

The Phnom Penh Post

KR's rape victims given voice
Mary Kozlovski and Sen David
December 8, 2011

Neth Saroeun will testify today that she and 30 other women were led into a forest in Pursat province by Khmer Rouge cadre, who tore at their clothes and raped them, but she will not testify to this in court.

The 56-year-old was admitted as a civil party in Case 002 at the United Nations-backed Khmer Rouge tribunal on the basis of the forced transfer of her and her family from Svay Rieng, in what was then designated the Eastern Zone, to Pursat province.

However, she will “testify” today at a two-day non-judicial women’s hearing that began yesterday, along with one other survivor and two direct witnesses of sexual violence outside of forced marriage during the Khmer Rouge regime.

Neth Saroeun said she was the only survivor among a group of women whose throats were cut after they were raped by a group of about 20 soldiers in 1975.

“Three of them tore my clothes and raped me . . . and hit me with an axe. After the rape, they hit me with an axe again, and then I fainted in the hole,” she told the Post.

A third survivor who was meant to testify died recently.

An initiative of NGO Cambodian Defenders Project’s gender-based violence program, the women’s hearing is the first of its type to take place in Cambodia.

“Sexual violence during the Khmer Rouge is a topic that has been left out in the discussions, in initiatives and especially at the Khmer Rouge tribunal,” Beini Ye, a senior adviser to the project from German development agency GIZ, said.

Beini Ye said that CDP had created a hearing outside of the ECCC that would allow victims to discuss crimes that cannot be addressed in court because of legal restrictions.

“One of the main methods for healing, for finding some sort of personal reconciliation, is to speak out, to speak the story in public,” she said, adding that the hearing also aimed to address impunity in Cambodia, as sexual violence was easily “overlooked”.

Civil party lawyer Silke Studzinsky, who is representing Neth Saroeun in Case 002, said that the hearing was giving victims of sexual violence a voice they did not have in court.

More than 40 civil parties from the tribunal attended the hearing yesterday where survivors and witnesses were telling their stories to a four-person panel comprised of national and international rights activists.

“All of us within the international community should have been looking at this issue a very long time ago,” said Nancee Oku Bright, chief of staff for UN Special Rapporteur for Sexual Violence in Conflict Margot Wallström.

Thus far, charges for crimes of sexual violence, including rape, at the UN-backed tribunal have been limited.

In the tribunal’s Case 001 against former S-21 prison chief Kaing Guek Eav, alias Duch, rape as a form of torture was considered; however, the three defendants in Case 002 are not directly charged with crimes of sexual violence that occurred outside of forced marriage.

“The higher you get up [in the leadership], the harder it’s going to be [to prosecute for rape], particularly because of the way rape is always characterised as a secondary activity after the main business of war,” Anne Heindel, a legal adviser at the Documentation Centre of Cambodia, said.

“It’s my understanding that the leaders had a policy against sexual relations unless they were authorised,” she said.

The Case 002 indictment only concerns the senior leaders of the Khmer Rouge regime, and as such is limited to specific criminal acts that currently do not include sexual violence outside of forced marriage.

Clair Duffy, a tribunal monitor for the Open Society Justice Initiative, said that the difficulty was in linking crimes of sexual violence to the accused, but that the investigation of such crimes had also not been prioritised at the ECCC.

“The kind of rape that we’re going to hear evidence of in this women’s tribunal hasn’t been indicted here at all,” Duffy said.

“What you need is to bring in experts who gather the evidence and presumably might be able to show that rape was just as prolific during the Khmer Rouge period as it was in Rwanda, for example,” she added.

“When you can establish through expert testimony that so many people were raped, it helps you in linking those crimes to people at the top level.”

International panelist Hei-soo Shin of Korea is a university professor and member of the UN Committee on Economic, Social and Cultural Rights.

“[The hearing] should be a process of healing for the women,” said Hei-soo Shin, who is also a former member of the UN Committee on the Elimination of Discrimination Against Women.

Hei-soo Shin was an organiser of the Tokyo Tribunal, a non-judicial tribunal held in 2000 at which 70 women spoke of their experiences as sexual slaves of the Japanese military – the so-called comfort women – during World War II.

National panelist Ly Vichuta, director of NGO Legal Support for Children and Women, said that, as a witness herself to rape during the regime, the hearing was allowing victims who had long kept their experiences to themselves to speak out.

The women's hearing continues today.