

The Eradication of Female Ethnic Identity in Cambodia, 1975-9



Five Khmer Rouge cadre stand in front of a mosque near Phnom Penh (1977)

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5174THO1 - MA Thesis Asian Studies (60 EC)

MA Asian Studies (History, Arts and Culture of Asia) 2016-17

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April 2017

14,689 words

Table of Contents

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Was Khmer Rouge rape and forced marriage against Cham women
based on cultural factors?

Acknowledgements	3
Glossary	3
List of Abbreviations	4
Introduction: Cambodia and Gender-based violence	5
a. Historical background	5
b. Theoretical explanation	7
c. Sources	10
d. Research question and hypothesis	11
Chapter 1. Rape	12
a. Chbab Srei	12
b. Fear of speaking out	15
c. Religion: Islam and Buddhism	16
d. The 'other' and the 'Khmer Nation'	18
e. The forced destruction of Islamic identity	20
f. Hinton and 'cultural models'	21
g. <i>Kum</i>	22
Conclusion. Why rape? A product of genocidal context	23
Chapter 2. Forced Marriage	25
1. Forced marriages and tradition	25
2. Complete control over sexuality	26
3. Ideological goal to destroy 'the other'	29
4. Consummation	31
5. Population growth	32
6. Conclusion: Forced marriage and the achievement of revolution	34
Chapter 3. Wider Comparative Framework	35

1. East Timor.....	35
a. Historical background.....	35
b. Eliminating 'the other'.....	36
c. Performative aspects.....	37
2. Islamic State	38
a. Historical background.....	38
b. Slavery and rape.....	39
Chapter 4. Conclusion.....	43
a. GBV as a product of its context	43
b. Limitations and possibilities for further research	44
Appendices	46
A. Leadership of the CPK.....	46
B. Map of Democratic Kampuchea, 1975-9	47
Bibliography	48

Acknowledgements

I would like to thank my supervisor, Dr. Henk Schulte Nordholt, for his invaluable assistance throughout this and other projects, as well as to Jason Han and Sreymom Ouch for opening my eyes to possibilities of research in Cambodia.

Glossary

<i>Angka</i>	'The Organisation', revealed to represent the Standing Committee of the Communist Party (CPK) in a 1977 speech by Pol Pot. Implements CPK policy nationwide. ¹
<i>Angka Loeu</i>	'Organisation on High', the Central Committee of the CPK. Led by Pol Pot.
'Base People'	Rural peasant class. Receive privileges over 'New People' including right to private farming (pre-1977).
Case 002/02 of the ECCC	Opened in 2010, focusing on abuses of Cham and other minorities, rape, and forced marriage (nationwide).
Chbab Srei	Code of Conduct for Women. Compares men to 'gold' and women to 'cloth'. Gold can be polished, whereas cloth cannot; men cannot lose their honour, whereas women can. Stricter than the Code for Men (Chbab Proh).
ECCC	Extraordinary Chambers in the Courts of Cambodia (Khmer Rouge Tribunal). Founded in 1997 to try leaders 'most senior or most responsible for genocide'.
'New People'	Targeted by the KR: Urban city-dwellers, minorities, intellectuals, employees of Sihanouk or Lon Nol governments, foreigners.
Revolutionary Codes of Conduct	The rules KR cadre were to abide by. Also expected to be followed by the civilian population. Obligation to respect and serve the people.
Security Prison 21 (S-21)	Tuol Sleng Prison, Phnom Penh. One of >150 detention centres in DK.

¹ See Appendix A for a leadership diagram of the CPK.

List of Abbreviations

CDP	Cambodian Defenders Project
CPK	Communist Party of Democratic Kampuchea
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia
GBV	Gender-based violence
IS	Islamic State
KR	Khmer Rouge
RC	Khmer Rouge Revolutionary Codes of Conduct
SC	<i>Angka</i> /Standing Committee of the Khmer Rouge

Introduction: Cambodia and Gender-based violence

a. Historical background

In 1970, King Norodom Sihanouk was overthrown in a US-backed coup by his Defence Minister, Lon Nol. Lon's beleaguered government suffered significant setbacks and was characterised by high unemployment and widespread government corruption. Having captured swathes of the country, beginning in Ratanakiri province, the Khmer Rouge (KR) capitalised on government ineffectiveness, leading, on 17 April 1975, to the KR capture of the capital, Phnom Penh.² The KR attempted to transform the nation into a peasant-agrarian society and to destroy the previous social order, including anyone who had worked for the Lon Nol or Sihanouk governments, or anyone denounced as 'new people'. Urban residents were forced to march along highways into the countryside, where they were to become agricultural labourers, separated from their families. Those who did not at least outwardly comply would be 'smashed', the KR euphemism for death. By the fall of the regime on 7 January 1979, up to thirty percent of the population (1.7 million people) had either been killed or had died of starvation or illness.³

During the regime there is significant evidence of gender-based and sexual crimes against both women and men in society. Silke Studzinsky has argued that the KR sought to create a 'gender-neutral state' where both men and women would contribute equally in the development of the new 'Khmer nation'.⁴ The state regulated private life in its entirety: sexual relationships were forbidden before matrimony, vigorously regulated by *Angka*, the Standing Committee of the Communist Party. Even within marriages, the consent of *Angka* was required for meetings between spouses.

² David Chandler and Craig Etcheson both give comprehensive introductions to Cambodia and the Khmer Rouge: see Chandler, *A History of Cambodia*, 4th ed. (Boulder: Westview Press, 2007); Etcheson, *The Rise and Demise of Democratic Kampuchea* (Boulder: Westview Press, 1984). See Appendix B for a Map of DK.

³ Ben Kiernan, *Genocide and Resistance in Southeast Asia*, (London: Transaction, 2009), xii.

Title page image: DC-Cam, used in article by George Wright and Khuon Narim, 'Khmer Rouge Genocide Debate Moves to Trial', *The Cambodia Daily*, 8 September 2015, accessed 4 March 2017 at <https://www.cambodiadaily.com/news/khmer-rouge-genocide-debate-moves-to-trial-93583/>.

⁴ Silke Studzinsky, 'Neglected Crimes: The Challenge of Raising Sexual and Gender-Based Crimes Before the ECCC', in *Gender in Transitional Justice*, eds. Susanne Buckley-Zistel and Ruth Stanley (New York: Palgrave Macmillan, 2012), 90-1.

The Cham population is an ethnic group of Austronesian origin, today concentrated in southern Vietnam and Kampong Cham province in Cambodia.⁵ They speak the Cham language and are among the oldest Austroasiatic inhabitants of mainland Southeast Asia. Between the second to nineteenth centuries, the Cham established a complex sea trade network (reaching its apex in terms of population and grandeur in the tenth), populating Champa, a collection of independent Hindu-Buddhist centres in southern Vietnam, before being gradually annexed by Vietnam. In response, the Cham fled to Cambodia and the Mekong Basin to avoid being absorbed into the Vietnamese polity. At around this point, these migrants adopted Islam and in 1813 built the first mosque in Cambodia.⁶

Unlike Cambodia's Vietnamese or Chinese minorities, the Cham represented (and continue to represent) an ethnic minority regarded as a 'Cambodian ethnic minority group'.⁷ That is, they are assumed to be - and believed themselves - *Cambodian people* ('Islamic Khmer').⁸ Despite this, there are clear differentiations between the Cham and the Khmer people. The Cham are strong adherents of Sunni Islam; marriage outside the Muslim community was (while not prohibited) difficult, meaning Cham villages became closed spaces. Although Cham villages were geographically close to Khmer villages, they were culturally distinct. Before 1975, the Cham population was estimated to be 250,000, one tenth of the Cambodian population.⁹ By 1979, this population had reduced by 90,000, a thirty-six percent reduction, in comparison to nineteen percent for ethnic Khmers.¹⁰ The KR based their discrimination against the Cham on a stereotype, believing the Chams to hold 'improper' jobs such as independent fishers, in addition to being the 'weak link in the CPK state'.¹¹ They represented a (perceived) threat to the regime: they spoke Cham, not Khmer, lived independently in large villages, and shared a 'distinct culture'.¹²

⁵ Keith Taylor provides a concise introduction to the Cham: 'The Early Kingdoms', in *The Cambridge History of Southeast Asia*, vol. 1, ed. Nicholas Tarling (Cambridge: CUP, 1992), 137-82.

⁶ Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia* (New Haven: YUP, 2008).

⁷ Baldas Goshal, *Minorities in Cambodia* (London: Minority Rights Group, 1995), 10.

⁸ 'Transcript of Trial Proceedings, Trial Day 396', ECCC Court Documents, Case 002/02, Doc. 415.1, Case File No. 002/19-09-2007-ECCC/TC (henceforth 'Transcript, Day 396'), 7.

⁹ Goshal, *Minorities*, 10.

¹⁰ Tallyn Gray, 'Re-imagining the Community? Cambodian Cham Muslims - Experience, Identity, Intergenerational Knowledge Transfer and the ECCC', *South East Asia Research* 23, no. 1 (2015), 102.

¹¹ Catherine Barnes, 'Beyond Conflict: The Structure and Purposes of Genocide in the 20th Century', PhD Thesis, George Mason University (1994), 532.

¹² Barnes, 'Beyond Conflict', 532.

It was this 'threat', as Catherine Barnes argues, that underlay subsequent KR policies towards the Cham. The goal, while never achieved, was to 'destroy the Cham as a *community*'.¹³ Like Khmer women, Cham women were forced to cut their hair short and wear only black clothing (in contrast to colourful Cham sarongs) with a red *krama* (scarf). Numerous transcripts describe womens' experiences of being forced to eat pork, presumably in an attempt to integrate the Cham into society.¹⁴ Those who refused would either be killed immediately, sent for 're-education' in pagodas-turned-prisons, or be listed for marriage.

b. Theoretical explanation

This thesis is the first piece of research to assess the cause of GBV conducted against Cham women in this period. It will adopt the definition of GBV as used by the UN:

Any act 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 deprivation of liberty, whether occurring in public or private life.¹⁵

The Extraordinary Chambers in the Courts of Cambodia (ECCC, also known as the Khmer Rouge Tribunal) were formed in 2003 (ongoing today) to try those who 'were most responsible for genocide', as well as the regime's 'most senior leaders', against Cambodian and international penal law, in addition to violations of human rights (including GBV), by the KR.¹⁶ In the Closing Order of Case 002 (which focuses on mass killings of Cham Muslims in addition to forced marriage and rape (nationwide), yet to be studied by historians) the Co-Investigating Judges concluded that, 'It is clearly established that under the DK regime, crimes against humanity of rape were committed in diverse circumstances'. Nevertheless, they also noted that 'it cannot be considered that rape was one of the methods used by the

¹³ Ibid. [My italics].

¹⁴ 'Transcript, Day 236', 51-2, 61; 'Transcript, Day 323', 61; 'Transcript, Day 324', 65; 'Transcript, Day 331', 52-3.

¹⁵ UN General Assembly, 'Declaration on the Elimination of Violence Against Women', Resolution A/RES/48/104, 85th Plenary Meeting, 20 December 1993, Article 1.

¹⁶ 'Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea', Royal Government of Cambodia Documents, trans. Council of Jurists and the Secretariat of the Task Force, revised 26 August, 2007, article 1.

CPK leaders to implement the common purpose'.¹⁷ In 2011, International Judge at the ECCC Silvia Cartwright wrote in the *Cambodia Daily* to proclaim, 'This particular conflict [1975-9 Khmer Rouge regime] is unusual in that it does not contain allegations of widespread violence against women because they are women'.¹⁸ Cartwright's judgement was, in part, created by the lack of research carried out on sexual violence, not only in Cambodia but in conflict settings more generally.¹⁹ Studzinsky, another lawyer at the Tribunal, responded that the KR gender-based violence, including rape and forced marriage, were practiced not only widely, but also systematically across society.²⁰

Since then, however, this misconception has begun to be corrected. In all conflicts, sexual crimes are under-reported.²¹ Women have to break societal taboos to testify, fearing that they or their families would be dishonoured. A study by Katrina Natale found that, out of 104 Khmer survivors, 65% knew of rapes perpetrated by KR cadre.²² I find it hard to believe that the figure would not be at least equal (if not higher) for Cham women, given their particular discrimination by the KR. In every culture it is hard to document rape cases, and hard for women to talk about such traumatic events and their social consequences.²³ Despite this, the vast number of female victims* that have come forward to document their experiences is significant, particularly owing to the cultural taboo of speaking out (and subsequent shame in society). Two reasons for women coming forward now include the time elapsed between the KR era and the ECCC, which opens up a need to come to terms with the past, and also the Cambodian youth's lack of knowledge about the KR period, resulting now in a desire to become educated about the past. Although some have tried to forget the past, in the words of one survivor, 'forgetting the past doesn't mean they [others]

* Over 350,0000 people have observed or participated at the ECCC, of which at least 50% were women.

¹⁷ 'Closing Order for Case 002', ECCC Court Documents, 14 February 2010, paras. 1426, 1429.

¹⁸ Abby Seiff, 'KR Regime an Anomaly on GBV' and 'Judge Wrong in Saying KR an Anomaly on GBV', *Cambodia Daily*, 12-14 and 15 September 2011, 11 and 19.

¹⁹ Robert Carmichael, 'Cambodia, War Crimes And Sexual Violence' (n.d.) [Online]. Accessed 4 February 2017 at <http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=d8d37ca5-64a9-4891-a810-35decf13f1b9>.

²⁰ Ibid.

²¹ Nicholas Koumjian, 'Press Release: Statement by the International Co-Prosecutor Nicholas Koumjian Regarding Case File 003', ECCC Court Documents, 4 November 2014.

²² Katrina Natale, *'I Could Feel My Soul Flying Away From My Body': A Study on GBV During Democratic Kampuchea in Battambang and Svay Rieng Provinces* (Phnom Penh: CDP, 2011), 5.

²³ Farina So, *The Hijab of Cambodia: Memories of Cham Muslim Women after the KR* (Phnom Penh: DC-Cam, 2011), 2.

can run away from it'.²⁴ While only a small proportion of testimonies have been heard in court, an analysis of these is fundamental to understanding the methodology behind gender-based violence that the KR promoted.

If the prevalence of gender-based violence (GBV) is now more widely acknowledged, then why did it occur? For Ben Kiernan, KR 'ideology' (also read as 'communism' or 'policy') had no parallels and should be regarded as a *sui generis* phenomenon. In other words, it was an ideological policy of the state to implement to common purpose, in clear opposition to the Case 002 Closing Order.²⁵ There is a clear scholarly debate over the extent to which KR ideology was based on indigenous sources. For David Chandler, Karl Jackson, and Elizabeth Becker, the intellectual genealogy of KR communism was derived from multiple sources, including Maoism and Khmer nationalism.²⁶ Anthropological studies place a greater focus on cultural explanations for sexual violence, also allowing a fusion with external influences (including Maoism). For instance, Alexander Hinton, Ian Harris, and Eve Zucker seek to explain GBV through both local understandings - including the Code of Conduct for women and disproportionate revenge - and foreign communist ideologies.²⁷ Harris, in particular, argues that Buddhism (as culture) was the 'glue' within which to present communism to the population.²⁸ Yet as shall be shown, in both East Timor and IS, rape occurs despite different cultural settings. All pathways, whether leading to life or death, involved the possibility of rape. The question is did such gender-based violence occur, owing to Cham-Khmer cultural factors, or in spite of them in a genocidal context.²⁹

²⁴ Faily Sa, 'Memory and the Khmer Rouge Tribunal', *Cambodia Law and Policy Journal* 3 (2014), 64.

²⁵ Kiernan, 'External and Indigenous Sources of Khmer Rouge Ideology', in *The Third Indochina War: Conflict between China, Vietnam and Cambodia, 1972–79*, eds. Odd Westad and Sophie Quinn-Judge, (Abingdon: Routledge, 2006), 201.

²⁶ David Chandler, *Brother Number One: A Political Biography*, rev. ed. (Boulder: Westview Press, 1999); Karl Jackson, 'The Ideology of Total Revolution', in *Cambodia 1975–1979: A Rendezvous with Death*, ed. Karl Jackson (Princeton: PUP, 1989); Elizabeth Becker, *When The War Was Over: Cambodia and the Khmer Rouge Revolution* (New York: PublicAffairs, 1989).

²⁷ Alexander Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: UCP, 2005); Gina Chon and Sambath Thet, *Behind the Killing Fields: A Khmer Rouge Leader and One of His Victims* (Pennsylvania: UPP, 2010); Ian Harris, *Buddhism in a Dark Age: Cambodian Monks Under Pol Pot* (Honolulu: University of Hawai'i Press, 2013); Eve Zucker, *Forest of Struggle: Moralities of Remembrance in Upland Cambodia* (Honolulu: University of Hawai'i Press, 2013); Philip Short, *Pol Pot: Anatomy of a Nightmare* (New York: Henry Holt and Company, 2004).

²⁸ Harris, *Buddhism*, 43.

²⁹ 'Transcript, Day 327', 40; 'Transcript, Day 331', 13; 'Transcript, Day 356', 67-8.

c. Sources

Victims are invited to come forward to the Khmer Rouge Tribunal (ECCC) to document their experiences, but only a small selection of these are heard in the courtroom. Of these, testimonies usually lack detail (for lack of time in court) on matters perceived as not directly relating to the question asked to the victim, and are frequently interrupted by lawyers. Translations into English and French are produced simultaneously, and a transcript recorded. Tallyn Gray was the first scholar to analyse ECCC transcripts relating to Cham Muslims. She examines how to rebuild the Cham community, and how the ECCC can help survivors come to terms with the past, rather than locating the motivations of the KR in using GBV. Nonetheless, as one of the first studies utilising ECCC transcripts with regard to the Cham population, it does give a useful insight into the background of violence against this minority.³⁰

I have selected transcripts from Case 002/02 of the ECCC, translated into English, for analysis. These transcripts will be placed in a wider comparative framework by relating them to the cases of IS and East Timor. There have been repeated allegations of gender-based crimes committed by Indonesian forces against Timorese women. It is not my intention to analyse testimonies from East Timorese survivors or their families. Rather, I intend to apply the methodology behind GBV to similar contexts of revolution and social destruction in East Timor and IS, in order to argue that cultural arguments appear convincing in the Cambodian context, but when placed in a broader framework, the dominance of this explanation is reduced.³¹ In all three cases there are performative aspects to violence, demonstrating the power of men to humiliate women, but more importantly to attempt to destroy religious and ethnic community ties. Chapter Three will provide the historical background for these conflicts, but a few details are worth mentioning here. In the former, the testimonies recorded by Iraqi photographer Seivan Salim following the Sinjar massacre (2014) will be used. They tell some of the stories of Yazidi women who escaped following the fall of the

³⁰ Gray, 'Re-imagining the Community'.

³¹ Helen Fein, 'Revolutionary and Antirevolutionary Genocides: A Comparison of State Murders in Democratic Kampuchea, 1975 to 1979, and in Indonesia, 1965 to 1966', *Comparative Studies in History and Society* 35, no. 4 (1993), 796.

city to IS.³² Miranda Sissons' research remains one of the formative texts relating to GBV during the Indonesian occupation of East Timor. During what Sissons terms the 'first phase' of the Indonesian occupation (1975 to the mid 1980s), there are parallels between the Khmer Rouge and the Indonesian occupiers.³³

d. Research question and hypothesis

Is it possible to produce any one conclusive answer to the question of 'why use sexual violence?' By their very nature, conflict scenarios are, as Harris explains, 'multidimensional and defy any single explanation'.³⁴ ECCC transcripts reveal that survivors themselves know little of perpetrators' motives.³⁵ Nevertheless, this does not mean that it is not possible to produce a workable theory in light of recent testimonies being recorded at the ECCC. The originality of this thesis lies in the use of these transcripts: their first use in academic research relating to GBV.

In sum, this thesis has two aims: Firstly, to examine the perceived cause of KR GBV as owing to cultural factors, ideology, and the performative nature of violence. Secondly, it will examine how KR violence is related to two similar conflict settings, IS and East Timor, concluding that GBV is caused by its genocidal context rather than its cultural setting. In all three cases these performative aspects and a desire to remove a group perceived as 'the other' are visible. Annie Pohlman describes such violence as 'a spectacle of pain displayed to harm and humiliate, but also to demonstrate the success and dominance of the group'.³⁶ In other words, a cultured spectacle for an intended group, the Cham in the case of DK.

³² Seivan Salim, 'Escaped: Sinjar Massacre', *Map of Displacement*, accessed 4 October 2016, at <http://www.mapofdisplacement.com/escaped/>.

³³ Miranda Sissons, *From One Day to Another: Violations of Women's Reproductive and Sexual Rights in East Timor* (Victoria: East Timor Human Rights Centre, 1997), 2.

³⁴ Harris, *Buddhism*, 76.

³⁵ 'Transcript: Trial Day 369', 18-19.

³⁶ Annie Pohlman, 'The Spectre of Communist Women, Sexual Violence, and Citizenship in Indonesia', *Sexualities* 20, nos. 1-2 (2017), 204.

Chapter 1. Rape

Craig Etcheson has noted the 'growing body of evidence' suggesting that rape was common at the 'lower levels of the KR security organisation'.³⁷ Women, young and old, were subjected to rape in at least three contexts: prior to execution, as an 'instrument of torture' at prison sites, and through forced marriage. Repeated rape, or rape over a long duration of time, was uncommon - even in marriage.³⁸

a. Chbab Srei

The Chbab Srei is the traditional Code of Conduct for women.³⁹ It compares men to 'gold' and women to 'cloth', where gold can be wiped clean whereas cloth cannot. The Code remains entrenched in society today, and is taught to all children aged twelve to fourteen at school.⁴⁰ Important for this thesis are its explicit demands of subservience to men, in addition to an acceptance of domestic violence, described in the Code: 'Never turn your back on your husband when he sleeps and never touch his head without first bowing in honour'; 'never respond to his [the husband's] excessive anger'.⁴¹ By age twelve, as Barbara Andaya notes, the expectations of adult females had been internalised by Cambodian girls 'regardless of social status or ethnic background'.⁴² The Chbab Srei was therefore common knowledge for both Khmer and Cham women and girls. Female chastity was sacrosanct: in contrast to men, women were expected to be apprehensive amateurs at their first sexual experience. For Cham families, this distinction was especially important: women should

³⁷ Craig Etcheson, *After the Killing Fields: Lessons From the Cambodian Genocide* (Westport: Praeger, 2005), 185.

³⁸ Alison Barclay and Beini Ye (eds.), *Report on the Proceedings of the 2011 Women's Hearing on Sexual Violence Under the KR* (Phnom Penh: CDP, 2012), 3-4.

³⁹ A translated copy of the Chbab Srei is available at: Jamie Lambo, 'Chbab Srey', *Cambodia Expats Online*, 21 May 2015, accessed 8 April 2017, at <http://cambodiaexpatsonline.com/cambodian-culture-and-language/chbab-srey-code-and-conduct-for-khmer-women-t5014.html#p74365>.

⁴⁰ Kelly Grace and Sothy Eng, 'There is No Place for "Chabab Srey" in Cambodian Schools', *Cambodia Daily*, 9 June 2015, accessed 8 February 2017, at <https://www.cambodiadaily.com/opinion/%C2%ADthere-is-no-place-for-chbab-srey-in-cambodian-schools-85230/>.

⁴¹ Mélanie Walsh, 'Report on the Status of Cambodian Women: Domestic Violence, Sexual Assaults and Trafficking for Sexual Exploitation', *Institut d'études Internationales de Montréal* (March 2007), 9. [My italics].

⁴² Barbara Andaya, *The Flaming Womb: Repositioning Women in Early Modern Southeast Asia* (Honolulu: University of Hawai'i Press, 2006), 197.

guard their daughter's 'vulnerable chastity as a drop of rain', as a husband could divorce an adulterous wife with impunity.⁴³

The Chbab Srei clearly demands the submissiveness of women to men, preventing them from speaking out, yet by itself cannot be responsible for sexual violence. Male cadres, helped (as shall be argued) by the RC, could use GBV and face little retribution for their actions. Theresa de Langis is the most ardent supporter of this view, placing the Code as a key facilitator for the regime's use of GBV. She is certainly correct in arguing that the Chbab Srei was the 'manifestation of the state's appropriation of women's (sexualised) bodies, circulated as objects of (sexual) exchange by the political elite', yet this was by no means the only factor allowing GBV.⁴⁴

Historians such as de Langis have argued that both the Chbab Srei and the Revolutionary Codes of Conduct (RC) are responsible for facilitating gender-based crimes, but not together. Yet, without the Chbab Srei and RC, would there have been less rape? Not necessarily: the male Code, the Chbab Proh, states that 'madness with women should be avoided'.⁴⁵ In other words, it demonstrates the male obligation to protect (rather than harm) women. If the KR justified rape using the Chbab Srei, surely the Chbab Proh is its antithesis.

Having been overlooked in previous literature, the notion of a synthesis of the Chbab Srei with the RC in order to ensure *Angka's* total control over sexuality is worth considering. The RC states the obligation of cadre to 'devote one's life to the people, workers, and farmers', in addition to 'fight bravely against enemies'.⁴⁶ If lower-level, in addition to upper-level, cadre at least knew of this (if not *knew* the wording), and if the RC were intended to be strictly applied (rather than being propaganda), then they would have prevented GBV by cadre against women. Code Six explicitly states, 'do not abuse women' or 'be smashed'.⁴⁷ It

⁴³ Andaya, *Flaming Womb*, 203.

⁴⁴ Theresa de Langis, "'This is Now the Most Important Trial in the World": A New Reading of Code #6, the Rule Against Immoral Offences Under the KR Regime', *Cambodia Law and Policy* 14, no. 3 (2014), 77.

⁴⁵ Partnership Against Domestic Violence, 'Chbab Proh', 5 September 2008, accessed 7 February 2017, at <http://carpediemilia.over-blog.com/article-22410350.html>.

⁴⁶ Studzinsky, 'Neglected Crimes', 90.

⁴⁷ Youk Chhang, 'The Sixth Code of Conduct', *Letter to DC-Cam* (March 2001), 1.

is uncertain whether cadre did or did not know the RC, or how strictly they were meant to be observed. What is clear is that despite (or perhaps, because of) the RC, there are reports of at least 156 cases of rape by KR cadre working in co-operatives and prisons.⁴⁸

So are these cases of GBV instances of 'not knowing', or a variation in interpretation by KR cadre? More broadly, does this mean that rape was facilitated by the RC, and therefore sanctioned by *Angka*, and more specifically, *Angka Loeu* and Pol Pot? Let us first begin by examining the sources which supposed the RC helped prevent GBV. Kalyanee Mam's 2001 study (long before the 2011 'turn' in knowledge about GBV) gives some evidence of the prohibition of GBV, where 'even in their prisons, DK maintained their prohibition against sexual crimes'.⁴⁹ Henri Locard asserts (without reference) that 'everyone knew "moral rule no. 6"'.⁵⁰ Lach Mean, an interrogator at S-21, claimed that all cadres knew of the rules and that they were strictly enforced: 'It [Code Six] is a strict instruction from the upper cadre that we should not engage in such an offence [rape]'.⁵¹

All KR policies, from co-operativisation to economic management, varied in how they were applied across DK, so presumably there were differences in how the RC were applied to women throughout the country.⁵² For Hinton, the RC were 'an important part of the genocidal bricolage of many DK perpetrators, and effectively motivated them [to use GBV]'.⁵³ Mam's study ultimately takes the same conclusion as de Langis but from a different trajectory: that it was 'precisely because the laws [RC, rather than the Chbab Srei] were so strict that DK officials were able to rape and sexually abuse women and conceal their crimes', for the victim, rather than the perpetrator, would be punished.⁵⁴ In other words, for Hinton and Mam, GBV was made possible by KR policy from the upper echelons.

Yet to make such an intentionalist argument is to miss the role of middle and lower-echelon cadres working within the regime's boundaries. They were granted significant

⁴⁸ Chhang, 'Sixth Code', 1.

⁴⁹ Kalyanee Mam, 'Evidence of Sexual Abuse During the Rule of DK', *Magazine of DC-Cam*, no. 15 (2001), 4.

⁵⁰ Henri Locard, *Pol Pot's Little Red Book: The Sayings of Angkar* (Chiang Mai: Silkworm, 2004), 265.

⁵¹ 'Transcript, Day 403', 40-1.

⁵² Michael Vickery, 'DK: Themes and Variations', in *Revolution and Its Aftermath in Kampuchea: Eight Essays*, eds. David Chandler and Ben Kiernan (New Haven: YUP, 1983), 88-102.

⁵³ Hinton, *Why Did They Kill?*, 31.

⁵⁴ Mam, 'Sexual Abuse', 4.

leeway in interpreting and applying the RC. Indeed, Kosal Path and Angeliki Kanavou's recent study of KR notebooks revealed that while local leaders drew upon *Angka Loeu's* 'ideological indoctrination', they transformed and translated this into its application at the local level.⁵⁵ One enlightening testimony by a guard at S-21 reveals this distinction: despite being 'taught that principle [morality with females] since the beginning', there was still 'one ["boy"] who raped a female prisoner'.⁵⁶ While the cadre should have been punished according to the RC, he was later released. These are isolated examples, however, and it is therefore hard to convincingly tie the RC and Chbab Srei as a synthesis of ideology and culture in facilitating GBV.

b. Fear of speaking out

In addition to a broader fear of the regime, the Chbab Srei and RC stood in the way of women speaking out about GBV. Cambodia is not alone in having a social taboo on talking openly about sex, or in putting pressure on women to maintain their virginity until marriage, yet this cultural dimension should be seen in combination with the regime's ideological goals.⁵⁷ De Langis and Youk Chhang have both made arguments that women, rather than KR cadre, were routinely punished for GBV.⁵⁸ There are three clear cases of cadres' impunity: one woman at a logistics office reported, 'Sei [a soldier] cut through my pants [...] It was the most painful moment that I have ever had'.⁵⁹ The soldier was sent to another area, while the woman was set free.⁶⁰ One further prisoner raped at S-21 was presumably executed, while the perpetrator was released: 'Duch [the prison manager] reported the incident to his superiors, but received no response. He therefore did not punish the perpetrator'.⁶¹ These cases, where the cadre went unpunished, are surely due to local variations of interpretation rather than any consistent KR policy. Nevertheless, clearly there was no advantage for a woman in speaking out in such a situation: often the perpetrator would still be alive (a source of tension), they themselves may be killed, or they would have to go back to their co-

⁵⁵ Kosal Path and Angeliki Kanavou, 'Converts, not Ideologues? The KR Practice of Thought Reform in Cambodia, 1975-8', *Journal of Political Ideologies* 20, no. 3 (2015), 306.

⁵⁶ 'Transcript, Day 409', 66.

⁵⁷ Surajit Bhagowati, *Women in Southeast Asia* (New Delhi: New Century Publications, 2014), 62.

⁵⁸ De Langis, 'Most Important Trial', 69; Chhang, 'Sixth Code', 1.

⁵⁹ So, *Hijab of Cambodia*, 86-7.

⁶⁰ 'Transcript, Day 408', 86.

⁶¹ 'Judgement of Duch', ECCC Court Documents, Doc. E188, Case File No. 001/18-07-2007/ECCC/TC, 457.

operative or worksite where their fellow workers would know what had happened to them (social stigma and shame).

Yet there is evidence that some cadre were 'punished'. In only the first of the three cases below do we know the outcome of the cadre's arrest: a demotion. For the second and third, all the transcripts reveal is that the cadre involved were arrested. One villager in Kandal province reported that one Unit Chief was demoted for 'making the sexual offence with the widow or the wife of the person [the wife's husband] who was killed'.⁶² A prison interrogator 'had a moral affair with a female prisoner [...] He raped her and went to the top floor [of the prison] and jumped off' before being arrested.⁶³ Another interrogator reported two of his chiefs were 'detained', the assumption being for sexual offences but there is no clarification in the transcript.⁶⁴

By punishing cadre sparingly, if at all, the KR solved a problem: they could present their cadre as upholding the RC, whilst at the same time, as shall be argued, instil fear within its population using sexual violence as a performative tool. Were a woman to report a sexual assault, at best the cadre involved would be punished, at worst she herself would be 'smashed'. Presumably this reduced the number of women coming forward to document cases of GBV during the regime. The KR therefore occupied a powerful position whereby women were both physically and ideologically subjugated to the regime.

c. Religion: Islam and Buddhism

The KR aimed to create a centralised authority that had complete control of not only society, but of sexuality. Alongside other factors, the KR used religion to demand submission to the regime. For the Khmer population, the KR emphasised the Buddhist notion of individual helplessness wherein its citizens (particularly 'base people') should 'accept the necessity of their subservience to individuals of higher social status [the KR]'.⁶⁵ Pagodas such as Wat Kesararam in Siem Reap were transformed into prison sites, reinforcing the

⁶² 'Transcript, Day 235', 48.

⁶³ 'Transcript, Day 403', 27.

⁶⁴ 'Transcript, Day 407', 24.

⁶⁵ Joel Brinkley, *Cambodia's Curse: The Modern History of a Troubled Land* (New York: PublicAffairs, 2011), 211.

association of Buddhism and death for Khmers, but also symbolic of the destruction of Islamic identity for the Cham population.⁶⁶ Mosques were transformed into kitchens or prisons, so Muslims would 'see the place they regarded as the holiest place degraded'. Transforming or destroying mosques was to 'distort their meaning' and remove the community of their social reality: to destroy ethnic identity.⁶⁷

According to Article 20 of the DK Constitution (secret until 1977), 'every citizen of DK has the right to worship according to any religion'.⁶⁸ Farina So sees this Article as being 'paradoxical and contradictory', yet evidently this did not refer to an actual choice of religions, but the ideological 'religion' of *Angka*: 'Reactionary religions [Buddhism/Islam] which are detrimental to DK and Kampuchean people are absolutely forbidden'.⁶⁹ *Angka*, as an 'enlightened, supernatural being', having 'the eyes of a pineapple', replaced religion: it oversaw its population and knew what was going on in every co-operative or worksite.⁷⁰ The iconography of the pineapple is picked up on by Hinton, who notes that, 'by likening *Angka* to a pineapple, a round fruit, the DK regime was metaphorically depicted as a potent centre'.⁷¹ This has particular resonance in Buddhism, where the idea of an all-seeing centre is linked to the enlightenment through the ability to differentiate between the real and the illusory. While Sunni Islam does not have a 'world' centre as such, it is not uncommon to find 'enlightened' heads of religious and governmental institutions across the world, including the Grand Mufti of Saudi Arabia. But this is not the link the KR sought to make. *Angka Loeu* had no intention of unifying Muslims around a secular 'organisation'. It sought to unify a nation of Khmer (neither Muslims nor Buddhists) around an all-seeing centre of a policing nature. The parallels to religion that Hinton makes are, for the most part, mere coincidence. Pineapples, for their part (as well as being popular in Southeast Asian cooking), are commonly referred to as having many 'eyes', though this does not necessarily mandate an immediate religious association. The eyes are for surveillance not enlightenment.

⁶⁶ Harris, *Buddhism*, 109.

⁶⁷ Gray, 'Re-imagining the Community?', 105.

⁶⁸ So, *Hijab of Cambodia*, 55.

⁶⁹ Ibid.

⁷⁰ Locard, *Red Book*, 112.

⁷¹ Hinton, *Why Did They Kill?*, 128.

d. The 'other' and the 'Khmer Nation'

Motivations advanced for using GBV vary according to the case of the individual cadre: a) they were 'drawn to' and 'revelled in it'⁷², an argument that would fit Hinton's claim that Cambodians are inherently violent (an inaccurate generalisation at best), b) they were 'ideological fanatics' who genuinely believed KR radio broadcasts; c) they were 'strategic calculators' seeing opportunities to rise in the party ranks, or d) they were 'just following orders'.⁷³ Hinton argues that, if the Cham are seen as a direct threat to the existence of the population (and therefore DK itself), then the community would have to be smashed. Yet this does not explain why the KR did not kill Cham individuals who claimed they were 'Khmer'.⁷⁴ Transcripts show that those those who lied were rarely targeted using GBV, yet still had to break from Cham cultural tradition. One man from Kampong Cham province reported that, 'if we refused to eat pork, we would risk our lives. We were forced to eat pork since they said there was only one Khmer nation'.⁷⁵ The testimony continues, 'Cham people were referred to as enemy number one' (a claim also made in Vietnamese transcripts). 'Later on, I noticed that Cham people were taken away', the women raped and men killed.⁷⁶ To avoid this, he reported that 'people were working very hard to gain favour from the KR'.⁷⁷

One Cham woman from Kampong Cham province described how 'six men came into the house [... and] asked, "What race are you?" I lied, "I am Khmer" [...] Then the cadre shouted the order, "Cham to one side, Khmer to the other, and mixed race to another".⁷⁸ She continues to describe the consequences:

Girls were taken from the house one at a time. I looked out through the cracks in the wall boards. I saw a cadre walking one girl to a pit only eight metres from the house. A plank stretched across the pit. Some girls were stripped naked and raped before they were killed.⁷⁹

⁷² Hinton, *Why Did They Kill?*, 4.

⁷³ Motivations as summarised from Hinton, *Why Did They Kill?*, 4.

⁷⁴ Ysa Osman, *The Cham Rebellion: Survivors' Stories From the Villages* (Phnom Penh: DC-Cam, 2006), 119.

⁷⁵ 'Transcript, Day 331', 14.

⁷⁶ 'Transcript, Day 331', 12.

⁷⁷ *Ibid.*, 13.

⁷⁸ Quoted in Osman, *Cham Rebellion*, 135-6.

⁷⁹ *Ibid.*, 136.

Another women from Kampong Cham reported on her interrogation by KR soldiers:

They tied me up and questioned me and asked whether I was Cham or Khmer, and I said I was Khmer. Then they used a torch to light up my face, asking me whether I was a Yuon (Vietnamese) daughter. I protested, 'no', and [...] after a few rounds of back and forth, they believed I was a Khmer girl.⁸⁰

For those who admitted to being Cham: 'A KR walked a woman with a headscarf heading to the river front. Then a KR held the headscarf of the woman and slashed her throat, and pushed her into the river'.⁸¹ In a similar situation in Kandal province, one woman reported that before execution, 'I heard them [Cham women] shout begging them [KR cadre] not to rape'.⁸² Evidently the ideological goal of the KR was less to do with removing the Cham as an ethnic group, than about unifying a 'racially-defined Khmer nation', with 'Khmer blood, Khmer traditions, Khmer culture, Khmer language', around *Angka*.⁸³ The focus was on conversion rather than extermination. A comparison can be made to Idi Amin's Uganda, where in 1972 he ordered the expulsion of all Asians who were not 'Ugandan citizens' (around 60,000): here also the goal was to create national ethnic unity.⁸⁴ During the Rwandan genocide, by contrast, there are cases where, despite pretending to be Hutu, Tutsis knew of their neighbours' identity and denounced them.⁸⁵

Hinton's assertion that minorities were a 'direct threat' to the KR and worse, DK, misses this distinction: if Cham people complied to integrate as Khmers under *Angka*, they could avoid immediate removal. It therefore seems excessive to argue that 'the enemy of the KR was truly everywhere' and that they operated an ideological policy 'on the basis of purification of revolutionary society by exterminating elements' contradictory to the ideal.⁸⁶ A large proportion of the Cham population either died or was executed, but the KR by no means led an extermination *en masse* against minority populations. GBV did not necessarily lead to death, but served a wider ideological purpose: the destruction of ethnic individuality and submission to *Angka*, at times utilising Khmer-Cham cultural factors to facilitate such

⁸⁰ 'Transcript, Day 331', 56-7.

⁸¹ *Ibid.*, 68.

⁸² 'Transcript, Day 356', 68.

⁸³ Penny Edwards, *Cambodge: The Cultivation of a Nation, 1860-1945* (Honolulu: University of Hawai'i Press, 2007), 252.

⁸⁴ Tumuhairwe Collins, 'The Effect of Idi Amin's Expulsion of the Asian Community in Uganda on the Social and Economic Development of the Country', Working Paper No. 2012/37, Maastricht School of Management, March 2012, 2.

⁸⁵ Maria van Haperen, 'The Rwandan Genocide', in *The Holocaust and Other Genocides*, eds. Barbara Boender and Wichert Ten Have (Amsterdam: Amsterdam University Press, 2012), 112.

⁸⁶ Barnes, 'Beyond Conflict', 499.

violence, yet ultimately such violence (as shall be shown) was a part of its genocidal context rather than being solely caused by cultural factors.

e. The forced destruction of Islamic identity

In two further cases of rape of Cham women at S-21, one interrogator reported that a fellow cadre:

Interrogated a female detainee and, during the meals, the interrogator took the detainee to his room. Touch [the interrogator] did not go to the canteen. He remained in his cell and raped the woman.⁸⁷

A second, similar case:

It was maybe 11pm. And when they [two messengers] arrived at the stairs, that messenger raped the female prisoner under the staircase.⁸⁸

Near Niroth Pagoda in Phnom Penh, one woman reported that:

I was met by a small group of KR soldiers who stopped me. This small group brought me and another person, one person at a time [into the pagoda]. I saw my friend who was taken earlier on was soaked with blood. I asked her what happened. She said she was raped and also assaulted when they inserted a plant into her rear, into her anus.⁸⁹

In each of these cases the victim survived, or there were witnesses. What can be concluded from these transcripts is that the KR used GBV as an element of its ideological (and unsuccessful) goal to destroy religious identity and subjugate the population to *Angka*: GBV would not be committed were it not (usually) to send a message via its witnesses. To what extent GBV was essential to this goal requires further investigation.

To 'smash' the Cham population meant more than to kill; it meant 'to destroy knowledge itself'.⁹⁰ Religious beliefs became a weapon against the Cham through which to harm them, by destroying artefacts, books, buildings, teachers, and intellectuals.⁹¹ All children were separated from their parents so would have no knowledge about what happened before the KR.⁹² Driven by this ideological goal and the rupture in the process of the construction of reality, the rape of Cham Muslims in prisons occurred frequently. One platoon commander from Kampong Cham reported that on one day, 400-500 Cham adults and children were taken to a pagoda-prison, where 'babies or young children were smashed

⁸⁷ 'Transcript, Day 403', 28.

⁸⁸ Ibid., 28.

⁸⁹ 'Transcript, Day 184', 11-12.

⁹⁰ Gray, 'Re-imagining the Community', 105.

⁹¹ 'Transcript, Day 323', 60-1.

⁹² Ibid., 76.

against the trees and legs were pulled apart [a metaphor for rape] and thrown into the pits', whilst 'women were stripped of their clothes and raped afterwards'.⁹³

f. Hinton and 'cultural models'

As an anthropologist, Hinton understandably uses cultural explanations of KR ideology. He builds on Goldhagen's argument of 'eliminationist anti-Semitism', of a single German or Khmer model that was responsible for the Holocaust or Khmer Rouge, inspired by pre-existing values and beliefs. Historical and ideological development therefore morally justified the abuse of an 'enemy' group. Hinton claims without evidence that specific cultural traits made the Cambodian people 'more conducive to genocide' than other groups, and that it was these 'intrinsic cultures' (he refers to Buddhism, hardly an 'intrinsic culture') that were deliberately manipulated by KR leaders.⁹⁴ This view is one that fits into Hannah Arendt's model of totalitarianism as an attempt to rewrite history, create new institutions, command total monopoly of power, and reclaim Khmer glory, though Arendt's model is more ideologically than culturally driven.⁹⁵ *Angka*, Hinton argues, becomes the mysterious yet all-encompassing entity, only revealed to be the CPK in a five-hour speech by Pol Pot in 1977. As such, 'cultural phenomena' need to be examined in themselves, rather than attempting to understand them as psychological or social accounts.⁹⁶ For Hinton,

The KR attempted to motivate its minions - who were differentially constrained in various contexts - to kill by invoking ideological discourses that played upon Cambodian cultural models related to revenge, power, patronage, status, face, and honour.⁹⁷

Individuals who did not conform to the Khmer state were objects for public and private discrimination. The KR differentiated between 'base' or 'old' people, initially loyal to the regime, and 'new' people, containing (among others) all those who were not ethnically 'Khmer'. For a Cham to 'become Khmer', they would have to replace the colourful clothing for women and white tunics with baggy cotton trousers for men with the same black peasant garb of the poorest Khmer villagers, remove their jewellery, stop attending

⁹³ 'Transcript, Day 327', 40, 59.

⁹⁴ Mike Hayes, 'Review of *Why Did They Kill?*', *American Journal of Sociology* 110, no. 6 (2006), 1816.

⁹⁵ See Hannah Arendt, *On Violence* (Orlando: Harcourt Brace and Company, 1970); Arendt, *The Origins of Totalitarianism* (Harcourt Brace and Company, 1973).

⁹⁶ Hinton, *Why Did They Kill?*, 25.

⁹⁷ *Ibid.*, 31.

mosques (or join a work brigade to destroy them), and marry a Khmer spouse.⁹⁸ As has been argued, those who did not conform would face removal or re-education, as in the case of the fallout from a Cham revolt in November 1973 in the East against attempts to force Chams to abandon their culture and move to co-operatives. In protest against the closure of mosques, religious leaders beat their drums at night. All rebellions were brutally suppressed, however. The community in question was razed to the ground. Zone Secretary So Phim responded that the leaders 'must be tortured fiercely' and that 'their followers should be re-educated': even before the capture of Phnom Penh, both outcomes could involve GBV.⁹⁹

g. Kum

Hinton's primary argument focuses on the principle of *kum*, literally translated as 'disproportionate revenge'. In essence, it refers to not breaking face in the short-term, most accurately described by Haing Ngor: 'if I hit you with my fist and you wait five years and then shoot me in the back one dark night, that is *kum*. Cambodians know all about *kum*'.¹⁰⁰ *Kum* could explain GBV in two ways. Firstly, it aided the KR's use of GBV to subordinate the position of the Cham: they were encouraged to be subservient to the regime, for whatever injustices the regime may inflict on them, they could believe that they would eventually get revenge. In a similar vein, many Buddhists believed KR cadre would be punished in their next lives.

Secondly, *kum* justifies *Angka's* crusade against minorities. For Hinton, 'class rage' is key: for peasants, 'those who have', or landlords, were the 'familiar oppressors' who served as a sort of experiential point of reference for KR announcements about 'class oppressors' who charge high interest rates. Urban residents 'consumed the fruits of the peasants' land and labour to support their comfortable and immoral lives'.¹⁰¹ To be sure, KR ideology could use *kum* to encourage the population to turn against the Cham population, for they, alongside urbanites, foreigners, and other minorities, posed a seemingly existential threat to

⁹⁸ Short, *Pol Pot*, 230.

⁹⁹ *Ibid.*, 254.

¹⁰⁰ Haing Ngor, *A Cambodian Odyssey* (New York: Macmillan, 1987), 159.

¹⁰¹ Hinton, *Why Did They Kill?*, 79.

the nation.¹⁰² The Cham were 'the other' marked as corrupt and therefore targeted for revenge: they were not only 'capitalist exploiters', but they were also not 'real Khmer'.¹⁰³ Hinton's perspective places great emphasis on the Marxist-Leninist elements of the KR and their supposed success; this is perhaps undeserved given *kum*'s uniquely Cambodian nature and the brief period of actual KR rule.

Conclusion. Why rape? A product of genocidal context

At its core, GBV served a performative function for the KR. For Helen Fein, GBV was 'justified in the name of the revolution' by the KR in line with the ideological goal of creating a 'Khmer nation'.¹⁰⁴ Those who refused to assimilate would (along with their culture) be removed. Yet in many cases, women were raped before their death, or were raped in prisons before being returned to their worksites. In such situations, rape is not merely about instilling terror in the individual, but also in the victim's community. The combination of sexual torture and killing was designed to destroy what sense of a community remained.¹⁰⁵ Consequently, Cham women were willing to declare themselves 'Khmer' and eat pork under pain of death.¹⁰⁶ GBV in genocide reaffirms the power of men to humiliate, and fits well with the ideological argument that the KR sought to destroy Cham ethnic identity and to create a new supra-religious identity around *Angka*. The rape of one woman became symbolic of the defilement of the community-at-large.

Fein rightly places emphasis on the ideological inspiration for GBV. As has been shown, scholars have frequently attributed the KR's use of GBV to cultural factors, including the Chbab Srei, religion, and *kum*. The traditional principles of the Chbab Srei and *kum* certainly encouraged women's subservience and helped maintain their silence in the face of abuse. Yet to make such an argument risks making the incorrect generalisation, as Hinton does, that Cambodians are inherently violent. It seems easy to apply the above cultural factors to GBV, but doing so overlooks the male obligation to protect women mentioned in

¹⁰² Barnes, 'Beyond Conflict', 49.

¹⁰³ Hinton, *Why Did They Kill?*, 79.

¹⁰⁴ Fein, 'Revolutionary Genocides', 797.

¹⁰⁵ UN Security Council, 'Resolution 1820 (2008)', 19 June 2008, S/RES/1820, 1.

¹⁰⁶ 'Transcript, Day 236', 51-2, 61; 'Transcript, Day 323', 61; 'Transcript, Day 324', 65; 'Transcript, Day 331', 52-3.

the Chbab Proh: how can one cultural Code be responsible for rape, even if connected to other cultural factors? Rather, GBV certainly served a performative function. Although cultural in the sense of reaffirming hierarchy, performative violence more importantly seeks the destruction of community - religious and ethnic - identity. Rape, as in East Timor and IS, can seemingly be explained by cultural factors, but is more accurately described as a product of its genocidal context, to subjugate 'the other' to the regime.

Why did the group of 400-500 Cham women not run away when they were arrested in Kampong Cham? The KR clearly believed they would (and two did succeed), or they would not have hired a guard to stop them doing so: 'if some of them were to flee, then they would be successful'.¹⁰⁷ The majority of Cham women accepted their fate because their fear of recrimination was as great as that of death. Were they to speak out about their abuse, they would be stigmatised in society (whether that be Cham or Khmer is irrelevant) or stigmatised by the KR regardless. Fundamentally, the KR sought to destroy all elements of non-*Angkarian* religion by breaking community ties. But this was not a targeted ideological campaign to destroy the Cham; rather, GBV was used as a tool to instill fear, to force physical (even if not psychological) unity among a 'Khmer' population. As one deputy secretary describes, 'If there was actually a purge planned from the Centre to kill the Cham people, then they would all have been killed'.¹⁰⁸

¹⁰⁷ 'Transcript, Day 327', 74.

¹⁰⁸ 'Transcript, Day 335', 77.

Chapter 2. Forced Marriage

The frequency of forced marriages has been more widely acknowledged than GBV more generally.¹⁰⁹ Between 1975-9 at least 250,000 women aged between fifteen to thirty-five were forced to marry. Though sometimes younger or older, women were generally not forced to marry before age twenty, and men twenty-five.¹¹⁰ Marriages were dictated and arranged by *Angka*: children were separated from parents, husbands and wives were separated from one another, Cham women could be married to Khmer men. KR marriages were less about love, or population growth, than about the destruction of religious identity and the 'achievement of revolution'.¹¹¹

1. Forced marriages and tradition

Cham marriages are colourful spectacles that rest heavily on tradition. Older women play a prominent role in arranging the ceremony in addition to 'confirming the successful consummation'.¹¹² The wedding typically lasts several days, with time for the bride and groom to decorate their house, prepare for family life together, and for the wedding itself in a mosque. During the (short) ceremony the bride and groom's wrists would be tied in the *Chong Dai* (tying of the wrists ceremony), whilst an imam reads from the Koran and prays for the happiness and health of the couple. Marriage was the prelude for a young woman's entry into mother- and adulthood.

KR marriages were a more sombre affair, but retained the traditional weight placed on consummation. A line of women and a line of men would stand in twos in front of a DK flag. A local cadre would say a few lines about the couple's responsibilities to *Angka* and the nation in terms of reproduction. For the 'fortunate', small gifts of tobacco or fruit would be exchanged, before any invited guests - generally the family were not invited - would be given a bowl of rice.¹¹³ Anywhere between two and one hundred couples could be married

¹⁰⁹ Ysa Osman, *Oukoubah: Justice for the Cham Muslims Under the DK Regime* (Phnom Penh: DC-Cam, 2002), 85.

¹¹⁰ ECCC, 'Forced Marriage', 2014, updated in 2015. Accessed 30 November 2016, at <https://www.eccc.gov.kh/en/crime-sites/forced-marriage>; 'Case 002 Closing Order', Case File No. 002/19-09-2007-ECCC-OCIJ, Doc. D427, 15 September, 2010, para. 842.

¹¹¹ Kasumi, *GBV*, 13.

¹¹² Andaya, *Flaming Womb*, 205.

¹¹³ Locard, *Red Book*, 267-8.

at one ceremony, usually in public locations or pagodas, reverted from prisons for the occasion. Notice that a couple were to be married often came less than one day before the ceremony. If *Angka* ordered a marriage, 'you must marry'.¹¹⁴

It has been misperceived, by scholars such as Locard, that members of *Angka Loeu* could marry or have sexual relations with whomever they desired.¹¹⁵ Locard argues that this inner circle of around twenty members 'retained all the feudal privileges of deflowering virgins' via rape.¹¹⁶ Yet there seems little evidence that the upper echelons of the KR lived a particularly extravagant lifestyle. It is reported that Prime Minister Khieu Samphan berated his brother at dinner for ordering duck: 'You ought to be ashamed of sitting here eating such good food when most people who work ten times harder than you have nothing at all!'.¹¹⁷ Indeed, whilst KR soldiers captured Phnom Penh in 1975, *Angka Loeu's* members camped in bamboo huts south of Oudong, with no furniture nor beds, only mattresses on the floor.¹¹⁸ As for the story about 'deflowering virgins', there is little evidence that the cadre in question, Koy Thuon, ever did such a thing. Rather, as Locard admits, it was a 'rumour in his own regiment' presumably intended to raise his status as powerful leader.¹¹⁹

2. Complete control over sexuality

As all sexual relations in DK were controlled by *Angka*, it was *Angka* that was in complete control over sexuality. As forced marriage was a 'central policy' of the regime, GBV was therefore a 'core element of the KR *modus operandi*'.¹²⁰ In this context, women (though also men) become exchange objects of the state. In any new marriage, consummation was expected, creating a state-sanctioned culture of GBV by civilians within marriage. Whatever rights women may have had before the revolution, and in spite of the supposed equality that 'communism' offered (equality in work, rather than in everyday life), they lost under the KR. Forced marriage, therefore, is the ultimate appropriation of parental and kinship

¹¹⁴ 'Transcript, Day 277', 20-1; Kasumi, *GBV*, 14.

¹¹⁵ Locard, *Red Book*, 257.

¹¹⁶ *Ibid.*, 257.

¹¹⁷ Short, *Pol Pot*, 132-3.

¹¹⁸ *Ibid.*, 7.

¹¹⁹ Locard, *Red Book*, 258; Paul Bartrop and Steven Jacobs (eds.), *Modern Genocide: The Definitive Resource and Document Collection* (Santa Barbara: ABC-CLIO, 2015), 463.

¹²⁰ JoAnn DiGeorgio-Lutz and Donna Gosbee, *Women and Genocide: Experience of Violence, Survival, and Resistance* (Toronto: Women's Press, 2016), 152.

rites by the state: women did not know who, when, or where they would marry, only that they would have to marry and consummate, or to feign consummation.

So how and why did the KR seek such complete control of women's sexuality? The 'how' question is easier to answer in terms of culture, while to ask 'why' requires an examination of the regime's ideological goals. There are clear parallels between the pre- and post-revolutionary drives for consummation, the only difference being that prior to 1975 it would have been a grandmother's duty to monitor this, rather than that of the *chhlop* (child spies). KR marriages were often carried out in pagodas, with obvious religious symbolism, yet transformed into the state religion of *Angka*.

Forced marriage was to serve the revolutionary cause rather than the family. The opinions of the prospective couple 'did not matter'.¹²¹ As shall be shown, young Cham women would often marry Khmer men and vice versa, though it was still possible for Cham-Cham marriages to occur. Same-religion marriages were performed perhaps for similar reasons, as the RC were only sparsely followed and enforced by cadre: they could integrate or not integrate society as much as they chose, whilst instilling fear within the population by using sexual violence as a performative tool. For regardless of *who* was being married, the element of creating 'surprise' around marriage is important, in addition to the requirement of consummation. Nevertheless, the cases where inter-Cham marriages were allowed are noteworthy. One commune chief from Takeo province reported that the CPK 'arranged for the New People to marry with the New People [Cham-Cham], while the Old [base] People had to marry with the Old People'.¹²² One Islamic teacher who attended a KR wedding 'one or two times' reported that 'Cham people could marry one another'.¹²³ As with the RC, the KR's forced marriage policy had local variation, and it was this very variation that helped ensure surprise at any marriage ceremony.

¹²¹ De Langis, 'What is Remembered?', 41.

¹²² 'Transcript, Day 277', 18.

¹²³ 'Transcript, Day 396', 79.

The surprise of marriage, a key element in the KR control over sexuality, is evident in testimonies. One man from Kampong Cham province reported that, in 1977:

The unit chief sent me to cut some trees in order to make tools to catch fish. [But] I was called to go with them [district cadres], and they told me that at this hour, this day, that I had to go with them in the cooperative. I was thinking 'What I did wrong?'. Later on, I learnt that it was an arranged marriage ceremony. Nobody knew who would be his or her future husband or wife. I only asked those who were sitting next to me, and they said that we were called by *Angka* to attend that meeting, and they were not aware that they were to get married.¹²⁴

What is notable is not only the surprise of this man at being at the marriage ceremony itself, but his fear after being called to attend. Clearly he did not expect to be married, but to be punished - in his case, for stealing food. The punishment *was* marriage, rather than death; there is evidence that if individuals committed 'moral offences' they would often be married.¹²⁵ The man's surprise can perhaps be attributed to the KR's hostility towards extra-marital relations. The regime feared that, were people allowed to 'love each other and have sex', this would undermine their work and the goal of the regime to increase agricultural production, yet ironically would help increase the population. Hence, there are examples where men and women in Kampong Cham province were electrocuted after being suspected of conversing with the opposite sex.¹²⁶

Those who refused to marry would be classed as 'moral enemies'. The man cited above reported that, 'They asked if we actually consent to the marriage, and if not, then we would be taken away to the forest and killed'.¹²⁷ It is tempting to trust this man's testimony over that of a local cadre chief, who, when asked the question, 'If anybody did not want to marry, then the person wouldn't have to marry?', with 'Yes'.¹²⁸ Even if people did not actually have to marry, their fear is testament to the control the KR could exert over its citizens. There are as yet no transcripts which testify of a citizen refusing to marry, only that citizens did not have to marry. One commune chief accurately represents this by saying, 'in my opinion, there were no forced marriages, but if the couple agreed to get married, we

¹²⁴ 'Transcript, Day 342', 93-4.

¹²⁵ 'Transcript, Day 277', 21.

¹²⁶ Mam, 'Sexual Abuse', 3.

¹²⁷ 'Transcript, Day 342', 94.

¹²⁸ 'Transcript, Day 288', 20.

forced them to get married'.¹²⁹ This 'agreement' to marry was based on fear, in turn leading to forced marriage:

The unit chief came to ask me if I got married voluntarily. I replied [that] I got married voluntarily. Actually, I was just trying to provide the answer upon their request. I did not get married voluntarily, but I had to agree to their request.¹³⁰

3. Ideological goal to destroy 'the other'

As with rape, the KR used forced marriage as part of their ideological goal to destroy ethnic identity and 'the other'. Hinton argues that the KR sought to bring the 'spirit of combative struggle' to the cooperatives: breaking family and kinship ties, requiring everyone to look the same, and destroying individualistic traits that precluded a 'proper revolutionary consciousness'.¹³¹ All individuals were to be subsumed by the state to create a homogenous society, becoming 'Comrade Ox', the depiction of a hard-working, resigned worker that does not complain. For example, one woman's marriage was organised and arranged without the presence and blessings of her parents, for *Angka* had assumed their role; there was therefore no way for her mother to bless her or for her to pay her respects to her, as is customary in Cham culture.¹³² Forced marriage was for the greater goals of the state; marriage was not meant to be for individual gain, so why, from the KR perspective, would individuals get a say in it?

In order to break down pre-revolutionary religious, family, and village ties, the KR married heterogeneous individuals. As has been shown, the KR did marry Cham-Cham and Khmer-Khmer couples for ideological reasons, but this was by no means the only form of forced marriage. A Cham rebellion in October 1975 in Koh Phal and Svay Khleang (Kampong Cham province) was, in part, created by the KR's arrangement of Cham-Khmer marriages, forbidden in Sunni Islam (unless the partner converts to Islam).¹³³ While there were cases of resistance to maintain their identity, most Cham women complied with KR demands for marriage in order to survive.¹³⁴ According to the deputy secretary of Chamkar Leu district

¹²⁹ 'Transcript, Day 277', 22.

¹³⁰ 'Transcript, Day 235', 18.

¹³¹ Hinton, 'Agents of Death', 823-4.

¹³² So, *Hijab of Cambodia*, 13-14.

¹³³ Osman, *Oukoubah*, 78.

¹³⁴ So, *Hijab of Cambodia*, 17.

(Kampong Cham province), there were three criteria for deciding marriages: Firstly, age, 'eighteen years [two years lower than official policy] minimum for women'; secondly, love, 'did they really love each other?'; finally, 'the authorisation of the parents'.¹³⁵ Clearly these criteria were either not followed, or are blatant lies: women were married at younger ages than eighteen, couples often did not love one another, and parents were rarely informed of the marriage until afterwards, let alone invited to 'authorise' the pairing.¹³⁶

Cham-Khmer marriages are potent examples of the KR's attempt to destroy religious identity. One Cham man from Kampong Cham reported of his marriage in 1977 that he was forced to marry a Khmer woman in a pagoda, then eat pork after the ceremony: 'We were advised to become a Khmer nation. There was another Cham person who was paired up with a Khmer girl'.¹³⁷ One Cham woman from Kandal province reported how she married a Cham man, but that the KR 'believed' they were both Khmer.¹³⁸ Somewhat cynical transcripts claim that, 'Cham men and women have to marry other ethnic groups and not with the Cham people', and that 'pretty women would marry ugly men and the uneducated ones would marry the educated ones', that is, New People would marry Old People.¹³⁹ To reinforce the destruction of their identity, at the end of the marriage ceremony each would have to make a speech that 'would praise *Angka* for organising such a wedding, and that we would never forget about the nature of our work'.¹⁴⁰ What individual identity there was, was severely curtailed via these ceremonies.

¹³⁵ 'Transcript, Day 335', 52.

¹³⁶ See 'Transcript, Day 235', 79.

¹³⁷ 'Transcript, Day 331', 15-6.

¹³⁸ 'Transcript, Day 356', 75.

¹³⁹ 'Transcript, Day 184', 70; 'Transcript, Day 369', 33.

¹⁴⁰ 'Transcript, Day 342', 95.

4. Consummation

Consummation following marriage was designed to entrench the destruction of religious identity, in addition to subjugating the couple to *Angka*. A couple would be provided with temporary accommodation for two to three days, before being separated. During this time they would be spied on overnight by *chhlop*, who would lie beneath the floorboards and 'observe if a couple was having sexual intercourse'.¹⁴¹ In some cases, this led to rape, though there are cases of consensual sex out of mutual fear, and cases where couples avoided consummating their marriage entirely without retribution.¹⁴² Refusal to consummate would not in itself lead to 'torture or rape', as Nakagawa Kasumi argues.¹⁴³

Some couples were punished for not consummating their marriage, however. As has been shown, KR policies were applied sporadically and arbitrarily, rather than consistently, even within a single province. In these cases, the threat of punishment for not consummating was generally enough for a couple to consummate, if not on their first night together, then on the second or third. One man from Kandal province reported that:

A couple who did not consummate their marriage, there was the first criticism, the second and the third, and if they continue to refuse, they were accused of refusing the order from *Angka*. Their punishment included forced labour. If I do not consummate the marriage, I will be in trouble.¹⁴⁴

Again, the fear in this man's transcript is clear. Despite one commune chief in Takeo province describing how, 'if they [a couple] did not love each other they could not consummate the marriage', this was not the view of the couple in question.¹⁴⁵ For them, refusal was tantamount to disobeying *Angka*, and would lead to death. Consummation (forced or consensual) within forced marriage, therefore, was just one way through which the KR exercised their total control over their subjects' sexuality and lifestyle, their attempt to destroy civic and ethnic individuality.

¹⁴¹ Kasumi, *GBV*, 17.

¹⁴² See 'Transcript, Day 342', 95; 'Transcript, Day 356', 98-9; 'Transcript, Day 396', 50-1.

¹⁴³ Kasumi, *GBV*, 17.

¹⁴⁴ 'Transcript, Day 235', 63.

¹⁴⁵ 'Transcript, Day 277', 22.

5. Population growth

Despite the actual goal of consummation being to destroy individuality, the KR outwardly promoted consummation as a way of achieving 'population growth'. In 2010, an ECCC report on forced marriage specified one of its objectives as being 'to build up a family and increase population by matching people of similar status'.¹⁴⁶ This thesis has already proven the latter point to be only partially true, which leaves the former. What did Nuon Chea, President of the Standing Committee, mean when he asserted that 'we had a principle to increase our population, not decrease it', whilst human losses in the countryside were huge? Certainly 'increasing the number of marriages' to 'double the population' was an objective, but what 'population' does Nuon refer to?¹⁴⁷

Let us first turn to what he *did not* mean by the phrase. The KR did not want an increase in 'bad elements': perceived enemies of the regime, including minorities. They did not intend to create families in the traditional Cambodian sense, that would be loyal to their local communities. This helps explain why couples were separated after three nights rather than encouraging them to live together or to have more than one child. Forced marriage was intended to break down individual identity, familial ties, and local kinship networks, while reinforcing the ties of the individual, and the newly-married couple, to *Angka*. It is possible the KR believed that, were couples to have more than one child, they would develop a loyalty to their children and their relationship over *Angka*. In which case, the 'population increase' that the KR wanted was one that was ideologically 'pure': soldiers for the upcoming war with Vietnam, children who would only believe in *Angka* and the Khmer nation, and not know of the time before the revolution. This also explains why the KR separated children from their parents to be educated at KR schools.

Yet the KR aim to increase the population faced severe setbacks. Even if couples were allowed to live together, there was little energy for lovemaking. As one survivor recalls, 'we were like friends, not husband and wife'.¹⁴⁸ Many women ceased menstruating

¹⁴⁶ ECCC, 'Forced Marriage' [online].

¹⁴⁷ Quoted in Chon and Thet, *Killing Fields*, 99.

¹⁴⁸ Kate Frieson, 'In The Shadows: Women, Power, and Politics in Cambodia', *CAPi Occasional Paper Series*, no. 26 (June 2001), 11.

due to malnutrition and overwork, and ultimately, few babies were born from DK's loveless unions. Ironically, the failure of the KR's population policy was created by the failure of its agrarian policy which was based on the erroneous belief that the Angkorian empire (9-15 CE) had risen to economic and political predominance in Southeast Asia as a result of an irrigation system that permitted the harvest of three to four crops of rice per year, while by 1975 only one crop was being produced on the same land. In reality the expansive irrigation systems of the Angkor era were to increase the area of land under cultivation, rather than to increase intensity of production. Pol Pot nevertheless set out to recover what he saw as 'the country's lost productive capacity', in turn creating the malnutrition that reduced the energy available for lovemaking, preventing women's menstruation, pregnancy and childbirth.¹⁴⁹

If the KR knew about the significance of menstruation then how did this affect GBV, and by extension, their project to increase the population?¹⁵⁰ Had cadre known the significance of menstruation, they would have used GBV to a greater extent for its performative and psychological aspects. There would be no worry of pregnancy if a cadre raped a woman if she had ceased to menstruate, and therefore (were the RC being enforced) would be no danger of punishment for the cadre as there would be no evidence to prove any accusation against them. An alternative view would be that using rape as a tool of the regime, via forced marriage and consummation, would have little purpose as it would not lead to an increase in the population. In Auschwitz, and perhaps in DK, although ceasing to menstruate removed some of the humiliation of GBV for women, it posed other issues, including a loss of identity or fear they would never be able to have children.¹⁵¹

¹⁴⁹ Ben Kiernan, 'Myth, Nationalism, and Genocide', *Journal of Genocide Research* 3, no. 2 (2001), 189-90.

¹⁵⁰ Howard De Nike, John Quigley and Kenneth Robinson (eds.), *Genocide in Cambodia: Documents from the Trial of Pol Pot and Ieng Sary* (Philadelphia: UPP, 2000), 348.

¹⁵¹ Amy Randall, *Genocide and Gender in the Twentieth Century: A Comparative Survey* (London: Bloomsbury Academic, 2015).

6. Conclusion: Forced marriage and the achievement of revolution

It has been argued that KR marriages were less about love or population growth, than about the destruction of religious and individual identity. For the KR, love between couples or families would hinder their revolutionary goals, and worse, the Khmer nation as a whole. While outwardly promoting population growth, in practice this referred to the attempt to produce an ethnically- and ideologically-pure Khmer race who would worship *Angka*-as-religion. All sexual relations were strictly controlled by *Angka*. Even if marriages and subsequent consummation were not always mandatory, like other policies of the state (the RC a prime example), they were used to create fear among the population, in turn aiding their subjugation to the regime.

Chapter 3. Wider Comparative Framework

Having considered the cultural and ideological causes and motivations of rape and forced marriage in DK, it has been argued that the KR used GBV in order to achieve one of their objectives: the destruction of religious identity through GBV. This chapter builds on this by comparing and contrasting the KR with the First Phase of the Indonesian occupation of East Timor, from 1975 to the mid-1980s, and to IS' rule in Iraq since 2014, with regard to GBV. It will stress the genocidal context of GBV that is visible in all three cases. Building on Fein's argument, in each case there is evidence that using rape as a tool of the regime against one individual, was in effect to abuse the wider community. GBV becomes, as has already been shown for the KR, a tool to destroy collective identity and to assimilate (in the case of the KR) or subjugate (East Timor/IS) 'the other' (Cham, East Timorese or Yazidi women) to the regime. Culture will be shown to be independent of GBV.

1. East Timor

a. Historical background

East Timor was Indonesia's poorest province, with lower than average incomes, and higher levels of poverty. As with the Chbab Srei in Cambodia, 'women are always second, trusted only to have children'.¹⁵² In 1974, East Timor gained independence from Portugal, before being annexed by Indonesia for the following twenty-five years, experiencing a brutal, repressive, and violent occupation. East Timorese women suffered cases of GBV, particularly rape, which as in Cambodia were generally unreported due to fears of both stigmatisation and repression.¹⁵³ While there is today a 'wealth of information' showing that GBV was widespread in East Timor since 1975, it is impossible to calculate the exact number of women that were abducted, raped, and impregnated by Indonesian soldiers.¹⁵⁴

This thesis compares DK and East Timor on the basis that the two cases are proportionately comparable in terms of casualties. A greater number of people died in

¹⁵² Sissons, *One Day*, 7-8.

¹⁵³ Corey Levine, 'Justice for Whom? Engendering Transitional Justice: The Case of East Timor', in *The Search for Lasting Peace: Critical Perspectives on Gender-Responsive Human Security*, ed. Rosalind Boyd (Farnham: Ashgate, 2014), 124-5; Sissons, *One Day*, 9.

¹⁵⁴ Susan Rimmer, *Gender and Transitional Justice: The Women of East Timor* (London: Routledge, 2010), 37-8.

Cambodia, but in both cases the lives of roughly one quarter of the population were lost.¹⁵⁵ Kiernan argues that, for the KR the ideological goal was revolution on the basis of Khmer cultural factors, while Jakarta targeted anticommunism with 'the goal of territorial conquest'.¹⁵⁶ Both regimes were supported by the United States, and targeted ethnic minorities. Rape was perpetrated at torture sites in both contexts; women were forced to undertake sexual acts with guards, interrogators, and soldiers in the night, mostly affecting women aged between fifteen to thirty-five, as in Cambodia.¹⁵⁷ Both were equally patriarchal societies where women were marginalised.

b. Eliminating 'the other'

As in DK, forced marriages and forced adoption of children were common, though to soldiers rather than to fellow civilians.¹⁵⁸ Sissons describes how, whilst conducting individual and group interviews with East Timorese women, she found that 'soldiers forced women into sexual relationships or to commit sexual acts under threat of violence and retribution'.¹⁵⁹ As seen in the transcripts for forced marriage in DK, there was a fear (regardless of whether justified or not) that were a woman not to submit, there would be consequences either for her or for her family. A common KR saying was that, 'to dig up the grass, you must also dig up the root', referring to the practice of not only removing individuals who had committed 'moral crimes', but to remove their family or neighbours in addition.¹⁶⁰ Similarly in East Timor, women did not have a choice to become prostitutes for Indonesian soldiers: 'If they don't, the others [their families] are going to get killed'.¹⁶¹ The East Timorese case goes beyond DK in this respect, in that women were effectively used as bargaining chips under intense military pressure to remain silent; in DK, women (and men) were forced by cadre to marry and consummate, but were then separated. Then, where in East Timor women were used by the military as prostitutes, in DK women were forced to marry and (possibly) consummate on their wedding night, rather than on an ongoing basis.

¹⁵⁵ Ben Kiernan, 'The Demography of Genocide in Southeast Asia: The Death Tolls in Cambodia, 1975-79, and East Timor, 1975-80', *Critical Asian Studies* 35, no. 4 (2003), 585.

¹⁵⁶ Kiernan, 'Demography', 585.

¹⁵⁷ Pohlman, 'Communist Women', 202.

¹⁵⁸ Helene Van Klinken, *Making Them Indonesians: Child Transfers Out of East Timor* (Clayton: Monash University Publishing, 2012), 9.

¹⁵⁹ Sissons, *One Day*, 31.

¹⁶⁰ Hinton, *Why Did They Kill?*, 46.

¹⁶¹ Sissons, *One Day*, 31.

Indonesian soldiers, like KR cadre, faced little retribution. One participant in Sissons' study reported that, 'We can't lose our virginity in our culture. The value of women is very low. No-one will marry you, everyone will know you, tease you'.¹⁶² In DK, the RC were applied arbitrarily by cadre at the local level, with little evidence that the official punishment of 'smashing' was ever applied to perpetrators of GBV. In East Timor, there appears to have been equally little benefit for victims in speaking out. Indeed, Sissons concludes that rape was used 'as a weapon of torture and submission upon female prisoners'.¹⁶³ In both cases, GBV was a tool through which the regime could subordinate women to it by breaking familial loyalties.

c. Performative aspects

GBV was a central part of interrogation and torture sessions. The purpose of these sessions was to eliminate 'the other'; in the case of the Cham people this related to their religion and identity, whereas in the case of the East Timorese this referred to a cultural group subject to annexation. The violence in both conflicts shares performative aspects, demonstrating the power of men to humiliate. One woman, 'Ibu D', reported how she was raped in prison:

Each time I was interrogated, I was stripped naked; and each time I was finished being interrogated, I was stripped naked [...] On the third night at Tanhung Gusta prison, I was taken to a room by two of the guards. There were already four officials waiting for me there. Without saying a word, they took it in turns to pounce on and rape me. This didn't just happen once to me, [it happened] almost every night. They wanted to make my husband have to watch it.¹⁶⁴

This woman was not abused because of something she herself was accused of, but was being tortured because of her husband. This is a clear case of performative GBV in order to abuse the wider community. There are no examples in DK from the ECCC transcripts where family members were invited to watch torture sessions, but the effect created from these occurrences is nevertheless similar: they send a message to the surrounding community, for there are almost always witnesses. Witnessing creates fear; again it is not just the individual woman that is being discriminated against.

¹⁶² Sissons, *One Day*, 32.

¹⁶³ *Ibid.*, 33.

¹⁶⁴ Pohlman, 'Communist Women', 204.

In neither DK nor East Timor was GBV primarily driven by a perpetrator's desire for revenge.¹⁶⁵ What is common to both is their performative aspects, that is, rituals of degradation in front of victims' communities. These performances do not necessarily have to be public, contrary to Fein's argument, for even when enacted in private settings such as prisons, they will be witnessed.¹⁶⁶ GBV instils terror within the victim group regardless of location. As has been shown in DK, cases of GBV are just as likely to be conducted by one perpetrator as they are by a group; the same is the case in East Timor. In both cases, rape was not necessarily a precursor to death, adding to the argument that rape was a means of degradation, arguably more powerful than killing the victim.

2. Islamic State

a. Historical background

On the 29th June 2014, the Islamic State of Iraq and Syria declared itself a Caliphate, the Islamic State. Just over a month later, 5,000 Yazidi men in Sinjar province in northern Iraq were killed by IS forces, and 5,000 women were sent to IS strongholds 'to be enslaved and raped'.¹⁶⁷ As of 2015, 2,000 Yazidi women are still thought to be held as sex slaves, but it is impossible to gain an exact number due to IS' lack of transparency.¹⁶⁸ The Yazidis have suffered particular persecution by IS since the Caliphate's declaration. Having first appeared as an isolated community in Iraq's northern mountains in the twelfth century, Yazidis worship one eternal god (Xwede), the creator of the universe. Xwede manifests himself as a Holy Trinity: the Peacock Angel, Sultan Ezi, and Sheikh Adi. The Angel is divested with Xwede's earthly powers, having responsibility for all human affairs. IS consider Yazidis to be 'devil-worshippers', for Muslims consider the Peacock Angel to be the embodiment of Satan (a fallen angel), while Yazidis worship the Angel as the only representative of Xwede on earth. For Yazidis, as Satan refused to bow to anyone but Xwede, Xwede made Satan the

¹⁶⁵ Fein, 'Genocide and Gender: The Uses of Women and Group Destiny', *Journal of Genocide Research* 1, no. 1 (1999), 44; Harris, *Buddhism*, 64-5.

¹⁶⁶ *Ibid.*, 49.

¹⁶⁷ Cathy Otten, 'Convert or Die', *The American Scholar*, Spring 2016, 5.

¹⁶⁸ Debangana Chatterjee, 'Gendering ISIS and Mapping the Role of Women', *Contemporary Review of the Middle East* 3, no. 2 (2016), 201.

chief of his angels, the Peacock Angel.¹⁶⁹ Consequently, IS believe the Yazidis to be 'infidels who must convert or be killed'.¹⁷⁰

b. Slavery and rape

IS' rise has seen a denial of women's rights across the Caliphate: a reintroduction of sexual slavery of Yazidi and pagan (*mushrik*) women, obligatory face-veils, freedom of movement restrictions, and the application of Sharia law.¹⁷¹ IS justify slavery as being 'legitimate under Islamic law', when in reality sexual slavery is forbidden after being abolished 'by the universal consensus of Muslim scholars'.¹⁷² One woman reported how, when IS arrived, they said, 'If you don't come with us, we will behead your two young brothers', after which she went to Mosul to work as a slave, was 'forced to convert to Islam', then 'raped continuously'.¹⁷³ From Salim's transcripts it is common that captured Yazidi women were enslaved and forced to 'convert' to Islam, in turn elevating the status of Muslim women and degrading Yazidi identity. The comparison to the KR may seem extreme, but there are similarities: Cham Muslims were forced to integrate as 'Khmers' or be considered 'immoral elements', in the same way that Yazidi women could either marry a Muslim and 'convert', or face an alternative punishment.¹⁷⁴ In these circumstances, Yazidi women, East Timorese women, and Cham women share a subjugated position in society whereby they were forced to submit to the regime, and were bound by punitive laws and threats: the Chbab Srei in DK, a threat to family members in East Timor, and Sharia law in IS.

For IS, Yazidi women 'deserve' to be made into slaves as 'devil worshippers', and can therefore be used for 'bearing future jihadists'.¹⁷⁵ Here another similarity to the KR presents itself: the KR also aimed to increase the revolutionarily 'pure Khmer' population, albeit as has been shown, to failure. This comparison should be made with caution, however, as

¹⁶⁹ For a detailed description of the Yazidi faith, see Birgül Acikyildiz, *The Yazidis: The History of a Community, Culture and Religion* (London: I.B. Tauris, 2010).

¹⁷⁰ Otten, 'Convert or Die', 5.

¹⁷¹ Adis Duderija, 'The "Islamic State" (IS) as Proponent of Neo-Ahl ḥadīth Manhaj on Gender Related Issues', *Journal of Women of the Middle East and the Islamic World* 13 (2015), 207.

¹⁷² Duderija, 'IS', 232.

¹⁷³ Salim, 'Sinjar Massacre, Testimony: Muna' [online] (henceforth: 'Testimony: Muna').

¹⁷⁴ Louisa Tarras-Wahlberg, 'Promises of Paradise? A Study on Official ISIS-Propaganda Targeting Women', MA Thesis, Swedish Defence University (2016), 34.

¹⁷⁵ Chatterjee, 'Gendering IS', 207.

while IS may outwardly talk about increasing its stock of jihadists, women and children are also enslaved 'for satisfying the *needs* of the militants', that is, their sexual desires.¹⁷⁶ IS' motives for using GBV are not solely performative, but also involve 'an individual perpetrator's lust, greed, or desire for revenge'.¹⁷⁷

As in East Timor, women were used as sexual slaves. In addition to its performative aspects to GBV, IS' intention was also based on perpetrators' own sexual desires. As in DK and East Timor, refusal to have sex could lead to death, for either the individual involved or for their family. One Yazidi woman reported that a single man:

Wanted to marry me. I refused with all my might and again was beaten. He tried to rape me and when he couldn't he sold me again. The man who bought me said that he had to sleep with me to make me a real Muslim.¹⁷⁸

Another example clearly demonstrates the performative nature of IS' use of GBV, when a girl was raped on a road next to the corpses of other Yazidis: 'The saddest thing I remember, during those terrible months, was this little girl, twelve years-old. They raped her without mercy'.¹⁷⁹

Unlike in DK, Yazidi women were not asked to which religion they belonged, so were not given a chance to pretend they were Muslim (a forceful conversion), as in the case of a Cham pretending to be Khmer (a peaceful conversion). While in DK admitting to being a Cham would have resulted in 'smashing', in IS Yazidis were forced to convert by whoever purchased them. One woman described how:

In Mosul we were inside a two-storey building, five hundred of us. A sheikh came and forced us to convert to Islam. Then one morning they came and put us on a truck. They drove for twelve hours until we arrived in Syria, where we were sold as slaves. My owner forced me to marry a man from Saudi Arabia, to teach me 'how to behave'.¹⁸⁰

One further example illustrates this point:

I was sold to a man from Albania. He lived together with five other families and I became the group's slave. I was forced to clean, to pray like a Muslim, and to have sex with all of them.¹⁸¹

¹⁷⁶ Chatterjee, 'Gendering IS', 207.

¹⁷⁷ Harris, *Buddhism*, 64-5.

¹⁷⁸ Salim, 'Testimony: Rooba'.

¹⁷⁹ Salim, 'Testimony: Talqasab'.

¹⁸⁰ Salim, 'Testimony: Maysa'.

¹⁸¹ Salim, 'Testimony: Shirin'.

A potentially fruitful comparison can be made here to the KR's methods of assimilation of Cham Muslims. In a similar vein to how Yazidi women were forced to convert and then show their supposed devotion by praying to Mecca, Cham women were forced to eat pork, marry in Buddhist pagodas, and wear the same clothing as the Khmer people.

Salim's transcripts on the one hand reveal the determination of Yazidi women to resist IS. But they also they reveal how futile a great deal of this resistance was. As in DK and East Timor, resistance could potentially cause even worse consequences than the present situation a woman found herself in. For example, one Yazidi women reported that:

[An American man] told me that I must marry him to become Muslim. I told him that I was pregnant and could not have sex, so he brought me to a doctor and when he found out that I lied, he beat me. He tied my hands with cable and raped me. We tried to escape many times. Each time he would find us [and] every time he'd beat us more and more.¹⁸²

Another testified:

Even though I was pregnant they would beat me and try to have sex with me. If I didn't accept to have sex with the men of the family, they would force me anyway. They raped me over and over again. I moved again [sold] to another city where my baby was born. I was raped there too.¹⁸³

One of the cases of GBV above was carried out in the individual sphere, whilst the other was in the private sphere. Both served a performative function, as the women involved were sold with the intention that they were primarily to become sex slaves, though also to convert to Islam. Their (repeated) rape is representative of IS' efforts to subordinate them to the Caliphate; even as 'Muslims', they will never have the same rights as male jihadists, hence are maintained in a position of indefinite inferiority.

As in DK and East Timor, forced marriages would lead to rape. In East Timor, soldiers were married to civilians, whereas in DK and IS soldiers could be married to civilians, or civilians could be intermarried. Yazidi women who were already married were told that their previous marriages were not recognised in Islamic law, and that they would be gifted to IS fighters as wives.¹⁸⁴ One woman reported:

I was sold again, this time for two months to a man from Tajikistan. He was later killed fighting, so I was sold again, and then again, but this time I was given as a

¹⁸² Salim, 'Testimony: Shadi'.

¹⁸³ Salim, 'Testimony: Delvin'.

¹⁸⁴ Duderija, 'IS', 211.

present. I was forced to have sex up to six times per night. They always fastened my legs and arms.¹⁸⁵

In all three cases there are similar processes in different cultural contexts. It was expected that any 'marriage' was consummated. Rape and consummation was both a part of the regime-in-question's ideology, in addition to being a performative tool used to instil fear within the wider victim community. Consequently, GBV serves to subjugate the victim group under the regime: they can make attempts at integration, for instance by becoming Khmer or Muslim, but can never fully join the ruling group.

¹⁸⁵ Salim, 'Testimony: Azhin'.

Chapter 4. Conclusion

a. GBV as a product of its context

It has been argued here that all sexual relations in DK were controlled by *Angka*. The typical argument that GBV has been enabled by traditional Cham-Khmer cultural factors, including, though perhaps not limited to, the Chbab Srei, *kum*, and ideas of religious difference, superficially appears convincing. Ideologically for the KR (and the Communist Party), GBV served to destroy religious identity and create a single, unified state around *Angka*. Yet the function of GBV was performative: rapes by cadres and forced marriages were both designed to instil terror among the victim community, as well as to remind this community of their (perceived) inferiority. Surely GBV was not possible without the Party and its ideology, for it was the party that created the genocidal context of which GBV was a part. Khmer-Cham culture, in the sense of utilising 'traditional' themes such as the Chbab Srei and *kum*, as opposed to reaffirming the dominance of men as a tool to destroy collective religious and ethnic identity, therefore plays little role in formulating GBV.

Performative GBV usually combined sexual torture and killing to create terror among the Cham and to attempt to destroy what sense of 'community' (religious, individual, ethnic) that remained. Forced marriages had little to do with population growth, or love, but had a lot to do with destroying religious identity. It did not matter whether or not a Cham woman was married to a Khmer man, or if a Cham man was married to a Cham woman. These were marriages that were intended to be a surprise, to be a punishment, and again, to create fear and destroy non-*Angkarian* bonds of unity and identity. To be sure, there was no KR plan to remove the Cham as an ethnic group in the same sense as the Rwandan campaign to eradicate the Tutsis; rather, GBV was intended as a tool to force physical unity among a 'Khmer' population, one that had to be ready for war with Vietnam at any moment.

This thesis has sought to place the case of DK in a wider comparative context by relating it to IS and East Timor. It has focused on the Cambodian Cham population owing to their higher mortality rate than ethnic Khmers or Vietnamese, in addition to their focus within the ECCC. While the examples of GBV following the Sinjar Massacre are evidently more extreme than that of DK or East Timor, there are comparisons that can be made. In all

three cases women are marginalised and subjugated to men in patriarchal societies. Non-consensual marriages could, or did, in the cases of IS and East Timor, lead to rape. In all, women were under immense pressure to remain silent, through both fear for themselves and for their families, not just in terms of facing death, but in terms of shame and stigmatisation. All share the goal to eliminate the other for ideological reasons, to create a unified centre: *Angka* in DK, to conquer East Timor for Jakarta, to create an Islamic Caliphate in IS; the 'other' do not fit with society, particularly in DK and IS, where Chams and Yazidis had their own distinct cultural and religious practices. In other words, GBV is a product of its genocidal context rather than of culture; we can therefore understand GBV without taking culture into account.

Most importantly, all three cases of GBV share performative aspects. In Indonesia there is direct evidence of soldiers wanting victims' families to witness their interrogations. In IS, Yazidi women were frequently sold and resold, raped in public areas or in front of owners' families and friends. In DK, ECCC transcripts have revealed that rapes of Cham Muslims were witnessed by other people in the community. Consequently, it can be concluded that in these examples, the three regimes used GBV as a tool to submit a community or ethnic group to the regime. Even after submission, these women were not considered equals with the leading group: Cham women could never become 'base people', East Timorese women in forced marriages were, in effect, prostitutes, and Yazidi women, even when converted to Islam, were still sold and resold as 'devil-worshipping' slaves.¹⁸⁶

b. Limitations and possibilities for further research

By using the transcripts that are now available, the motivations of the KR in using GBV against the Cham population have begun to be realised. This thesis is one of the first instances of research utilising ECCC transcripts, and as such the findings of this research can only be considered the start of a larger project to study the effects of GBV on victims, both in DK and in IS. There remain problems with using ECCC transcripts, including (as in all conflicts) a lack of women coming forward to testify owing to societal pressures, a lack of resources to reach the Tribunal, or a desire to move on. Equally, those women that do come forward are not always able to testify owing to time constraints within the ECCC itself.

¹⁸⁶ Sissons, *One Day*, 31.

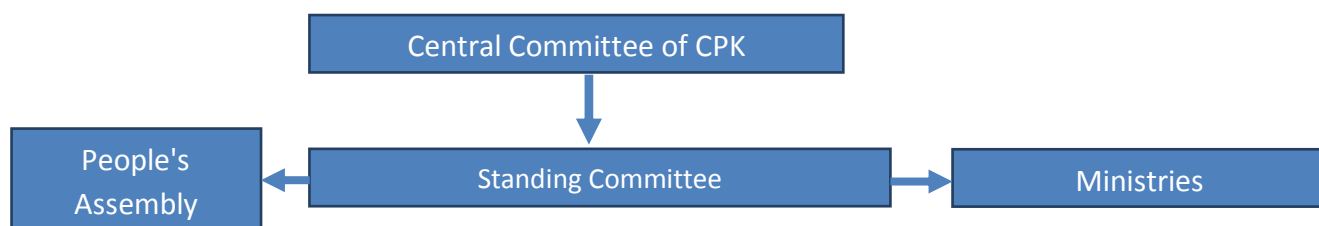
Notably, in late February 2017, the Tribunal announced that 'no further proceedings' would be carried out relating to the 'Treatment of the Cham' in Kampong Cham province.¹⁸⁷ In short, the testimonies that have already been recorded will be the last to come from the ECCC with respect to GBV against the Cham in this area, where the majority of the Cham population resided. While therefore now a finite resource, these transcripts have provided, and will continue to provide, an invaluable insight into GBV as they continue to be analysed by historians.

Work within the ECCC continues regarding the treatment, including GBV, of the Vietnamese minority, and of transgender Khmers. Further research could compare the findings of this study on the Cham to the Vietnamese or other minorities' experiences of DK to examine any similarities and differences in addition to examining the role of sexual violence in the treatment of minorities. I suspect that the motivations behind the KR's stigmatisation of other minorities takes a similar line to that of the Cham: that the KR sought to ideologically unify 'the other' around *Angka* based on cultural, ideological, and performative factors; but to prove such a hypothesis would require further research. The transcripts regarding the Vietnamese and of transgender Khmers are already available, but are yet to be studied by historians.

¹⁸⁷ 'Decision on Reduction of the Scope of Case 002', ECCC Court Documents, Doc. no. E439/5, Case File No. 002/19-09-2007/ECCC/TC, 27 February 2017, 2.

Appendices

A. Leadership of the CPK

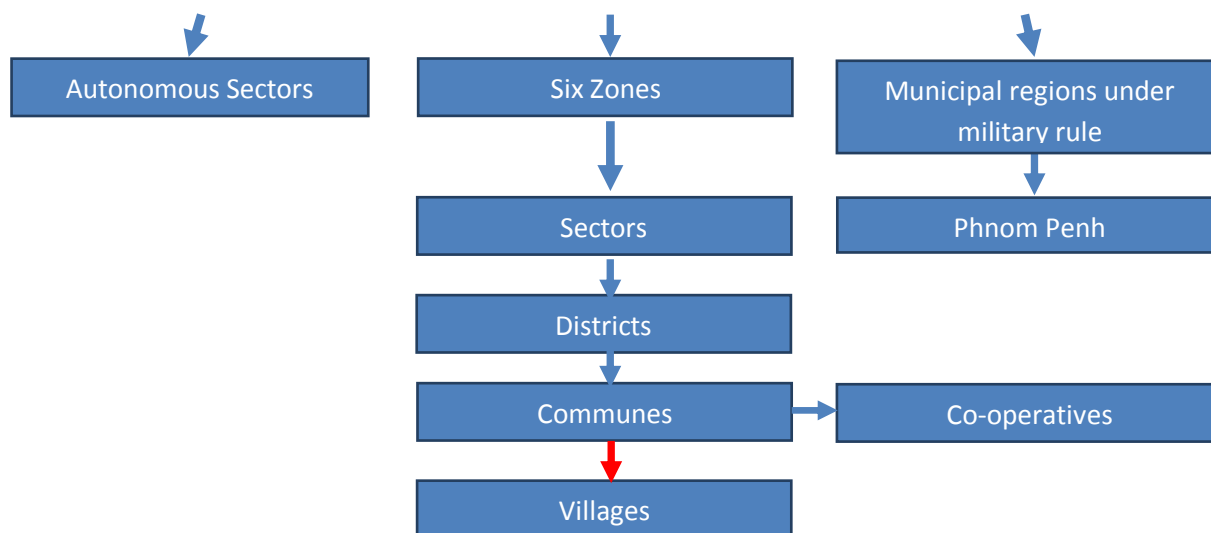


Central Committee – meets rarely, delegates powers to its executive (SC), directed by CPK to implement the Party Line throughout the country and instruct Zone, Sector, and Military organisations/party organs responsible for nationwide developments.

Standing Committee (a.k.a. the 'Centre', the 'Organisation' or '*Angka*'/'*Angkar*'– met frequently, daily work conducted from Office 870 (Phnom Penh)

- Responsible for monitoring and implementing CPK policy nationwide
- Discharges responsibilities through network of subsidiary offices
- Entire civilian population governed by a network of bodies tightly controlled by the Central Committee through the Standing Committee

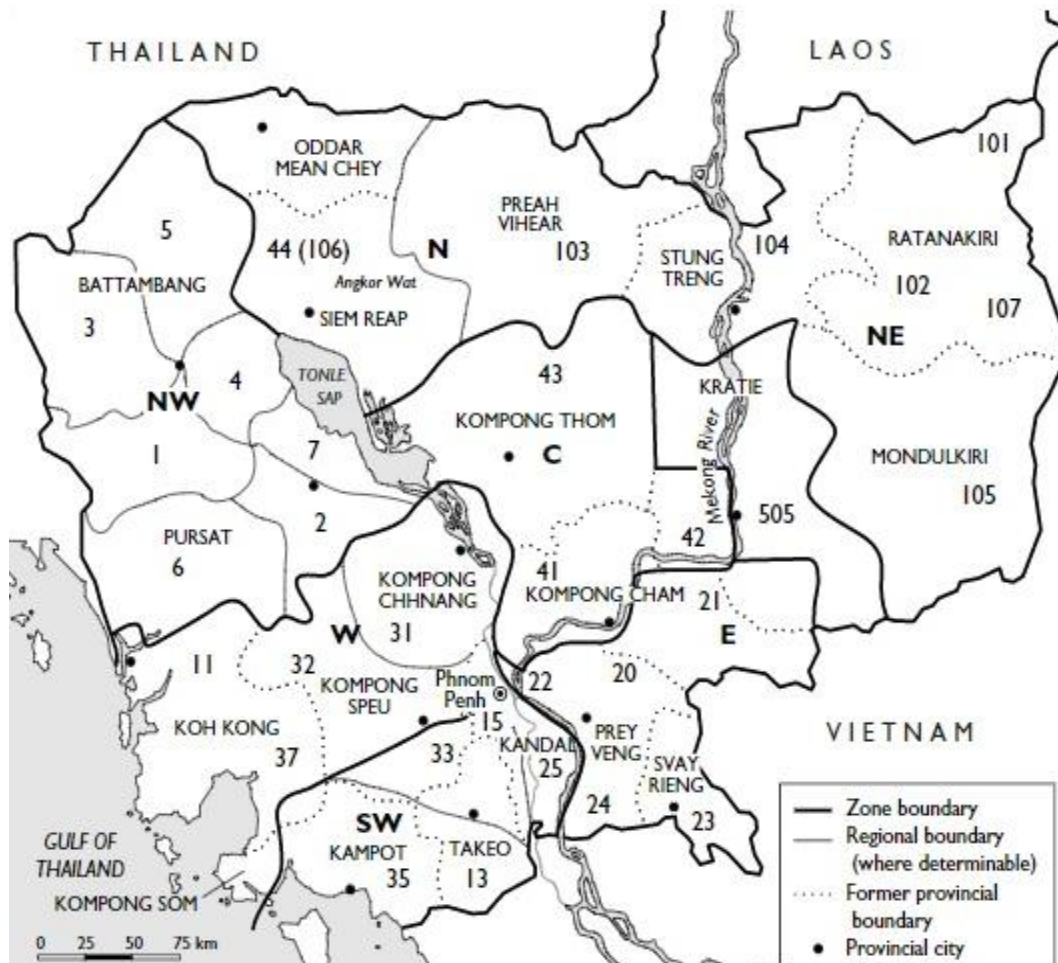
Members of the SC: Pol Pot (Commander-in-Chief), Son Sen (Deputy Prime Minister), Chhit Choeun/Mok (Chief of General Staff), Chan Chakrei (Deputy Chief of General Staff), Ke Vin/Pauk (Deputy Chief of General Staff), Ni Kon/Tith Nath (Deputy Chief of General Staff), Slet Chhe (Member of General Staff, CPK Secretary).



Zones are led by six-person Zone Committees with Secretary and Deputy Secretary responsible for security. Each body reports to the one above it.

Communes, traditionally divided into villages, are merged into larger entities: Co-operatives, with communal eating and work or mobile brigades.

B. Map of Democratic Kampuchea, 1975-9



Source: Alexander Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2005), 19.

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'Transcript of Trial Proceedings, Trial Days 184 (Doc. 197.1), 235 (254.1), 236 (255.1), 288 (297.1), 323 (342.1), 324 (343.1), 327 (346.1), 331 (350.1), 335 (351.1), 341 (359.1), 342 (360.1), 356 (375.1), 369 (388.1), 396 (415.1), 403 (422.1), 407 (426.1), 408 (427.1), 409 (428.1), Case 002/02, ECCC Court Documents, Doc. E1/197.1, Case File No. 002/19-09/2007-ECCC/TC.

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