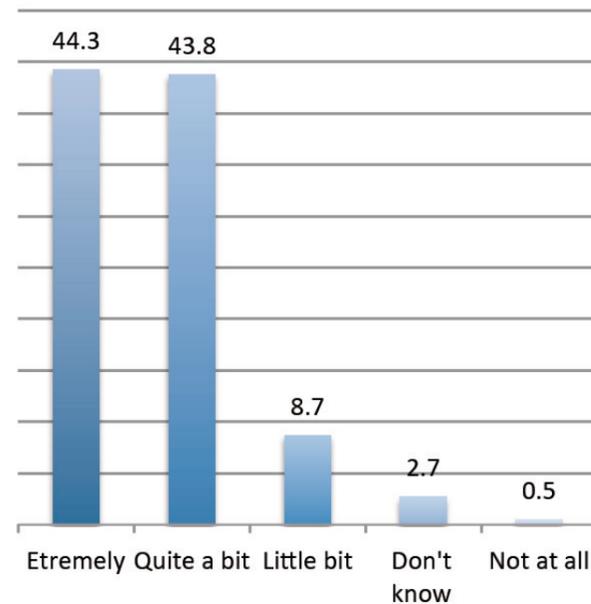
A little more than one third of the respondents (37.4%, 10 missing responses) reported having been in contact with their source of assistance listed in the first place one time per year. 18.4% reported having been in contact with them once per month. 14.6% stated having been in contact more than once a month.

Table 7. How often were you in contact with [name of organization] since the verdict?

	Percentage of respondents (%)
Never	8.0
Once per year	29.2
Twice per year	8.0
Once in every 3-4 months	13.2
Once in every two months	6.1
Once a month	18.4
More than once a month	14.6
Other	2.4

The majority of respondents reported that they felt extremely (44.3%) or quite a bit (43.8%) supported by the source of assistance listed in the first place.

Figure 4. To what extent did you feel supported by [name of organization] since the verdict? (% of respondents)



60.8% of the respondents knew the name of their national lawyer, whereas, only 13.5% of respondents knew the name of their international lawyer.

The majority of respondents (70.5%, 15 responses missing) met their national lawyers at least 1 to 3 times; 68.8% stated that they met their international lawyer at least 1 to 3 times. 9.1% of respondents stated that they never met their international lawyers compared to 2.9% for national lawyers.

The findings in the table below show that one of the Project's goals - to facilitate contact and meetings between victims and their national and international lawyers – has been achieved. Clients of CDP and TPO who are direct beneficiaries of the Project were able to meet with their national and international lawyers more often than civil parties from the general group. Among the general group, there were also civil parties who never had the chance to meet their lawyers in person.

Table 8. How often did you meet with your lawyer(s)?

		Percentage of respondents (%)	
		National lawyer	International lawyer
TPO's clients	Never	0.0	0.0
	1-3 times	69.6	77.5
	3-6 times	23.9	17.5
	More than 6 times	6.5	5.0
CDP's clients	Never	0.0	2.2
	1-3 times	53.3	66.7
	3-6 times	24.4	17.8
	More than 6 times	17.8	13.3
Others	Never	5.2	15.8
	1-3 times	77.6	66.3
	3-6 times	11.2	6.9
	More than 6 times	4.3	2.0

Another important goal of the project was to prepare civil parties for joining the criminal proceedings at the ECCC. The Project prepared them by providing information about the current status of the case, the content of the hearings, the management of the courtroom, etc. Moreover, TPO staff provided a short psychological briefing and debriefing to all participants. 85.9% of the total respondents of this survey reported that they received some explanation about the ECCC and the proceedings when visiting the ECCC (9 responses missing). As demonstrated in Table 8, civil parties from the general victims' group did not receive information as frequently as clients of TPO and CDP who are direct beneficiaries of the Project.

Table 9. Did anyone explain to you about the hearing when you were at the ECCC?

	Percentage of respondents (%)	
	Yes	No
TPO's clients	84.4	13.3
CDP's clients	100.0	0.0
Others	80.8	19.2

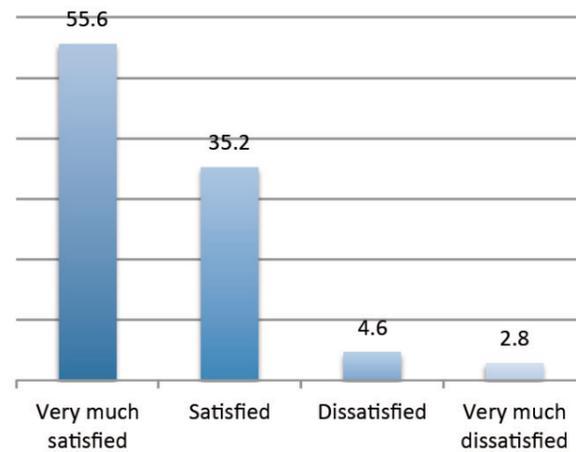
With 31 missing responses, 43.5% of respondents reported that staff members of the ECCC Victims Support Section (VSS) were the ones who provided explanations during their visit to the ECCC. 24.1% reported that lawyers explained the proceedings to them. 8.9% mentioned that TPO staff had given the explanations.

Table 10. Who gave you the explanation?

	Percentage of respondents (%)
VSS staff	43.5
Lawyers	24.1
TPO staff	8.9
Other	8.9

The vast majority of respondents reported that they were very much satisfied (55.6%) or satisfied (35.2%) with the services provided at the ECCC. A few stated that they were dissatisfied (2.8%).

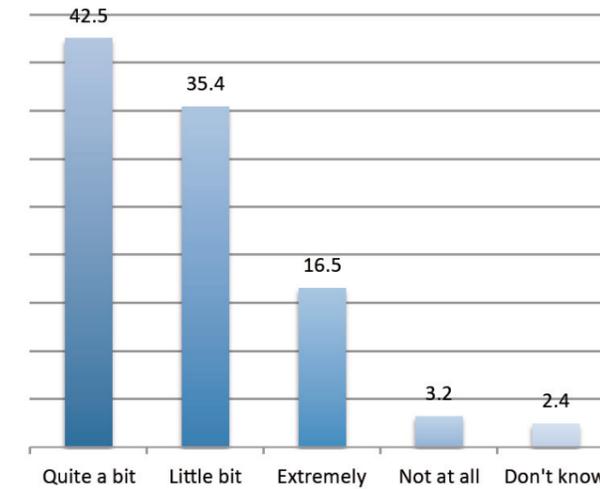
Figure 5. How satisfied are you with the services provided to you at the ECCC? (% of respondents)



Respondents were asked to specify their answers in regard to their satisfaction with the services provided at the ECCC. The narratives suggest that the provision of information about the Court and the current proceedings contributed to the experience of satisfaction. Even more important, however, was the experience of being acknowledged and taken care of, including provision of drinks, food and accommodation, emotional support and medical care (traditional balsam or pain killers, if necessary). This contributed essentially to the high satisfaction of victims. Respondents emphasized that they enjoyed the respectful and attentive way people communicated with them allowing them to feel safe and acknowledged. Those who were not satisfied with the services at the ECCC, mentioned that the ECCC would proceed too slowly and not enough information was given, e.g. on the punishment of the Accused.

Respondents were further asked about their understanding of the criminal proceedings. 16.5% of them stated that their understanding of the hearings was extremely good. 42.5% reported they understood the hearings quite a bit. 35.4% stated that they had limited understanding. Meanwhile, 3.2% had no understanding at all about the proceedings during their visit at the ECCC.

Figure 6. To what extent did you understand what was happening during the hearing? (% of respondents)



When being asked to explain their responses, interviewees gave quite a mixed picture of what they understood from the proceedings. Quite a few showed a solid understanding about the general functioning of the ECCC (mixed court, parties to the proceedings), but could not remember specific details. What stood out was the improved understanding about the hardship during the Khmer Rouge regime as well as the perception that the Accused do not feel responsible for the alleged crimes.

Being asked about the impact of participating in the ECCC, almost all respondents (95.4%) in this survey reported experiencing a positive impact as result of their civil party participation. Only a few reported having a negative impact (2.3%).

Table 11. Did your participation as a civil party have a negative or positive impact on you and your family?

Impact of participating at the ECCC	Percentage of respondents (%)
Positive Impact	95.4
Negative Impact	2.3
Don't know	2.3

When specifying the positive impact of participation, interviewees emphasized the importance of justice (“The ECCC brings justice for the victims”; “There are lawyers who seek justice for me”). Quite a few also explained that being a civil party would help them to release pain and reduce anger. Some stated that participating enabled them to better understand “what is wrong and right” as well as the reason their relatives were murdered.

71.4% of respondents further expressed that they are strongly satisfied and 25.9% stated that they are satisfied with their level of participation as civil parties at the ECCC. The ECCC’s efforts in seeking for justice was revealed to be most important reason for civil parties’ satisfaction. Civil parties further highlighted the support by NGOs and the opportunity to release feelings of pain, anger and revenge. Two interviewees stated that meeting other victims contributed to their high satisfaction with their participation.

The survey further asked more specific questions in regard to the impact of participation. The majority of respondents agreed with the statement that participating in activities as civil parties gives them a sense of justice (99.1%). Most interviewees further agreed to the statements that since being civil parties they have more hope for the future (98.6%) and can better deal with their pain and suffering (97.3%). Respondents further believed that they received emotional support from other civil parties (98.7%). They said that meeting other survivors of the Khmer Rouge regime helped them to feel better about their painful past (95.9%).

Table 12. Respondents’ perception about being a civil party at the ECCC

	Percentage of respondents (%)	
	Agree	Disagree
Participating as a civil party in activities gave me a sense of justice.	97.3	2.7
Since I am a civil party, I have more hope for the future.	98.6	1.4
Since I am a civil party, I can better deal with my pain and suffering.	98.7	1.3
I received emotional support from other civil parties.	99.1	0.9
Meeting other Khmer Rouge survivors helped me feel better about my painful past.	95.9	4.1

#### 4.4 KNOWLEDGE AND UNDERSTANDING ABOUT GENDER-BASED VIOLENCE DURING THE KHMER ROUGE

More than half of the respondents (60.9%) reported that since becoming a civil party they gained knowledge about gender-based violence during the Khmer Rouge regime. As demonstrated in the table below, direct project beneficiaries reported having gained more knowledge about gender-based violence during the regime than non-beneficiaries.

Table 13. Did you learn anything about GBV during Khmer Rouge since you became a civil party?

Gained knowledge about gender-based violence	Percentage of respondents (%)	
	Yes	No
TPO’s client	80.9	14.9
CDP’s client	83.0	10.6
Others	44.6	43.8

Upon being asked what they learned about gender-based during the Khmer Rouge, the majority of respondents focused on forced marriage and rape and/or killing after rape. Three interviewees talked about sexual torture. The majority of interviewees (82.8%) were also able to share this knowledge with others, in most cases to core family members and relatives with 4 respondents mentioning children. Quite a few civil parties also shared their newly gained knowledge with neighbors, whilst a few shared it with teachers, monks and friends.

#### 4.5 ATTITUDES TOWARDS THE ECCC

The vast majority of respondents believed that the ECCC would bring justice for the victims of Khmer Rouge regime (99.5%) and contribute to the reconciliation in Cambodia (97.2%). With regard to addressing gender-based violence, respondents of this survey reported that the Court is doing enough for victims of gender-based violence (94.0%). Many believed that it is equally important in prosecuting past crimes and present crimes (88.0%). In regard to their attitudes towards the Court, there was no difference between participants of the Project and those who did not participate in the Project's activities.

Table 14. Respondents' attitudes towards the ECCC

	Percentage of respondents (%)	
	Agree	Disagree
ECCC brings justice to victims and/or their family.	99.5	1.5
ECCC is doing enough for gender-based violence victims of the Khmer Rouge regime.	94.0	6.0
It is equally important to prosecute past crimes and present crimes.	88.0	12.0
ECCC contributes to reconciliation in Cambodia.	97.2	2.8

#### 4.6 EXPERIENCES OF GENDER-BASED VIOLENCE UNDER THE KHMER ROUGE

##### 4.6.1 Forced marriage

Of all the 222 respondents, 119 (54.1%) reported that they were asked by the Khmer Rouge to marry. Among the 119 respondents, 114 (96.6%) stated that they did not want to marry the person they were asked to marry. Among the 114, 67 respondents (59.3%, one response missing) refused the marriage.

Among the 119 respondents, who were asked to marry, 82 (69.5%, one response missing) finally married under the regime while 36 (30.5%) did not.

Table 15. Respondents' forced marriage experience

Were you ever asked to marry someone by the Khmer Rouge?		
	Number of respondents	Percentage of respondents (%)
Yes	119	54.1
No	101	45.9

Did you want to marry this person?		
	Number of respondents	Percentage of those who were asked to marry (%)
Yes	4	3.4
No	114	96.6

Did you express your refusal?		
	Number of respondents	Percentage of those who were asked to marry (%)
Refused to marry	67	59.3
Did not refuse to marry	46	40.7

Among the 67 respondents, who expressed their refusal, 69.4% (with 5 responses missing) reported being verbally threatened as a consequence, as described by one victim:

*« I escaped from forced marriage as a cadre helped me by informing me so I managed to escape. When I came back, they threatened to kill me. »* – Female civil party

Some reported punishment (12.9%) as exemplified by the quote below:

*« I was forced to marry a disabled man, but I refused. I escaped and a cadre caught me and beat me heavily. »* – Female civil party

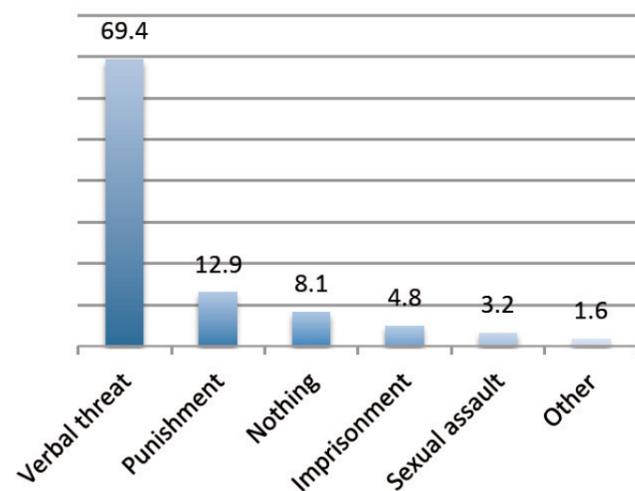
Others stated that they were imprisoned (4.8%) and/or became victims of rape and sexual assault (3.2%) as a consequence of their refusal:

*« Because I don't want to marry the cadre, they brought me to prison. »* – Female civil party

*« When I refused to marry, they raped me and used their fingers to touch my breast while I was chained up in prison. »* – Female civil party

8.1% of respondents reported that nothing happened to them as a consequence of expressing their refusal.

Figure 7. What were the consequences for expressing your refusal? (% of respondents)

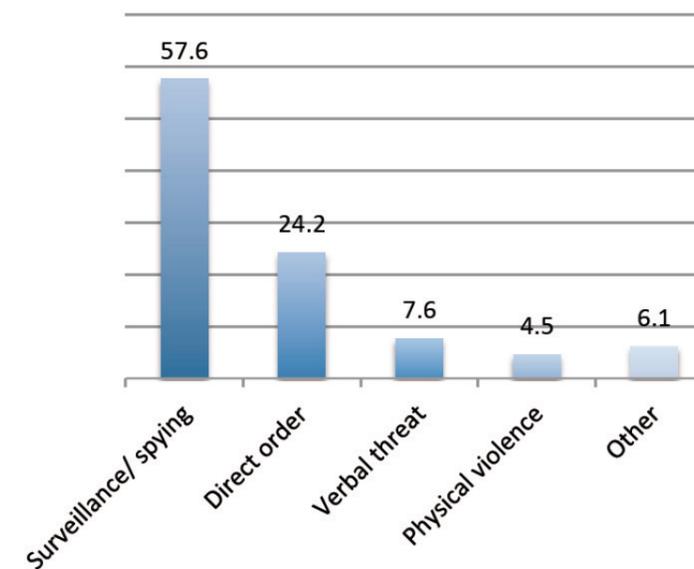


Among those 82 respondents, who finally got married, the majority reported that they felt forced to have sex after the wedding procedure (66 respondents or 80.5%).

Of all 66 respondents who felt forced to have sex, 44 (66.7%) reported that they were forced by Khmer Rouge cadres, 12 (18.2%) by both, their spouses and Khmer Rouge cadres, and 6 (9.1%) by their spouses only.

When asked how they felt forced to perform sexual acts after the wedding procedure, more than half of the respondents (57.6%) stated that they felt forced through surveillance by Khmer Rouge cadres. One fourth reported that they were directly ordered to perform sexual intercourse with their new spouse (24.2%). Others were verbally threatened (7.6%), while some reported they were forced to have sex by the use of physical violence (4.5%).

Figure 8. How did you feel forced to have sex? (% of respondents)



82 civil parties in the survey, who were married under the regime, were also asked if they were directly ordered by the Khmer Rouge to have sex at the first night of the marriage. 43 (53.1%) responded with “yes”. When being asked what exactly the Khmer Rouge ordered them to do, 10 respondents stated that they were simply ordered to have sex as one respondent remembers the words of a cadre:

*« You must have sex. Put the penis in, just like a pig... »* - Female civil party

12 interviewees stated that they were threatened to be killed if they did not have sexual intercourse:

*[The Khmer Rouge told us:] « If you don't have sex, we will take you to be killed. »* – Female civil party

*[The Khmer Rouge told us:] « If you don't follow our order, we will bring you for re-education. »* – Female civil party

7 respondents faced general threats such as:

*[The Khmer Rouge told us:] « Angkar organized this for you, Mith. If you don't make love, Angkar will have a plan for you. »* – Female civil party

*[The Khmer Rouge told us:] « If you don't have sex, you will not be safe. »* – Female civil party

One female respondent stated that her husband was told by Khmer Rouge cadres how many times to have sex with her at night “[...] and the husband was stupid because he just followed what the Khmer Rouge told him.”

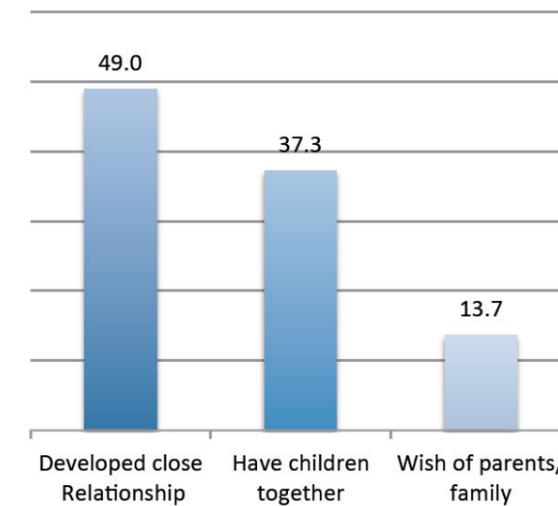
Among those 82 respondents, who finally got married, 61.0% confirmed that there was a reading out of the Khmer Rouge forced marriage policy, while 35.4% denied that the policy was read out. 3.7% did not know if there was a reading out.

The majority of those married (91.4%) further stated that they continued to see their spouse after the wedding. More than one third (38.7%) reported that they saw each other monthly; one third (33.3%) reported that they met less than once per month while one fourth saw each other daily (28.0%). 8.6% of respondents never saw each other again after the wedding procedure.

51.9 % of those married under the regime (one response missing) reported having children as a result of the marriage.

More than half (61.7%, one response missing) of those, who married, continued to stay together after the fall of the regime, while 38.3% separated. Nearly half of those, who stayed together, revealed that the reason for staying is because they developed close relationships with each other (49.0%). Others mentioned that they remained in the marriage because they have children together (37.3%); some respondents remained following the wish of their parents or extended family members (13.7%).

Figure 9. Respondents' motivation to stay together (% of respondents)



Those who remained in the marriage were asked to describe the relationship with their spouse. Among the 46 responses, 27 described the marriage as “happy” or “normal” as exemplified in the quote below:

*« My husband is gentle and not mean to me. He never hurts me, we rarely have conflicts. »*- Female civil party

15 respondents stated that they feel unhappy and disappointed with their relationship:

*« Not good at all, he is yelling at me, but we just try to live together because we have children and I don't want others to look down on me. »* – Female civil party

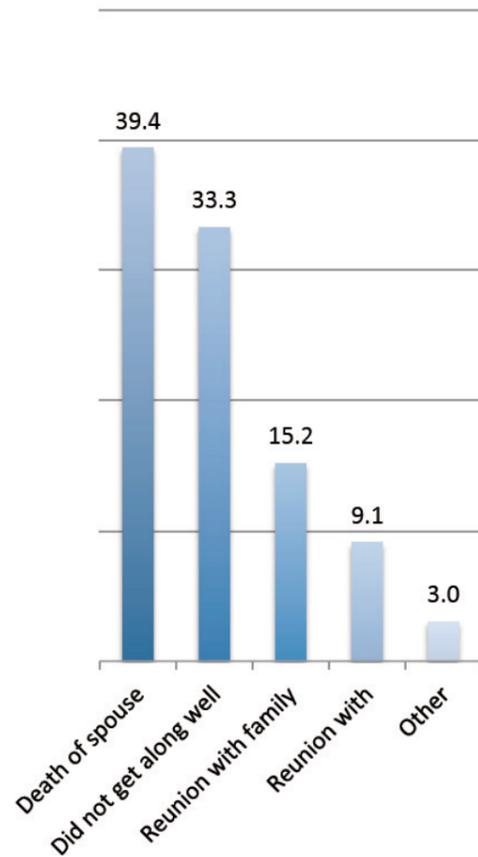
*« There are some conflicts, but I just endure because I feel pity for him, I dare not to divorce. I feel also pity for the children. »* – Female civil party

4 interviewees confirmed that they experience violence in their marriages as exemplified by the following quote:

*« Because I don't love my partner, I used to ask for divorce, but he did not agree. He also used violence against me. »* – Female civil party

Survey participants, who separated from their spouse after the fall of the regime, gave several reasons for separating. Most of them reported the death of their spouse (35.5%) while others stated that they did not get along well with each other (32.3%).

Figure 10. Respondents' reasons to separate from spouse (% of respondents)



#### 4.6.2 Rape

Among the total sample of 222 respondents, 67 (30.6%) reported having witnessed rape during the Khmer Rouge regime. 10 respondents reported having experienced rape outside of forced marriage.

Table 16. Respondents' experience of rape

	Number of respondents	Percentage of respondents (%)
Direct victim	10	4.1
Witness	67	30.6

All 10 direct victims reported that perpetrators were Khmer Rouge cadres. 85.1% of witnesses of rape reported that perpetrators were Khmer Rouge cadres; 6.0% stated that rape was committed by civilians. 9.0% mentioned medical staff and Khmer Rouge spies were rapists.

Table 17. Who was the perpetrator of rape?

Who was the perpetrator of rape?		
	Number of respondents	Percentage of respondents (%)
Khmer Rouge cadre	57	85.1
Civilian	6	6.0
Other	9	9.0

Perpetrators of rape were all male, based on the interviews in this survey. All 10 direct victims of rape in this survey were female. The vast majority of witnesses of rape (97.0%) reported victims were female while a few (3.0%) also knew about male victims.

Rape during the Khmer Rouge regime was mostly committed by one perpetrator according to 6 among 10 direct victims and 52.2% of the witnesses. However, 44.8% of witnesses of rape reported that there was more than one perpetrator involved in the rapes. With regard to the number of victims of rape, the majority of witnesses (86.2%, 2 responses missing) reported that there was only one victim when the rape was committed while 13.8% stated that there was more than one victim.

According to the witnesses of rape in this survey, most victims were aged between 18 to 30 years old (59.7%) while 28.4% were aged less than 18 years old. 7 among the 10 direct victims of rape stated that perpetrators were aged between 18 to 30 years old. 53.7% of witnesses also confirmed that the majority of perpetrators belonged to the age group 18 to 30 years; 38.8% stated that perpetrators were older than 30 years.

Respondents were asked to provide more details on what they witnessed or experienced in regard to rape. Out of 25 responses, 18 witnesses of rape explained that victims were raped before they were killed as demonstrated by the quotes below:

*« A spy brought two young women to prison. Later, they were taken to be killed. Before killing, they raped the two girls. It happened in the afternoon, and it was close to the village. »* – Male civil party

*« Khmer Rouge cadres raped the prisoners. They took them outside the prison to cut bamboo. There was a woman, who was pregnant in the fifth month. A cadre raped and killed her. »* – Female civil party

6 witnesses of rape emphasized that women, who stood out for their beauty, often became targets of sexual abuse and rape. 4 respondents further described that rape was committed when women were in particularly vulnerable situations:

*« There was a young pretty girl, who was psychotic. A Khmer Rouge cadre brought her to hospital. There, she was raped by the cadre and the manager of the hospital. I witnessed this. »* – Female civil party

*« When someone was ill and went to get go medicine, the pretty ones were raped by the medical staff. »* – Female civil party

Moreover, 4 witnesses of rape described in their narratives that especially new people became victims of rape as exemplified below:

*« The spy raped a woman who belonged to the new people while she was back from her work. She was raped in the forest, far from others, and killed ».*  
– Female civil party

Both direct victims and witnesses of rape in this survey were asked if the perpetrator(s) gave any reasons for the abuse. 6 out of 10 direct victims (1 response missing)

reported that there was no reason given by the perpetrator(s). Two victims stated that rape was committed as a form of punishment:

*« When I was sick and asked for a rest, they said that I am lazy and I don't respect the rule, so punished me and raped me. »* – Female civil party

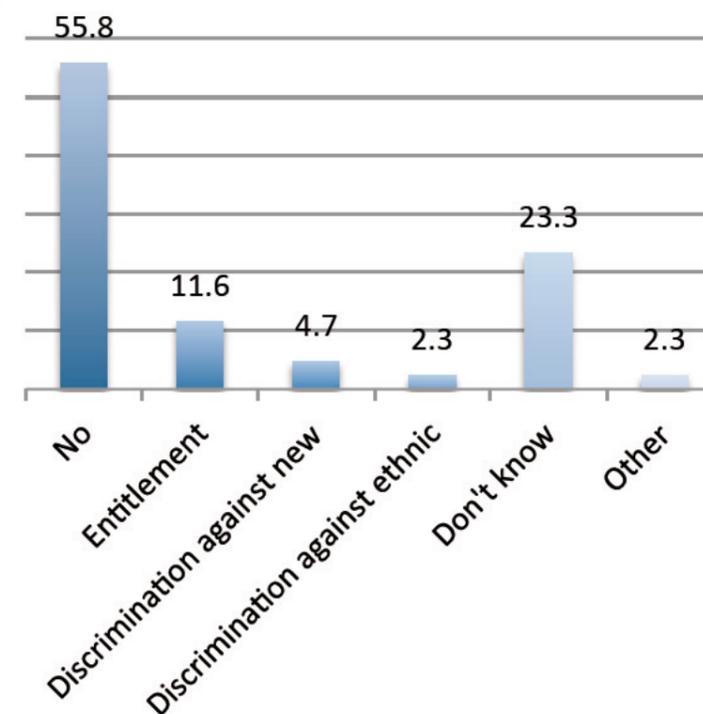
*« Because I refused to marry, they put me in prison. The man [I refused] raped me every night. »* – Female civil party

Another direct victim of rape indicated that Khmer Rouge cadres called her with the purpose of sexually abusing her:

*« I was called by Khmer Rouge cadres so they could rape me. They told me not to say anything. It happened at the house of a cadre. »* – Female civil party

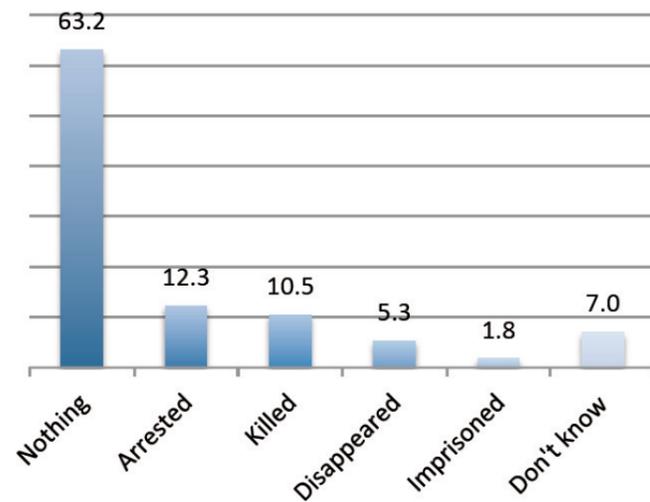
56.8% of the witnesses of rape reported that most perpetrators did not give any reason for the rape. Meanwhile, some (11.6%) said that entitlement was the reason for the rape.

Figure 11. Did the perpetrator give a reason for the abuse? (% of witnesses of rape)



More than half of the respondents, both direct victims (8 respondents or 60.0%) and witnesses (63.2%), reported that nothing happened to the perpetrator(s) of rape. 2 among 10 direct victims reported that perpetrators disappeared. One direct victim stated that the perpetrator was killed. According to a small number of witnesses of rape, perpetrators were arrested, imprisoned and killed.

Figure 12. Do you know if anything happened to the perpetrator? (% of witnesses of rape)



However, when being asked if the arrest, imprisonment or killing were actually a punishment for the rape, 6 out of 10 direct victims (one response missing) denied that these acts were related to the rape. 50.0% of witnesses, however, reported that these measures actually were a form of punishment for the rape.

Table 18. Was that a punishment for the rape?

Number and Percentage of respondents (%)						
	Yes		No		Don't Know	
Direct victim	3	33.3	6	66.7	0	0.0
Witness	32	50.0	26	40.6	6	9.4

#### 4.6.3 Survival sex

Out of 222 interviewees, 51 respondents (23.5%) reported having witnessed survival sex (traded sex or sexual acts for food or privileges in order to survive) during the Khmer Rouge regime. Two respondents reported having experienced survival sex themselves.

Table 19. Respondents' experience of survival sex

	Number of respondents	Percentage of respondents (%)
Direct victim	2	1.1
Witness	51	23.5

The two direct victims of survival sex reported that perpetrators were Khmer Rouge cadres. Also, the overwhelming majority of witnesses of survival sex (92.2%) stated that perpetrators were cadres. All witnesses confirmed that perpetrators were male, while all victims were female. The two direct victims of survival sex in this survey were female.

Most acts of survival sex involved one perpetrator as reported by 35 witnesses (70.0%) as well as both direct victims. However, 13 witnesses (26.0%) reported that there was more than one perpetrator involved in acts of survival sex.

According to the majority of witnesses of survival sex (36 or 70.6%), victims were aged between 18 and 30 years old. 9 witnesses (17.6%) stated that victims were over 30 years old. Half of the witnesses (27 or 52.9%) stated that perpetrators were over 30 years, and 45.1% reported that perpetrators belonged to the age group 18-30.

Among those 42 respondents who detailed their knowledge in and experience of survival sex, 30 explained that sex was exchanged for rice, sugar, clothes and medicine as exemplified in the following quotes of witnesses and one direct victim:

« My sister in law agreed to have sex with a spy in exchange for rice for me to eat. » – Female civil party

« A woman agreed to have sex with the leader of the cooperative in exchange for food for her mother. » – Female civil party

« Her husband was sick, so she had sex with the doctor to get medicine for her husband. » - Female civil party

« I had sex with a civilian in exchange for gold in order to exchange for rice to eat. » - Female civil party

Two witnesses described that sex was also exchanged for better working conditions:

« There was a woman, whose husband was killed; she was pretty and had no children. She agreed to have sex with a cadre in order to exchange for clothes and food and to go to work late. » - Female civil party

As described above in the section about rape, new people were particularly at risk to become victims of survival sex in order to protect themselves from harm and/or to purchase food, as confirmed by 8 witnesses. Two examples are listed below:

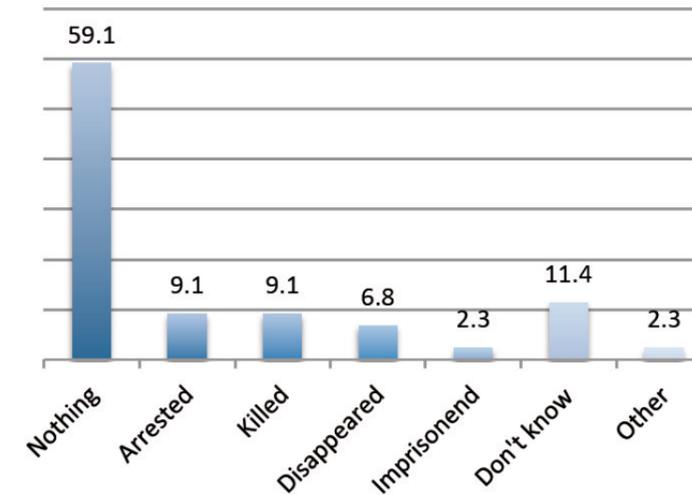
« Those people, who were evacuated to Pursat, did not have enough to eat, so they decided to have sex in exchange for food. » - Female civil party

« A woman who was among the new people agreed to have sex with a cadre, so the cadre took care of her. But later, she was killed » - Male civil party

Both, direct victims and witnesses of survival sex in the survey, were asked if perpetrators gave a reason for getting involved in acts of survival sex. According to 14 witnesses (45.2%), there was no reason given. Entitlement was mentioned as one of the main motivations by 10 witnesses (32.3%, with 20 missing responses). Both direct victims stated that there was no reason given by the perpetrators.

Both direct victims and more than half of the witnesses (26 or 59.1%) reported that nothing happened to the perpetrator(s) as a consequence of being involved in acts of survival sex. According to witnesses, a small number of perpetrators disappeared, were arrested, imprisoned or killed (with 7 responses missing).

Figure 13. Do you know if anything happened to the perpetrator? (% witnesses of survival sex)



According to 1 out of 2 respondents with direct experience of survival sex, killing, arresting or imprisoning was not a punishment for being involved in survival sex. Meanwhile, 62.2% of witnesses confirmed that these acts were meant to be a punishment (with 6 responses missing).

Table 20. Was that a punishment for survival sex? (%)

	Yes		No		Don't Know	
Direct victim	0	0.0	1	50.0	1	50.0
Witness	28	62.2	15	33.3	2	4.4

#### 4.6.4 Forced sexual services

Among the total of 222 interviewees, 32 (14.6%) reported that they witnessed forced sexual services (forced to provide sexual acts for the Khmer Rouge on a regular basis) during the Khmer Rouge regime. There is no direct victim of this kind of sexual violence in the sample of this survey.

Table 21. Respondents' experience of forced sexual services

	Number of respondents	Percentage of respondents (%)
Direct victim	0	0.0
Witness	32	14.6

Witnesses of forced sexual services reported that all perpetrators were Khmer Rouge cadres. All perpetrators were male. The majority of victims of forced sexual services were female according to 30 witnesses (93.5%), while 2 witnesses knew about male victims.

Half of the witnesses (17 or 53.1%, one response missing) reported that there was more than one perpetrator. 13 (40.6%) stated that there was one perpetrator involved in forced sexual services. Victims were either alone, or, more than one as reported by respondents (48.4% and 51.6% respectively).

More than half of the witnesses of forced sexual services (20 respondents or 64.50%) reported that perpetrators were aged between 18 and 30. 10 witnesses (32.3%) considered perpetrators older than 30. Victims were aged between 18 and 30 as reported by more than two thirds of the respondents (23 or 71.9%).

According to 5 witnesses, Khmer Rouge cadres held especially good-looking women as sex slaves as illustrated by the quotes below:

*« Pretty girls were kept for Khmer Rouge cadres in a place far away. They did not allow anyone to see it. »* – Female civil party

*« Cadres brought pretty women for military leaders to serve them. »* – Female civil party

A number of witnesses described that team leaders, military leaders or village chiefs abused their positions by organizing women for their subordinates and forcing them into prostitution:

*« Leaders in the region forced women to have sex with their team members. »* – Female civil party

2 witnesses stated that forced sexual acts sometimes resulted in pregnancies – and, as a consequence, in death of the women, either by killing or due to medical circumstances as exemplified in the following quote:

*« There were two women who were brought to serve Khmer Rouge cadres until they were pregnant. Then, they were brought to hospital where they died. »* – Female civil party

Others were threatened to be killed if they did not provide what they were asked to as mentioned by one witness:

*« They kept her in a room and undressed her. They used violence against her and threatened that if she did not agree, they would kill her. »* – Female civil party

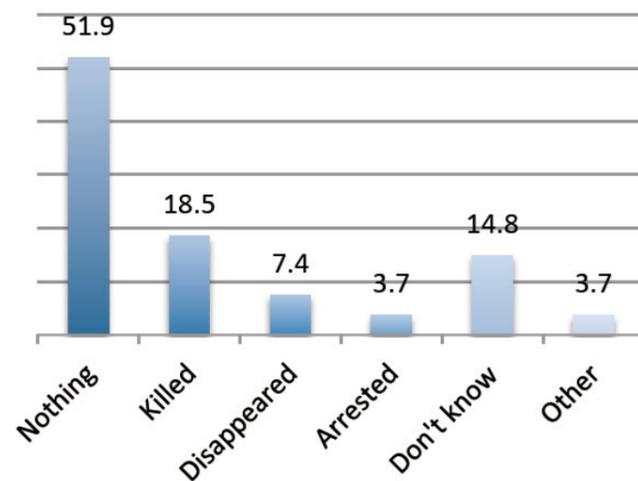
Another witness explained that new people were forced to provide massages and engage in sexual acts with cadres:

*« New people were brought to serve Khmer Rouge cadres by giving them massages; they had regular sex with the cadres whenever they asked for it. »* – Female civil party

With 5 responses missing, 15 respondents (57.7%) confirmed that there was no reason given by the perpetrators for the abuse. One fourth mentioned entitlement as the reason for forcing others to provide sexual services (7 or 26.9%).

More than half of the witnesses reported that nothing happened to the perpetrator of forced sexual services (14 or 51.9%). Some reported that perpetrators were killed (5 or 18.5%), disappeared (2 or 7.4%) or arrested (1 or 3.7%).

Figure 14. Do you know if anything happened to the perpetrator? (% of witnesses of forced sexual services)



Almost half of the witnesses (14 respondents or 50.0%) reported that these acts were committed to punish the perpetrators of forced sexual services. However, quite a few respondents (8 or 28.6%) stated that the listed measures were not in relation to acts of forced sexual services, and 5 respondents (17.9%) did not know if there was a connection.

Table 22. Was that a punishment for forced sexual services? (%)

	Yes		No		Don't Know	
Witness	14	50.0	8	28.6	5	17.9

#### 4.6.5 Sexual mutilation

Within the sample of 222 civil parties, 44 respondents (20.4%) reported having witnessed sexual mutilation during the Khmer Rouge regime. Two respondents revealed that they became victims of sexual mutilation.

Table 23. Respondents' experience of sexual mutilation

	Number of respondents	Percentage of respondents (%)
Direct victim	2	1.0
Witness	44	20.4

The two direct victims of sexual mutilation reported that perpetrators were Khmer Rouge cadres. The vast majority of witnesses (43 or 95.7%) stated that perpetrators were Khmer Rouge cadres and only one was a civilian (2.3%, one response missing).

Almost all perpetrators were male according to 43 (or 97.7%) witnesses of sexual mutilation. One witness reported knowing about a female perpetrator. The two direct victims of sexual mutilation described the perpetrators as male. The majority of respondents (35 or 79.5%) further confirmed that victims were female. However, compared to other forms of sexual abuse, a rather high number of victims (9 or 20.5%) of sexual mutilation were male according to the respondents of this survey.

2 direct victims of sexual mutilation in the sample reported that there was more than one perpetrator. Also, 32 witnesses of sexual mutilation (72.7%, one response missing) stated that there was more than one perpetrator involved in the acts of sexual mutilation. The majority of witnesses (31 or 72.1%) stated that there was one victim when sexual mutilation was committed.

More than half of the witnesses (56.8%) described perpetrators of sexual mutilation as belonging to the age group 18 to 30 years. 20.5% were over 30 and 15.9% under 18 years old. One of the two direct victims confirmed that perpetrators were less than 18 years old. With regard to the age of the victims, 33 witnesses (70.2%) confirmed that victims were between 18 and 30. 30 witnesses (17.0%) stated that victims were under 18 years old.

The following forms of sexual mutilation were described by witnesses in this survey: cutting or squeezing the female breast, mutilating the vagina by inserting hot iron or other objects and cutting the penis. Examples of what happened are described by witnesses below:

« While I was in prison for the third time, I saw how they cut the penis of a man who was next to me while he was chained up. » – Female civil party

« girl, a 17th April person, was tortured by cutting her breast and raping her with an iron bar. » – Female civil party

« They accused her of betraying Angkar; they raped her and cut her breast, grilled the breast and eat it. » – Female civil party

« Girls, who did not agree to have sex with cadres, had their vagina burned with a hot iron. » – Female civil party

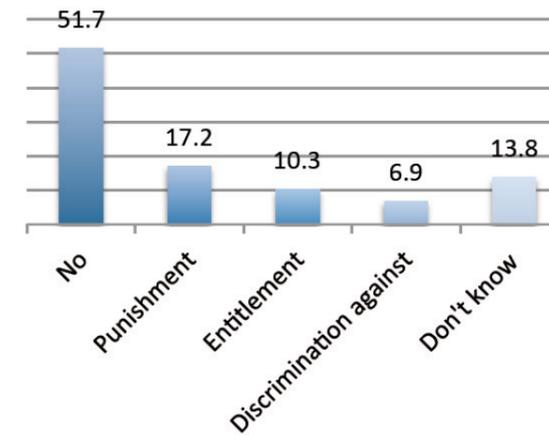
Five witnesses of sexual mutilation described that acts of mutilation were committed as a punishment for not complying with “Code 6”; the Khmer Rouge’s policy that aimed to prohibit so called “Immoral Offenses”. These were sexual acts conducted outside of the state-sanctioned marriages (see also Chapter 4.7.6) as outlined by the following quotes:

« They secretly loved each other; then Angkar knew about it and they caught them, cut the breast of girl and the penis of the man. » – Female civil party

« I used to see persons in my mobile team who loved each other and they were called and accused as having acted against the moral code. They cut his penis and the girl just disappeared. » – Female civil party

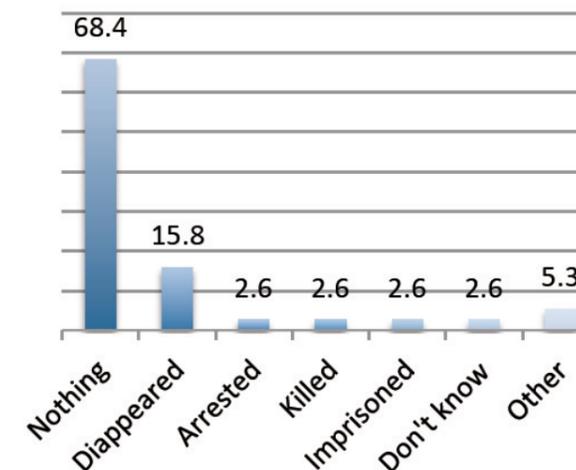
Both direct victims and witnesses of sexual mutilation were asked if perpetrators gave a reason for the abuse. One of the two direct victims stated that sexual mutilation was committed as a form of punishment because she refused to agree to the marriage she was assigned to. Consistently, 5 witnesses (17.2%) reported that sexual mutilation was committed to punish victims. However, most witnesses (51.7%) said that no reason was given (6 responses missing).

Figure 15. Did the perpetrator give a reason for the abuse? (% of witnesses of sexual mutilation)



More than half of the witnesses of sexual mutilation (26 or 68.4%) reported that nothing happened to the perpetrator. A few reported that perpetrators disappeared (15.8%), were arrested (2.6%), killed (2.6%), and imprisoned (2.6%). One direct victim stated that the perpetrator disappeared while the other victim did not know what happened to the perpetrator.

Figure 16. Do you know if anything happened to the perpetrator? (% of witnesses of sexual mutilation)



Half of the witnesses of sexual mutilation (17 or 45.9%) stated that the arrest, imprisonment and killing were forms of punishment against the perpetrators while the other half denied that these acts were committed to punish the perpetrators.

#### 4.6.6 Sexual abuse or humiliation

Among the total number of 222 interviewees, 53 (24.1%) reported having witnessed sexual abuse or humiliation during the Khmer Rouge regime. 17 (8.3%) of respondents reported having experienced sexual abuse and humiliation directly.

Table 24. Respondents' experience of sexual abuse and humiliation

	Number of respondents	Percentage of respondents (%)
Direct victim	17	8.3
Witness	53	24.1

Acts of sexual abuse or humiliation described by witnesses and victims in this survey are: teasing or verbal harassment, unwelcome sexual advances, kissing and hugging, touching of bodies and genitals, forced nudity (in public) and forcing someone to witness rape.

Examples of narratives from witnesses and victims of sexual abuse and humiliation are as follows:

*« While we were planting rice, cadres looked at our ass and said something and laughed. »* – Female civil party

*« When women were working in the rice fields, Khmer Rouge cadres used their guns to touch the vagina of those women. »* – Female civil party

*« During evacuation from Phnom Penh, cadres forced women to undress, and then, they touched their vagina. »* – Male civil party

*« There was a woman who had her monthly period and did not dare to go inside the water. A Khmer Rouge cadre undressed her to see if she really menstruated. »* – Female civil party

*« There were two women, who were siblings. They raped the older sister and forced the younger sister to watch. They raped the older sister to death and the younger sister fainted when she saw what happened. »* – Female civil party

All 17 direct victims of sexual abuse or humiliation in this survey reported that perpetrators were Khmer Rouge cadres. Based on the statements of witnesses, 96.2% of perpetrators were Khmer Rouge cadres while only a few were civilians (3.8%).

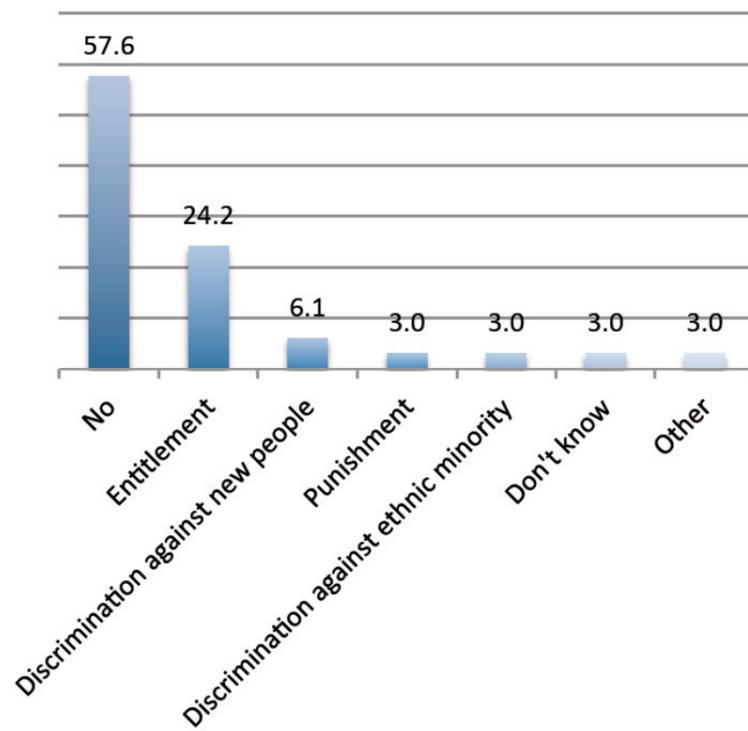
Almost all perpetrators were male (88.7%), according to the witnesses. 5 (9.4%) witnesses reported knowing about female perpetrators. 10 direct victims stated that perpetrators were male, with only 2 victims reporting that perpetrators were female (with 5 responses missing). Witnesses further confirmed that the majority of the victims were female (94.3%) with 5.7% of victims being male.

With one response missing, 26 witnesses of sexual abuse or humiliation (50.0%) reported that there was only one perpetrator. 8 out of 17 direct victims stated that there was one perpetrator; 4 victims' responses described more than one perpetrator (with 5 responses missing). Moreover, more than half of the witnesses (31 or 59.6%) reported that in case of sexual abuse or humiliation there was one victim. 21 witnesses (40.4%) reported that there was more than one victim when the abuse was committed.

62.3% of witnesses of this survey reported that victims of sexual abuse or humiliation were aged between 18 and 30. 11 respondents (20.8%) stated that victims were under 18 years. Perpetrators were aged between 18 and 30 as reported by more than half of the witnesses (30 or 56.6%). Similarly, based on the interviews with direct victims, 7 out of 17 (or 58.3%) reported perpetrators were aged between 18 and 30.

When asked if perpetrators of sexual abuse and humiliation gave a reason for the violence, more than half of the witnesses (57.6%, 19 responses missing) reported that there was no reason given. Some witnesses said that the reason for the abuse was entitlement (24.2%); a few mentioned discrimination against new people and ethnic minorities as well as punishment as reasons. 4 direct victims of sexual abuse and discrimination (33.3%, 5 responses missing) denied that a reason was given. Moreover, the same number stated that the reason was entitlement.

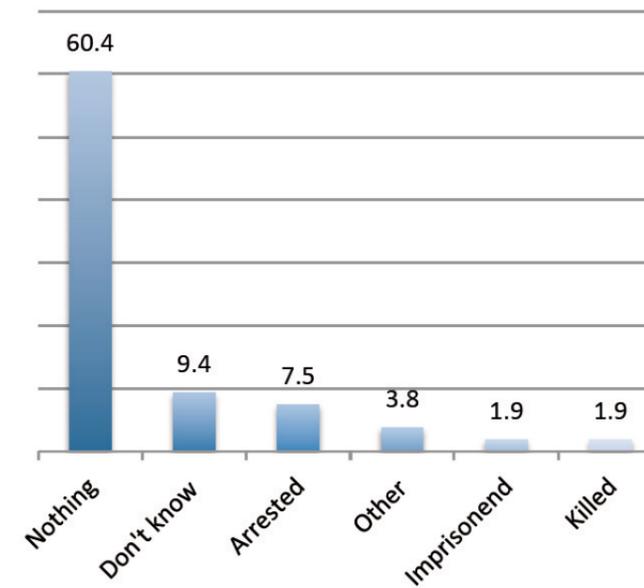
Figure 17. Did the perpetrator give a reason for the abuse?  
(% of witnesses of sexual abuse)



More than half of the witnesses of sexual mutilation (32 respondents or 60.4%, 8 responses missing) reported that nothing happened to the perpetrator. A few reported that perpetrators were arrested (7.5%), killed (1.9%) and imprisoned (1.9%).

8 out of a total of 17 direct victims (66.7%, 5 missing responses) stated nothing happened to the perpetrators as a consequence of the abuse. 3 victims (25.0%) mentioned that perpetrators disappeared.

Figure 18. Do you know if anything happened to the perpetrator?  
(% of witnesses of sexual abuse)



More than half of the witnesses of sexual abuse and humiliation (24 or 52.2%, 7 responses missing) as well as 7 out of 17 direct victims stated that the arrest, imprisonment and killing were not related to the sexual abuse. 18 witnesses (39.1%) and 4 victims (33.3%) however stated that these acts were forms of punishment against the perpetrators.

#### 4.6.7 Other aspects of gender-based violence

##### “Code Number Six”

Respondents were asked if they have ever heard about the Khmer Rouge’s policy “Code Number Six” about “Immoral Offenses”. 187 civil parties (85.5%) stated that they knew about Code Number Six while 18 (or 8.3%) did not know. Moreover, the majority of respondents (145 or 79.7%) who reported knowing about the code reported that they know about people who were punished for committing immoral offenses.

Table 25. Respondents’ knowledge about Code Number Six

Did you ever you hear about Code Number Six/Immoral Offenses?	Number of respondents	Percentage (%)
Yes	187	85.5
No	18	8.3
Don’t know	13	6.0

Upon being asked about the meaning of Code Number Six, respondents’ interpretations of the code mostly related to the prohibition of love and/or sexual relationships between men and women - in the sense of “secretly loving each other”, without the knowledge and approval of Angkar:

« [...] secretly love each other without informing Angkar. » – Female civil party

« [...] not allowed to have a love relationship without marriage or approval by Angkar. » - Female civil party

Respondents’ understanding of what exactly was prohibited by the code ranged from “sitting or walking next to each other”, “chitchatting”, holding hands” to “betraying the spouse”, “having sex” and “raping”.

79 among those 159 interviewees who provided explanations about the meaning of the code, stated that those who were accused of having acted against the rule, were killed as exemplified in the quotes below:

« Khmer Rouge cadres killed both men and women who had a love relationship. They accused them of betraying Angkar. It happened in 1978 in Kampong Speu. » – Female civil party

« In the mobile team a woman and man loved each other and they brought both of them at night and killed them. » – Female civil party

« Two people loved each other. They brought them for questioning. They asked if both want to drink poison or be shot by a gun. They choose to take poison » – Female civil party

30 respondents described forced labor as a punishment for committing moral offenses. the overwork from such labor often resulted in death. Others were beaten or tortured by other means as stated by 13 interviewees. 3 respondents mentioned that they know about cases where the secret relationships resulted in pregnancies. In all cases either the woman or both members of the couple were killed.

Two respondents described incidents in which victims were humiliated or tortured in public in order to set a deterrent example for others:

Two loved each other. They hanged them to show people in public that they acted

« against the moral code and that they should follow the rule » – Female civil party

« Man and woman were chained up and asked to walk in public and asked to work hard until they died. » – Female civil party

Some responses suggest new and old people would be treated differently when accused of having acted against Code Number Six:

« When there was love between old and new people, they would take new people to be killed; if both were new people, they would kill both. » – Male civil party

## Abortion

Respondents were further asked if they witnessed or heard about women who tried to have or successfully had an abortion. 21 respondents (9.7%, 6 responses missing) reported that they witnessed women who tried to have or had an abortion while one respondent stated that she had an abortion.

As professional medical care was not available during the regime, abortions were made by doubtful means, sometimes resulting in illness or death of mothers as exemplified in the quote below:

*« They used the branch of a palm tree to cut the stomach until the woman died. »* – Female civil party

Women also adopted dangerous measures in order to initiate an abortion:

*« There was a woman who was raped by a cadre until she was pregnant. She tried to throw herself to the wall to abort the child. Later, she got medicine from an old man to abort her child. »* – Male civil party

*« Midwives helped to abort children; women also jumped down from trees like one of my neighbors. »* – Female civil party

4 witnesses stated that women tried to have or were forced to have an abortion as a result of rape as exemplified by the following quotes:

*« A widow was raped by a stranger, when she was two months pregnant, this man asked her to drink Khmer herbs to initiate an abortion. »* – Female civil party

*« A woman was pregnant in the 3rd month after having been raped. They gave her medicine made from ants, herbs and white alcohol to take the baby out. After that, the woman was so thin and chronically ill. »* – Female civil party

6 witnesses reported about pregnancies resulting from secret love relationships. Women were either asked to abort the child or felt forced to do so to avoid punishment:

*« A woman, who was among the new people, loved a Khmer Rouge cadre and became pregnant. She took a pill and died. »* – Female civil party

*« She was pregnant and asked the Kru Khmer to abort the child as she was afraid that the Khmer Rouge kill her when they know. »* – Female civil party

## 4.7 Moments of resistance

Among the total of 222 respondents, 131 or 59.8% (with 3 responses missing) reported that they witnessed people who tried to refuse to get married by the Khmer Rouge against their will. 67 respondents were themselves in the situation of being asked by the Khmer Rouge to marry and refused the marriage (see Chapter 4.3.1).

68 respondents (31.5%, 6 responses missing) stated that they saw women or men who resisted or escaped from sexual violence. Measures ranged from escaping to ending the life of the perpetrator to ending one's own life:

*« There was a woman, [she belonged to the group of] old people; she tried to escape from being raped by moving from one place to another. »* – Male civil party

*« A girl refused to have sex with her husband after marriage; she stabbed him with scissors. »* – Female civil party

*« A girl was forced to have sex with a cadre; she then ran out [of the house] and got a gun from a cadre and shot herself. »* – Male civil party

About one fourth of respondents (51 or 24.1%, 10 responses missing) reported that they know about incidents where women and men helped each other in order to protect others from sexual violence. Four respondents described incidents where others hid persons who were targets of sexual abuse by the Khmer Rouge. Most interviewees, however, referred to the situation of forced marriage when couples pretended to have sexual relationships in order to avoid threat and punishment by Khmer Rouge cadres:

*« While the Khmer Rouge cadre stayed under the house and listened, the couple pretended to love each other by teasing each other. »* – Female civil party

[The Khmer Rouge told them] *« that they must have sex and let them see; if not they will be killed. Then, that man kissed the girl in front of the Khmer Rouge cadres, and this way they believed. »* – Male civil party

#### **4.8 Experiences of gender-based violence after the Khmer Rouge**

Respondents of this survey were asked if they have experienced gender-based violence after the Khmer Rouge regime. 38 respondents (21.5%, 45 responses missing) reported having experienced violence after the fall of the regime. Among them, the majority experienced domestic violence (26 or 65.0%). Some became victims of rape (7 or 17.50%). Others became victims of forced marriage (6 or 15.0%).

#### **4.9 Attitudes towards gender-based violence under and after the Khmer Rouge regime**

In the following section of the interview, civil parties were questioned about their attitudes towards gender-based violence under the Khmer Rouge and after the fall of the regime.

The majority of respondents reported that it was not acceptable that men used violence against women during the Khmer Rouge regime (89.5%, 3 missing responses). When interviewees were asked to detail their responses, 34 out of 103 emphasized that marriages and/or sexual interactions were not based on mutual agreement but were carried out under pressure or due to violence. 14 respondents stated that marriages under the Khmer Rouge were against the tradition. 41 civil parties characterized gender-based violence during the regime as a crime and stated that it was against the law. Others stated that the use of violence against women is cruel (10) and believed that women were looked down on in the regime (9).

Similarly, the majority of respondents reported that it is not acceptable that women used violence against men during the Khmer Rouge regime (89.5%, 2 missing responses). However, only 50 respondents were able to explain their response. Reflecting traditional gender roles in Cambodian society, in which women still remain as subordinate to men, 15 respondents stated that “women are weak” and generally “afraid of men”. 16 interviewees stated that women in general “do not show aggressive behavior”. Only 4 respondents confirmed that women abused their positions of power by sexually abusing men.

In regard to attitudes towards gender-based violence after the Khmer Rouge regime, the majority of respondents reported likewise that it is not acceptable that men use violence against women (96.3%, 3 missing responses) and vice versa (95.4%, 3 missing responses).

The large majority of respondents further confirmed that victims of gender-based violence should have access to services and (91.8%, 3 responses missing). Upon

being asked to detail their opinions, the majority of respondents (62 among a total of 115) stated that victims should be offered psychological help to reduce the pain and harm suffered. Respondents may have also had a special focus on mental health services while being interviewed at TPO's office. Many (34) also asked for legal support, information sharing and activities aimed at empowering victims in general. These data suggest that services provided to civil parties in the framework of the Project were received positively. 13 respondents requested medical care and 7 financial support for their daily living. 5 respondents reported that they wanted to receive justice.

96.3% of respondents (4 responses missing) further agreed with the statement that perpetrators of gender-based violence should be punished.

#### 4.10 Impact of gender-based violence on victims and access to support

Civil parties were questioned about the impact of gender-based violence they experienced or witnessed during the Khmer Rouge regime. One half of all the respondents (97 or 51.1%, with 32 responses missing) reported that the experience of violence still affects their psychological well-being. Upon being asked to explain their answer, 26 among 87 civil parties stated that they carry feelings of anger and revenge with them. 19 respondents stated that they feel full of pain and hurt. 11 mentioned holding onto feelings of regret. Several expressed symptoms of *baksbat*, the Cambodian idiom for distress, including “thinking too much”, suffering from frequent headaches and feeling tense in the chest.

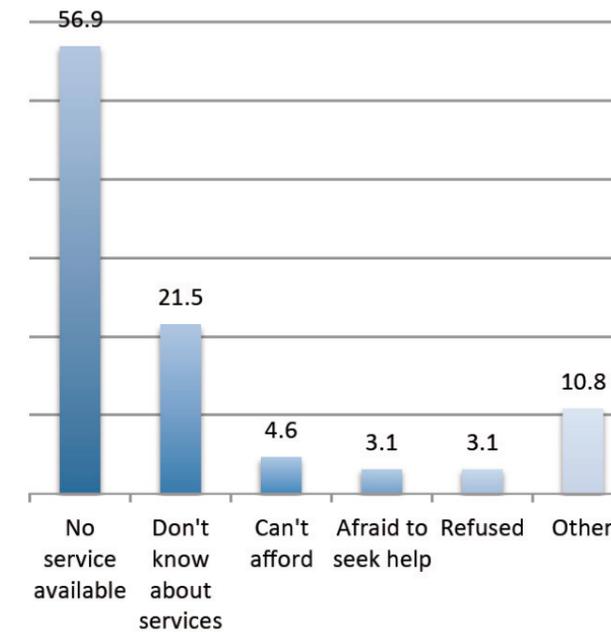
39 respondents (20.4%, 31 responses missing) reported that the experience of violence still has a negative impact on their physical well-being.

29 interviewees (15.2%, 31 responses missing) stated that the violence they experienced still affects their sexual functioning. 9 female respondents reported feeling on-going pain in the vagina and uterus. 5 respondents reported feeling uncomfortable when having sex. 3 women explained that they were not able to marry again after their experience of forced marriage.

Asked if they ever received any support or help (e.g. medical treatment or counseling) for the sexual violence experienced during the Khmer Rouge regime, the majority of the respondents stated that they had never received any support or help (155 or 83.7%). Only a few reported having received support (31 or 16.2%, 37 responses missing).

Upon being asked why they never received support, most interviewees stated that services have not been available (37 or 56.9%). Others mentioned that they did not know about available services (14 or 21.5%). Some stated that they cannot afford to pay for services (3 or 4.6%). Others were afraid of seeking help (2 or 3.1%).

Figure 19. Why didn't you receive any support? (% of respondents)



119 victims of forced marriage in this survey were asked if they agree or disagree with statements assessing the impact of sexualized and gender-based violence on their social life and psychological well-being. Table 26 lists the results:

Table 26. Impact of gender-based violence during the Khmer Rouge regime

	Percentage of respondents (%)	
	Agree/strongly agree	Disagree/strongly disagree
I am worrying about what others think about me.	86.9	13.2
The only people, who really understand me, are those who have suffered/suffer the same.	99.0	1.0
I feel that others do not understand what I went through.	89.9	10.2
I have had to keep my feelings to myself about what happened to me because they made others feel uncomfortable.	90.9	9.1
Important figures of public life in my place of residence (e.g. village chief, officials, monks) expressed their sympathy and understanding for me.	8.1	91.9

Half of those who experienced forced marriage (119 victims in this survey) reported that they are still suffering from feelings of shame (50.0%) and guilt (62.5%). Respondents further stated that they have feelings of hate towards the perpetrators (87.5%) and 80.6% stated that they would seek revenge if they could. Moreover, many respondents believed that the experience of violence has destroyed their reputation as a Cambodian woman/man and they are no longer respected members of the Cambodian society.

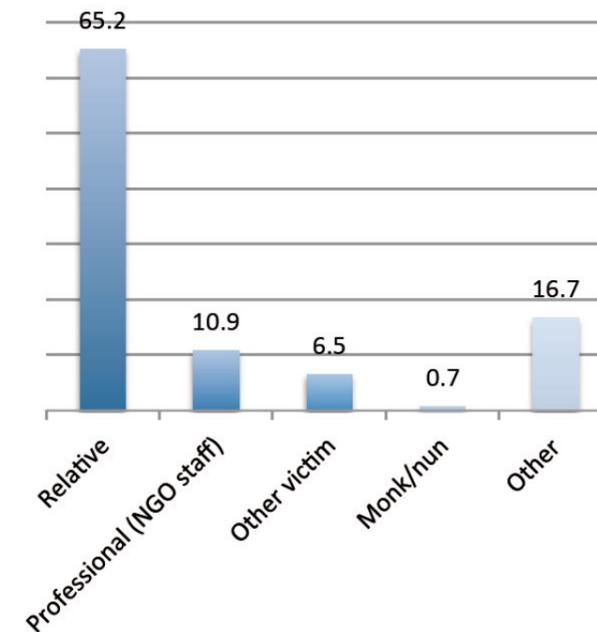
Table 27. Impact of gender-based violence on victims of forced marriage

	Percentage of respondents (%)	
	Agree	Disagree
I feel ashamed for having been forced to marry.	50.0	9.7
I feel guilty for having been forced to marry.	62.5	37.5
I feel hatred against the perpetrators.	87.5	12.5
I would seek revenge on the perpetrators if I could.	62.5	37.5
Because of the forced marriage, my reputation as a Cambodian woman/man is destroyed.	62.5	37.5
Because of the forced marriage, I am not any more a respected member of the Cambodian society.	75.0	25.0

#### 4.11 How victims cope

Survey participants were asked if they ever shared their experiences of gender-based violence during the Khmer Rouge regime with anyone. Among the total of 222 respondents, 138 (69.0%, 22 responses missing) stated that they have talked about their experiences. 60 interviewees (30.0%) stated that they have never disclosed their personal experiences to someone else. Among those who disclosed, the majority (90 or 65.2%) shared their experiences with relatives; others with professionals such as staff of non-governmental organizations (15 or 10.9%).

Figure 20. With whom did you share your experiences? (% of respondents)



More than half of the civil parties (119 or 62.3%, 31 responses missing) reported that they have never sought help for the gender-based violence they experienced during the Khmer Rouge regime, from a doctor, traditional healer, counselor, health center or hospital before becoming a civil party of the ECCC.

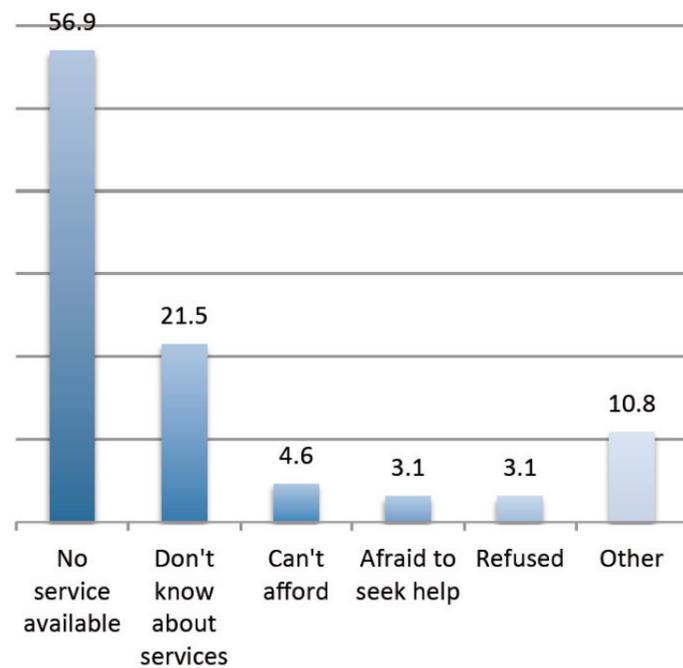
Among the 69 respondents (36.1%) who sought for help, the majority asked for assistance from monks/nuns or laymen/laywomen as well as traditional healers. Quite a few also asked for services in referral hospitals. A considerable number of civil parties asked for assistance more than ten times from the listed aid providers as demonstrated in the table below:

Table 28. From whom and how often did you seek for help?  
(% of respondents)

	Percentage of respondents (%)		
	Once	More than 5 times	More than 10 times
General practitioner	13.3	36.7	50.0
Health center	17.4	43.5	39.1
Referral hospital	29.4	47.1	76.5
Counselor or mental health expert	18.2	72.7	9.1
Traditional healer	7.7	42.3	50.0
Monk/nun or layman/laywoman	0.0	70.0	23.0

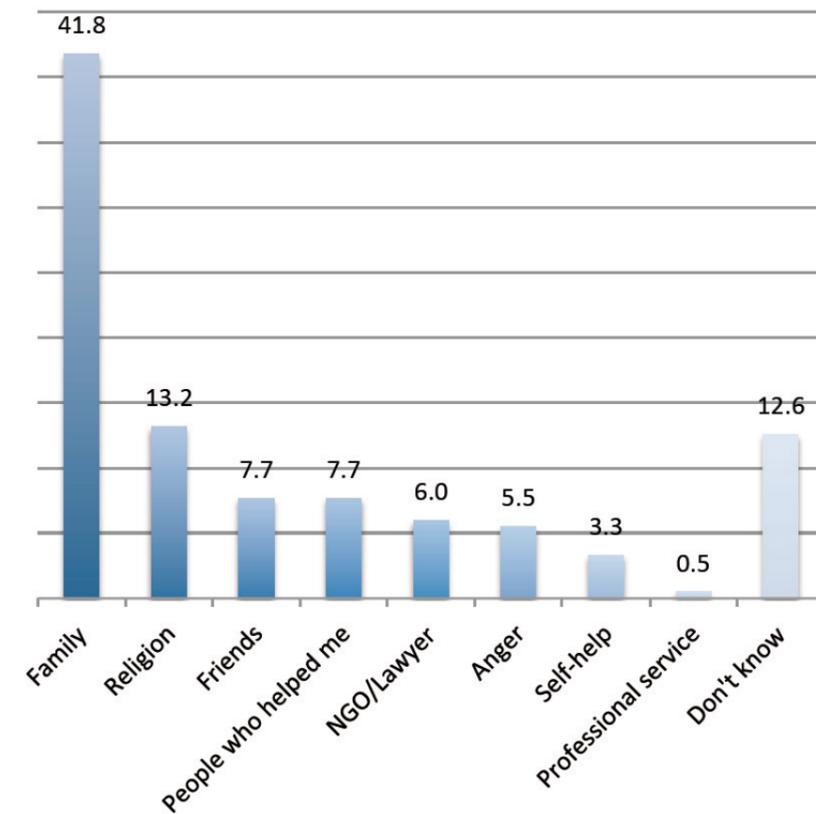
Respondents who did not seek help reported that they did not know about the services (46 or 67.6%) or could not afford services (4 or 5.9%, 51 responses missing).

Figure 21. What has prevented you from seeking for help?  
(% of respondents)



Respondents were further asked what gave them strength or helped them cope with their experiences. Sources of strength mentioned by interviewees were family (73 or 41.8%, with 25 missing respondents), religion (24 or 13.2%), people who offered help (14 or 7.7%), friends (14 or 7.7%) and NGO staff or lawyers (11 or 6.0%). 10 respondents (5.5%) reported that anger helped them cope with their painful experiences.

Figure 22. What gave you strength or helped you cope with your experiences?  
(% of respondents)



The authors were also looking at posttraumatic growth by asking interviewees the question: “Do you think that you changed or grew as a person in a good way after experiencing trauma during the Khmer Rouge regime?” The question was answered with “yes” by 90.4% of the respondents (with 24 responses missing).

Among those 84 respondents who provided further explanations to their answer, 36 stated that following Buddhist beliefs and practices is a crucial response to the atrocities of the Khmer Rouge regime:

« *I follow Buddhism, I do good [things], no anger, I control [my] feelings.* » – Female civil party

« *I do good deeds and I am calm with others.* » – Female civil party

« *Because of trauma, I try to do good deeds and don't [act] bad.* » – Female civil party

Given the extent of the country’s destruction, it is no surprise that survivors focused on securing their daily survival in the aftermath of the Khmer Rouge regime. “Working hard”, striving for better living conditions and focusing on daily tasks are described as important coping mechanisms by 27 survivors.

« *I work hard in life, I take care of the children, I educate them to work hard.* » – Female civil party

You must work hard and overcome all obstacles; I tried to overcome hardship without being afraid of tiredness. – Female civil party

« *I worked hard to have a good future.* » – Male civil party

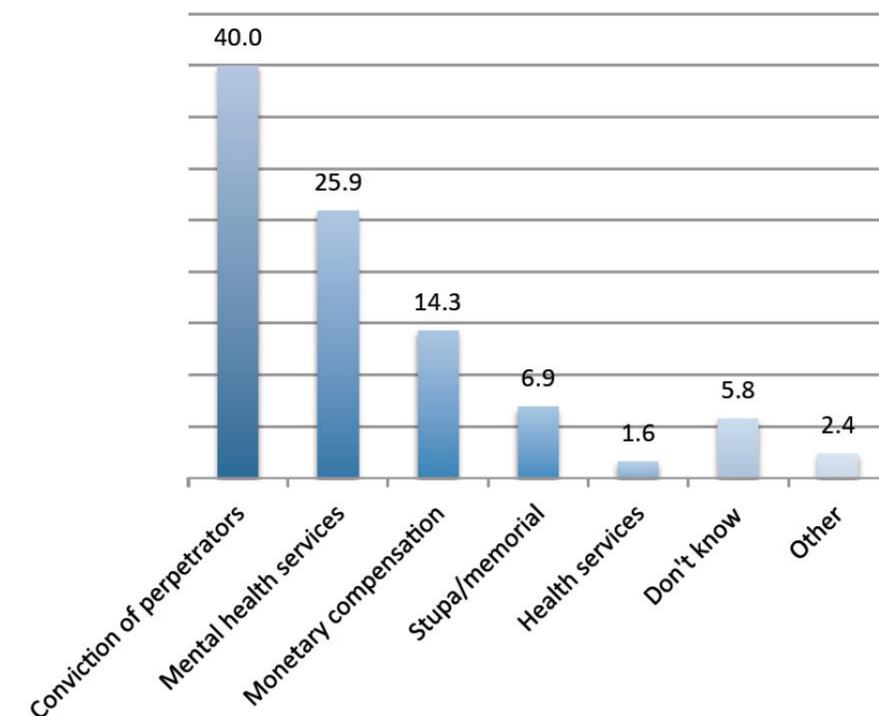
11 respondents also described that they became more understanding, respectful and patient towards others because of the difficult experiences they made during the regime. Others stated that they feel mentally stronger after having gone through painful experiences and trauma:

« *Stronger than before, I solve problems by myself and [take over] responsibility.* » – Female civil party

« *I am stronger and live with pride.* » – Female civil party

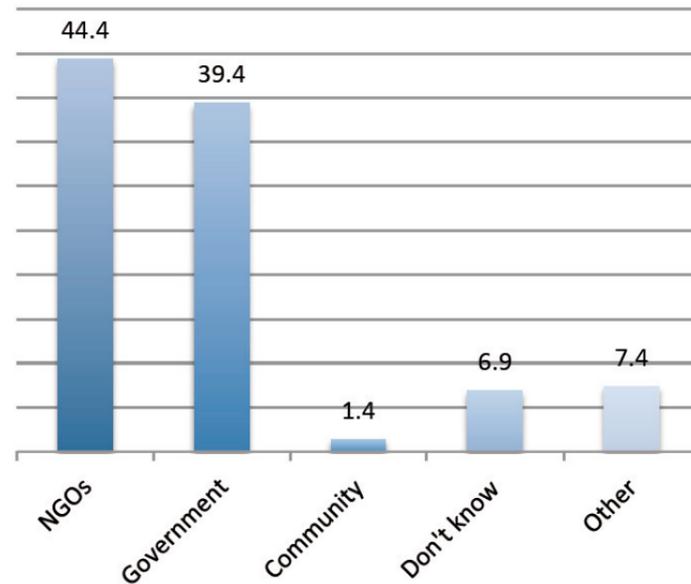
Asked whether there is something that could help them better deal with the impact of the gender-based and sexualized violence they experienced, the majority of respondents stated that the conviction of the Khmer Rouge perpetrators would help them (77 or 40.0%, with 33 responses missing). Others stated that mental health services (49 or 25.9%) or monetary compensation (27 or 14.3%) would be helpful. 13 interviewees (6.9%) believed that the construction of a stupa or memorial would support them in dealing with their painful past.

Figure 23. What would help you to cope with the impact of the violence? (% of respondents)



The majority of interviewees (96 or 44.4%, 6 missing responses) stated that non-governmental organizations should be the ones providing the help they envisage. More than one third of the respondents believed that the Cambodian government should provide the help they wish to receive (85 or 39.4%).

Figure 24. Who should provide the help you envisage?  
(% of respondents)



## 5. Conclusion

This study indicates not only that sexualized and gender-based violence under the Khmer Rouge was widespread but that it continues to have lasting social and psychological impacts for victims. All of the 222 respondents of this study experienced such violence either directly or indirectly including forced marriage, rape and sexual mutilation. Whilst the Khmer Rouge fell 35 years ago, the lasting scars of the abuses suffered during its rule adversely impact the lives of individuals and communities in Cambodia today.

Forced marriage, in this study like others, is indicated to be a common occurrence implemented by Khmer Rouge cadre. 54.1% of the respondents of this study were forced to marry by the Khmer Rouge. In two-thirds of the reported cases of forced marriage, respondents felt forced to have sex following the marriage procedure.

Almost a third of respondents reported witnessing rape under the Khmer Rouge. 4.1% experienced rape directly. A significant majority of the perpetrators of rape were Khmer Rouge cadres and male whilst the victims were female. 3.0% of victims reported knowing about male victims of rape.

23.5% of respondents reported witnessing survival sex. 20.4% witnessed sexual mutilation. Likewise, the vast majority of perpetrators were Khmer Rouge cadre and male. However, one respondent reported knowing about a female perpetrator of sexual mutilation. 24.1% of respondents witnessed sexual humiliation.

85.5% of respondents knew about the Khmer Rouge's policy "Code Number Six" about "Immoral Offenses". The vast majority of respondents described that the rule's aim was to prohibit (sexual) relationships between women and men outside of the state-sanctioned marriages. Several respondents knew about people who were accused and punished for offending the rule. Several were subjected to hard labor or sexual violence, whilst others were killed. 31.5% of respondents witnessed people escape sexual violence. 24.1% knew about people who helped each other to escape violence, mainly in the context of forced marriage.

51.1% of the respondents in this study who had directly or indirectly experienced sexualized and gender-based violence of any kind, reported that it is continuing to affect their psychological wellbeing. Respondents also reported that physical wellbeing and sexual functioning had been adversely affected resulting from such violence under the Khmer Rouge. An overwhelming majority of victims expressed and felt that no one understands them. Strikingly, 83.7% of respondents had not received any support for the sexualized and gender-based violence they experienced

under the Khmer Rouge. Moreover, only 36.1% tried to seek help for their medical problems, which had resulted from the violence. The majority of survivors sought help from monks or nuns. They also got assistance from unspecialized staff in health centers and referral hospitals.

Civil parties in this survey expressed the positive impact of being involved in the Cambodian justice process. They highlighted the need for integrated support systems combining legal aid, psychological care and information sharing. Such systems aim to empower victims and allow them to actively process and give meaning to the victims' painful past. Platforms where survivors can share their personal stories and experience acknowledgment for their suffering seem to be particularly important.

Given these findings, it is imperative that the government, ECCC and civil society implement the following recommendations, outlined in more detail at the start of this report.

In particular, the government must ensure appropriate redress and reparations for the victims of sexualized and gender-based violence under the Khmer Rouge. It must provide for appropriate training of medical staff to deal with the issues, institute therapy programs in medical centers for victims and provide affordable legal counsel.

The ECCC must share more information with the public on how it is addressing issues of gender-based violence. The Office of the Co-Investigating Judges must thoroughly investigate sexualized and gender-based crimes in cases 003 and 004. In addition, the ECCC must work with non-governmental organizations to create non-judicial initiatives in order to empower survivors and develop reparation projects such as psychosocial support for those who have suffered.

Non-governmental organizations (NGOs) and practitioners must create opportunities for victims to share their experiences and attain social and psychological support, such as coordinating victim support groups. NGOs must also educate survivors about their legal rights. They must disseminate information on sexualized and gender-based violence with a view to ending current forms of gender-based violence in Cambodia. NGOs must also undertake campaigns to end victim blaming.

The government, ECCC, NGOs and practitioners must implement all these measures. They must do this in order to ensure that the victims of violence receive the support they need, and, are entitled to, in order to overcome the wounds of the past. Simultaneously implementing these measures would educate the next generations to prevent sexualized and gender-based violence from occurring in the future.

## Glossary

<b>Angkar</b>	Literally, the Organization, referring to the highest decision-making body of the Khmer Rouge regime
<b>Baksbat</b>	Literally, broken courage, Cambodian idiom of distress
<b>Base people</b>	People who were workers or peasants before 17 April 1975 when the Khmer Rouge came to power
<b>Kru Khmer</b>	Traditional healer
<b>Mith</b>	Comrade
<b>New people</b>	People who lived in areas not controlled by the Khmer Rouge during the war and who were new to the revolution, later including those who were evacuated from the cities; sometimes called "April 17" people
<b>Num</b>	Dessert served as part of a traditional wedding ceremony
<b>Old people</b>	Those who lived in the countryside or in areas controlled by the Khmer Rouge before the fall of Phnom Penh; sometimes called "base" people or "full rights" people
<b>Re-education</b>	Term used by Khmer Rouge to indicate indoctrination to the rules of Angkar, often involving some form of verbal reprimand or physical punishment

