



Ministry of Justice



Ministry of Interior



Kreung Ethnicity

Documentation of Customary Rules

Indigenous People in Kameng village

Peoy commune, O'Chum district, Rattanakiri province

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Preface

Minister of Interior

Minister of Justice


Country Director of the United Nations Development Program


This documentation came forth from a concerted effort by the Access to Justice project team consisting of MoJ and Mol and with the support of the UNDP to enhance the Alternative Dispute Resolution system which is one of the objectives of the administration and justice reform of the Government's Rectangular strategy.

The Cambodian Government is in the process of transferring responsibilities and resources including funds, properties and staff to sub-national councils, such as the municipality council, provincial council, district council and commune council to meet real local needs through implementation of the *Law on the Administration and Management of the Capital, Provinces, Municipalities, Districts and Khans* (the Organic Law) and the *Law on the Administration Management of the Communes/Sangkats*.

The preparation for this documentation took almost one year with contributions from project staff of MoJ, Mol and the UNDP by interviewing village elders. When edited it was ensured that all the information was correctly written and did not show the position of the MoJ or Mol.

This documentation does not constitute compulsory laws and is different from the Cambodian state law. It was composed to provide more knowledge for stakeholders, particularly those working in the justice sector, on the customary traditions of indigenous people, which have special characteristics that are different from the traditions of other Cambodian people. These differences cause problems in the implementation of the conventional law. Obviously a judge will base their judgment on the law, but especially in civil cases, where the law leaves room for interpretation, the judge can fill in statutory gaps through customary rules and social traditions. In addition, conflict with indigenous people can arise through events that are interpreted differently from most Khmer people. It is important to understand the culture and tradition of indigenous people and to take these into account while preparing draft laws or other government policies.

The documentation will play an important role in assisting the work of the government, the law makers and the implementers. It will also be useful for government officers and other authorities besides those who work in the justice system to have more knowledge on the customary rules of indigenous people. The knowledge will help them to be gentle and create understanding. The customary rules will also contribute to the work of researchers, lawyers and policy makers. 

The Ministry of Interior, the Ministry of Justice and UNDP are confident that this first documentation will show the procedures and methods used in dispute resolution of the indigenous people in Cambodia to all the involved authorities and also to serve all concerned. 

Phnom Penh, 15th of February 2010

On behalf of Minister of Interior
Secretary of State




Nouth Sa An

Minister of Justice



Ang Vong Vathana

Deputy Country Director
of UNDP-Cambodia



Sophie Baranes

Foreword

Indigenous people in Cambodia live in remote areas and highlands of the country, particularly in the northeast provinces of Rattanakiri and Monduliri. These provinces, situated far from the capital Phnom Penh, are rich in natural resources. Economic development and increased migration from the Cambodian lowlands to these areas has impacted on the traditional land security and natural resource management of indigenous populations. Detrimental large-scale activities include illegal logging, land concessions and land encroachment. People in these remote provinces lack access to key public services such as education, health and communication infrastructure. Such important factors contribute to the lack of knowledge and limited capacity of indigenous people to deal with the multitude of challenges facing them today.

Indigenous communities maintain their own traditional mechanisms, rules and practices in solving a wide range of disputes and conflicts. These include community disputes between neighbours, domestic strife between couples, land and farming disputes, physical abuse and injury and accusations of sorcery and curses. Traditionally village elders, based on customary rules and traditional beliefs held by the community, have solved many of these disputes. However, such customary rules are not recognised by local government authorities and formal justice operators.

From 2006 to 2010 UNDP in Cambodia implemented the Access to Justice Project, which piloted different alternative dispute resolution mechanisms in Cambodia, with women, indigenous people and land issues being focal areas for the interventions. In terms of working with indigenous people, the project has focused on enhancing and legitimising customary dispute resolution mechanisms, promoting the awareness of rights and regulations related to land ownership, improving the dissemination of legal and judicial information, increasing recognition of the rights of indigenous people to communal lands and supporting the application of their customary rules and decision-making processes.

In 2006, the project conducted a case study on 'Indigenous Traditional Legal Systems and Conflict Resolution in Rattanakiri and Mondulkiri Provinces'¹, which found that traditional dispute resolution mechanisms play an important role in solving conflict within indigenous communities. One of the recommendations was to support an ongoing process of consultation, research and documentation with Indigenous Peoples' communities, with the ultimate goal of building agreement on how traditional systems can be best recognised by the formal system and how the interface between the two could function.

As a result, the project has assisted six indigenous communities to compile their customary rules to assist in recommending to the government to acknowledge Indigenous Peoples' traditional dispute resolution mechanisms and customary rules. This set of six books is the product of this work and an analysis as to what extent each of these rules complies with fundamental international or national human rights norms will follow. It is hoped that this will provide indigenous organisations and networks with a strong basis with which to advocate for the recognition of traditional rules and practices that are specific to community needs and that do not contradict national or international norms. At the same time, indigenous people will be strongly encouraged to abandon those rules that seriously contradict fundamental human rights norms or which affect public order or national security.

¹ *A case study of indigenous traditional legal systems and conflict resolution in Rattanakiri and Mondulkiri Provinces*, Jeremy Ironside, 2007, published by UNDP Cambodia in collaboration with the Royal Government of Cambodia.

Methodology

Prior to beginning field research, the project team prepared a questionnaire, including a list of possible offences at the village level such as criminal, civil and traditional belief violations, to be used in the research. The questionnaire was created in consultation with indigenous students from the Cambodia Youth Association (CIYA). The purpose of this consultation was to ensure the questions, and terminology used, were relevant to indigenous situations. The CIYA students were trained for two days on how to use the questionnaire. These students were employed as interpreters during the study. We also cooperated with members of the Khmer Leu association and Development Partnership in Action (DPA), who assisted in arranging meetings.

The research was conducted in four villages in Rattanakiri and two villages in Mondulkiri province. Below are the villages involved.

No.	Village	Commune	District	Province	Ethnicity
1	Kameng	Peoy	O'Chum	Rattanakiri	Kreung
2	Tumpoun Reung Thom	Taveng Kroam	Taveng	Rattanakiri	Brao
3	Ul Leu	Patang	Lum Path	Rattanakiri	Tumpoun
4	Pa Dol	Sesan	O'Yadao	Rattanakiri	Charay
5	Pu-Trou	Sen Monorom	O'Raing	Mondulkiri	Phnong
6	Pu-Char	Sre Preh	Keo Seima	Mondulkiri	Phnong

The project team met with villagers accompanied by the village chief and traditional elders. The team interviewed traditional elders, village mediators, village chiefs and male and female villagers, using a group discussion format. Approximately 15 people were interviewed in each village. Project staff also occasionally took part in cultural ceremonies when they occurred during the six-week period of this study. All information recorded has been checked with those interviewed and has not been changed or interpreted in any way.

Although most of the villagers interviewed could speak Khmer, the project team posed questions through indigenous interpreters. The project staff took interview notes and sessions were recorded to ensure a full and accurate account of statements made by those interviewed. In some instances, participants described past cases and settlements they had been involved in or had been recounted to them. In others, they could identify fixed rules that had been dictated by their ancestors, particularly relating to traditional beliefs. With some cases, participants said past dispute resolutions could inform current dispute settlements if/when a similar case arose in the village.

The resulting research is presented in narrative form highlighting offences and their resulting penalties or resolutions and the rationale behind the decisions made.

We are grateful to the traditional authorities in all six villages, who have provided invaluable information for this exercise. We would also like to thank the indigenous youth association CIYA, the Khmer Leu association, DPA and the local authorities in these areas. Without their cooperation and support, this documentation could not have been achieved. Finally we would like to thank the Agencia Española de Cooperación Internacional para el Desarrollo (AECID, the Spanish Agency of International Development Cooperation), the Spanish Government and UNDP Cambodia for their financial support.

Acknowledgements

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1. Village background

Kameng village is an old indigenous village located in the Rattanakiri basal highland. It is home to 570 villagers comprising of 85 Kreung ethnic families. The villagers live as a small gathered community and maintain their own ancient identity, traditions, culture and belief systems. The villagers subsist on farm cultivation, non-timber products and hunting. The villagers live peacefully together and a strong solidarity exists among the community. One villager explained:

‘One part of this peace comes from the strong belief of the villagers in our tradition, culture, and our Traditional Authority who knows and conserves these beliefs. These cultures and traditions are importantly considered as the rules governing our community, dealing with disputes, keeping peace and happiness in the community’.

The origins of indigenous village traditions are found in the following historical anecdote related by villagers. In the period of Siam governance in the region, there lived two magical brothers, Yak Kaol and Yak Poey who were good at waging war in order to protect their village against Siam solders. Years later they divided their village into two, so that one village belonged to Yak Kaol and the other to Yak Poey. When Yak Peoy died, those villages spread out into four more villages – Kanchueng village, Koy village, Kreh village and Taghach village. After Yak Kaol’s death, his village was also spread out into four more villages – Kameng village, Krola village, Svay village and Santuk village. Yak Poey’s name became the name of the commune, Poey commune, which includes all eight villages listed above.

During the 1960’s, there lived a Kreung family led by a man named Kameng who came from his original village to clear land to build a house and farm. Kameng was a gentle man who was helpful and had an in-depth knowledge of the Kreung tradition and culture. The family subsisted well thanks to the

fertilised land which allowed him to grow quality rice and vegetables. In addition, there were many animals in the surrounding forest. Due to these favourable conditions, many villagers came to live as Kameng's neighbours and in a short time it became a village. He was highly respected by his neighbours who would seek out his help in dealing with many issues such as sacrificing to the spirits in order to gain happiness. Kameng slowly became a village leader whom all fellow villagers loved, respected and followed. The villagers use the word *Krak Shrok* to represent a person who had an important role and Kameng came to be known as a *Krak Shrok*.

Upon his deathbed at age 80, Kameng, requested his son Sar to continue his role as *Krak Shrok*. Sar was knowledgeable in local tradition and culture, strictly adhered to societal taboos and was respectful to other villagers. Sar continued his father's work as community leader in order to keep peace and happiness. He was particularly adept at conducting sacrificial ceremonies and settling important issues within the village.

Years later when Sar became old and knew he was about to die, he called on his nephew Pove and Pove's grandsons, Rombin and Rombong, to continue in his place as *Krak Shrok*. Sar did not call on his son to take over this role because his son did not possess a deep knowledge of tradition and culture, nor did he adhere to accepted societal taboos. Sar dreamt that the spirits indicated Pove, Rombin and Rombong should be the ones to continue in his footsteps.

In 1999 Pove died of old age. Before his death he called on Rantong Kranhi to continue in his place and to join Rombin and Rombong in conducting the village sacrificial ceremonies. However, these three individuals did not possess the knowledge or ability to deal with disputes and therefore no one in the village consulted them when solving conflicts. However another man, Yak Teng Kanang, was asked by many villagers to conciliate many types of disputes between the villagers in the community. Since 1979 Kanang had been assisting village elders in solving disputes between villagers. After the death of Rombin and Rombong he began to play an important role in mediating and resolving villagers' disputes.

Since Kameng started to build the village, the villagers had been relocated several times. The first village was built in O'Chabo, Veunsai district, then moved to Phnom Gong, before finally returning to its former district. Kameng died after the village returned to O'Chabo. The current village was established in 1996 in Poey commune, O'Chum district.

The Traditional Authority is the group of elders in the village, including the *Krak Shrok*, *Teung kang Krak* and *Kanong*², who play key roles in governing the community, settling issues, organising sacrifices to the spirits and maintaining peace and happiness within the community.

2.1 *Krak Shrok*

A *Krak Shrok* (also known as a *Teung kang Shrok*) can be divided into two kinds– *Krak Shrok Sen Phum* and *Krak Shrok Tatchin*³.

2.1.1 *Krak Shrok Sen Phum*

The *Krak Shrok Sen Phum* respected person recognised by villagers as magical or spiritual and one able to make requests to the spirits for peace, happiness and forgiveness using sacrificial ceremonies. Such people are knowledgeable in culture, beliefs and traditional sacrifice. They are appointed by the previous *Krak Shrok*. Their decisions are respected and followed by all villagers, for instance, when they request to relocate the village or organise a ceremony that requires the sacrificing of a buffalo, cow, pig, or chicken and jar of wine. In the practices of the Tumpoun people, a *Krak Shrok* is a person knowledgeable in the customary rules dealing with dispute resolution when the villagers have asked and trusted them for help such as Yak Kameng and Yak Sar. However, there is no obligation that the *Krak Shrok* must counsel or mediate a dispute. His principle responsibility in the village is over sacrificing rituals. The *Krak Shrok* can be an individual person or a group of up to three people depending on the appointment of the previous *Krak Shrok* and the magical prowess of the individual. Villagers maintain that the person appointed by the previous *Krak Shrok* cannot refuse, or the spirits will become angry and cause him to become sick and die. Only males are permitted to fulfil the role as *Krak Shrok*. The *Krak Shrok Sen Phum* is the highest *Krak Shrok* in the village.

² This word has a similar meaning to the English word mediator.

³ The word *Tatchin* means making decision or judgment, and the villagers mean solving conflict by conciliation and mediation. They can also say *Katkdi*.



Rantong Kranhi, Krak Shrok Sen Phum.
(Photo: UNDP/Yin Sopheap)



Pove Rombong, Krak Shrok Sen Phum.
(Photo: UNDP/Yin Sopheap)

2.1.2 Krak Shrok Tatchin/Katkdi

A Krak Shrok Tatchin is village elder or *Teungkang Krak* the villagers believe in and trust based on their knowledge of customary rules and spirit of fairness in solving disputes. There is no obligation to appoint or nominate a *Krak Shrok Tatchin*, however, a person can become a *Krak Shrok Tatchin* if many villagers come to ask for his help in dispute settlement and he possesses a history of successful resolutions accepted by both conflicting parties. Currently, the village has only one *Krak Shrok Tatchin*, but there are many *Teungkang Krak* who join him whenever he conducts a hearing. Apart from conflict resolution tasks, a *Krak Shrok Tatchin* plays a role in aiding the group of elders in organising ceremonies in the community.



Teng Kanang, Krak Shrok Tatchin.
(Photo: UNDP/Yin Sopheap)



Yus Rohen, Village Chief. (Photo: UNDP/Yin Sopheap)

2.2 Village chief

The village chief is nominated by the commune authority and plays the role of village coordinator and facilitator of all tasks related to interaction with levels of government structure, aid organisations or institutions from outside the village. The village chief, for example, can call on villagers to participate in meetings or training workshops. In addition, he supports the village elders in organising ceremonies in the community such as a weddings or funerals. He also facilitates village activities by making announcements, passing on information, collecting contributions or conducting meetings with outside organisations. In conflict resolution, he is sometimes asked to be the *Kanong* or to join the hearing conducted by the *Krak Shrok* to share his opinions. In cases where a disputing party does not agree with a resolution proposed by the *Krak Shrok*, the village chief can refer the case to the commune authorities and facilitate their solving of the conflict. On occasion he is asked by villagers to be the *Kanong* of a wedding or a dispute settlement. However, in general he listens to the group of elders especially decisions made by the *Krak Shrok*. If the *Krak Shrok* decides to organise a sacrificing ceremony or move the village, the villager chief will never refuse as it is thought that the *Krak Shrok* is the most knowledgeable individual on traditions.

2.3 *Teungkang Krak*

This is the name given to elderly married men or those who are elders. They play the role of supporters or assistants to the *Krak Shrok* and help to organise sacrificing ceremonies and meetings related to problem solving within the community. They provide ideas and suggestions to the *Krak Shrok*, as well as the villagers. There can be many *Teungkang Krak*, but there are only a select number who have important roles and are trusted by villagers to be their *Kanong* in dispute resolutions.

2.4 *Kanong*

Kanong are elders whom the villagers trust and request to be their spokesman in seeking resolutions to conflicts and in requesting compensation. The *Kanong* are not only used as mediators during conflict resolution, but also as match-makers in the engagement process. A *Kanong* can either be male or female.

The villagers use *Kanong* in most of their dispute resolution activities. A *Kanong* must be an honest person and serve as an impartial and effective intermediary. A male *Kanong* whom villagers have asked to be spokesman in their conflict resolution, will likely become a *Krak Shrok Tatchin* when he becomes older.

Individuals, who play important village roles as described above, are not part of an official fixed structure in which everybody is obligated to fulfil and retain in a specific role in the community. Villagers are not obliged to use a specific person to solve their conflict. Instead, the traditional system operates in a volunteer-type structure in which villagers are free to request help and respond to requests for help from anyone in the village. This includes the roles of the *Kanong* or *Krak Shrok* in dispute resolution; those involved reserve the right to accept or refuse to help others.

Village elders and villagers have for many generations solved conflict through mediation between conflicting parties, continuing such efforts until an agreed settlement is reached. This ensures community members continue to live peacefully together and avoids the occurrence of acts of revenge being committed against one other. One villager said:

‘It is not a considered a good settlement if any party involved is not happy to accept it. However, since Yak Kameng established this village, there has never been any case that cannot be solved by our Krak Shrok.’

In general, the conflict resolution procedure is as follows.

3.1 Solving conflict by the parties themselves

In the case where the dispute is not serious, the aggrieved party may meet with the opposing party to discuss the dispute. In such cases, the party who accepts fault for the dispute will meet with the other party and ask for forgiveness. Often a small amount of compensation is offered to ensure the conflict does not escalate. In solving the conflict by themselves, the parties involved avoid having to pay *tatch*⁴.

3.2 Mediation through a *Kanong*

When a dispute occurs, the claimant (victim or aggrieved party) will find a *Kanong* to report the dispute to, recount the events that took place and request for compensation. The respondent must provide reasons for the alleged wrongdoing against the claimant and does so through the *Kanong*. If the claimant agrees with the respondent’s reasons, the *Kanong* will ask the two

⁴ This word is its original Kreung language refers to a fine or compensation paid to victim by the party who is at fault. Such a fine serves two purposes: one is to ensure both parties feel happy with the outcome; the other is to serve as a warning to the others. When this word is used one also thinks of a conciliation ceremony in which both parties must drink wine together in sacrificial celebration of a future where they will remain friends.

parties to bring a chicken and a jar of wine to share together as a celebration of the end of the dispute and the continuation of friendship. By contrast, if the claimant does not agree with the respondent's rationale, s/he will then take their case to the *Krak Shrok*.

In cases when the respondent agrees to confess, apologise and compensate the claimant, s/he can request the *Kanong* to try to persuade the claimant to discount the *tatch* price. The *Kanong* goes back and forth from the claimant to the respondent to negotiate until an agreed *tatch* price is reached. Then the parties will come together to share chicken and wine in celebration of the end of the dispute. However, if a negotiated price cannot be reached, a *Kanong* may become frustrated and stop negotiations. He would then refer the parties to the *Krak Shrok*. Any party can also stop the negotiation by telling the *Kanong* that s/he will take the dispute to *Krak Shrok*.

Any conflict resolution efforts through negotiation by *Kanong* are free of charge. The villagers have found that this is a way of helping each other, and if the negotiation is successful s/he will get a meal of chicken and jar of wine to drink with the parties.

3.3 Arbitration by a *Krak Shrok*

Negotiation through a *Kanong* is different from the steps taken by a *Krak Shrok*. A *Krak Shrok* will not go back and forth serving as an intermediary between one party and another. Instead, he first listens to both parties, then balances the *tatch* price and makes the final decision to order any party to pay the *tatch* price. In addition, he will also provide advice to both parties on how to live peacefully with each other. Conflict resolution through a *Krak Shrok* generally involves three steps:

3.3.1 Storytelling

When villagers come to him to resolve their conflict, the *Krak Shrok* organises a meeting in the *Rong* house⁵ by calling both parties, village elders, *Kanong* and other interested people to join. During this hearing, everybody present is free

⁵ This house is built in the centre of the village circle. It is usually much larger than the villagers' houses. It is used for village meetings, sacrificial ceremonies, and to house visiting guests.

to participate and share their ideas. The disputing parties sit on either side of the *Krak Shrok*. Firstly, he listens to both sides of the dispute claim. Both parties must speak the truth, providing clear and reliable evidence and/or witnesses to support their claim. Any participant at the hearing can offer information that s/he is privy to relating to the case. A *Krak Shrok Tatchin* allows time for this 'storytelling' until he fully understands the case or finds the truth. He can then offer his suggestions of the cause of the dispute and which party is at fault. In the case where both parties reject the other's story and each insists that they are right, the *Krak Shrok* will ask them to undertake a *bet-swear test*⁶ (see details in section 4.7.3). The party who loses this *bet-swear test* will have to accept fault for the dispute and pay *tatch*.

3.3.2 *Tatch* bargaining

After the party at fault is determined, the *Krak Shrok* asks the parties to negotiate the amount of *tatch* to be paid by the guilty party. The respondent can attempt to bargain down the *tatch* price based on his/her resource ability. If an agreement cannot be reached, the *Krak Shrok* may provide suggestions on the level of *tatch* to be paid. When dealing with bigger cases, the *Krak Shrok* may also ask the party at fault to provide a buffalo, cow, pig or chicken and wine for sacrificing to the village spirits.

3.3.3 Post agreement

After the two disputing parties come to an agreement of paying and accepting the *tatch*, the *Krak Shrok* will ask all involved in the conflict resolution, as well as the other villagers, to join in a party celebrating the end of the dispute. In doing so the participants bear witness to the parties' promise for a continuation of friendship without revenge. If the case is minor, the party will include sacrificing a chicken and a jar of wine, rather than a buffalo, cow, pig or chicken. During this sacrificial ceremony everyone eats and drinks together, so that the ill will between the parties is healed.

⁶ A *bet-swear test* is a type of truth test where both parties must bet some personal wealth to participate. To identify who is the winner of the bet, the parties need to complete a 'magical test'. This involves a ceremony for the spirits before the test. It is believed that if the person is honest, the spirits will allow him/her to win. If not, the spirit will cause them to lose the bet. The spirit will protect the most honest party in the *bet-swear test*.

In cases where the conflict is resolved using a *bet-swear test*, the losing party is responsible for paying more for the ceremony and sacrifices to the spirits. After the celebration, villagers will acknowledge that the person who committed the mistake has become a good friend and person, possesses the same honour as other villagers, and will not be subject to community discrimination. They consider the victim also healed and free of anger thanks to the confession and *tatch* paid by the other party. The villagers assured that after this healing celebration, all parties are willing to continue to live together in solidarity within the small community.

4.1 Physical abuses

4.1.1 Murder⁷

Killing is prohibited by customary rules as it violates the *Kreung* value of peace and tranquillity. From generation to generation, *Kreung* ancestors have passed on the belief that human beings must not be deprived of their right to live nor should they be harmed in any way. Ancestors have warned that the punishment for a murderer is to be buried alive. However, the villagers maintain that they have been living peacefully in their community and there have been no cases of murder since the establishment of the village by Yak Kameng in the 1960s.

Although there have not been any cases of murder, the villagers clarified that if such a case were to happen, the murderer will be forced to pay *tatch* in accordance with the claim from the victim's family. The total claim cannot exceed more than 12 buffalos. *Tatch* can be paid using a classical gong and wine jar, pigs, cows and buffaloes not exceeding 12 in number. In cases in which an accused murderer cannot pay the whole *tatch* amount, s/he becomes indebted to the victim's family and must work for the victim's family until they agree to release him/her, or until the debt has been paid in full. The villagers said they recall their ancestors establishing these specific guidelines for *tatch* in cases of murder.

Case study 1: A case occurring in a neighbouring village

The villagers recalled a case of murder which occurred in the 1960's in Pin village, today known as Koy village (after their *Kreung* neighbouring village). A man killed his wife out of jealousy over another young man in the village. The victim's family arrested him and buried him alive. The man's family and the villagers believed that it was a right punishment.

⁷ According to the Criminal Code Article 199, murder is punishable with a sentence of ten to 15 years in jail.

Due to the fact that one convicted of murder will be condemned by the court and put in jail, villagers will not force the murderer to pay the entire *tatch* according to tradition. Instead s/he must pay half the *tatch* which is the equivalent of six buffaloes. If the murderer cannot afford the required number of buffaloes, his family (extending as far as his/her second cousin) may pay the remaining 'debt' according to their resources; other villagers may contribute as well. However, relatives cannot be forced to pay nor have resources confiscated in such situations. Their contribution remains simply a symbol of charity to either the perpetrator or the victim.

Tatch in such cases is divided into two parts. The first part includes one buffalo, one pig, one chicken and a jar of wine for the funeral ceremony. This ceremony includes a sacrifice to the spirits to ask for forgiveness, be cleansed of bad luck and gain future happiness and fortune. Kreung people call this ceremony *Char Brieng* (see details in section 4.7.2). Other villagers bring their own jars of wine as a contribution to the ceremony. The second part of the *tatch*, given to the victim's family, is called the *pakkahteung*⁸ meaning the compensation for the loss of the victim to their family members.

4.1.2 Manslaughter⁹

Villagers explained that manslaughter is when a perpetrator kills someone, however, had not planned to kill, i.e. the killing was accidental, or the perpetrator was unaware that the injury caused would lead to death. According to the culture of the villagers, manslaughter does entitle the victim's family to *tatch* from the perpetrator. Manslaughter is not considered to be as serious a crime as intentional murder as there was no intent to kill the victim. Elders usually settle such cases by ordering the perpetrator to compensate the victim's family with assets equal to six buffaloes. However, the *tatch* is negotiable in accordance with the agreement between both parties.

⁸ This word is from the original *Kreung* and usage is used throughout this document.

⁹ According to the Criminal Code Article 207, manslaughter is punishable with a sentence of one to three years in jail and a fine of 2-6,000,000 riel.

Like intentional murder, *tatch* for manslaughter is divided into two parts. The first part includes one buffalo, one pig, one chicken and a jar of wine for the funeral ceremony, which includes a sacrifice to the spirits asking for forgiveness and getting rid of bad luck – *Char Brieng*. Villagers will contribute a jar of wine for the funeral ceremony. The rest is for *pakkahteung* for the victim's family.

Case study 2: A case occurring in the village

This case occurred in 1980, one year after the Khmer Rouge regime collapsed. In the evening as the sun was setting, a man returned from hunting in the jungle armed with a bow. Another man had also gone into the jungle to collect vegetables from the forest. He climbed up a tree close to the village. The hunter saw the man in the tree and, mistaking him for a monkey, shot him with his arrow. As the arrow tip contained poison, the victim died whilst the hunter carried him to the village. The hunter cried and had pity for the victim; he regretted what had done. He offered all of his assets to the victim's family and then left the village to go to the police who took him to the provincial prison. The victim's body was placed outside the village for the funeral to avoid bad luck spreading to those within the village.

4.1.3 Rape¹⁰

In the Kreung language, rape is referred to as *chrob chroloc*, defined as a violation where a man forces women to have sexual intercourse with him. Villagers reported that there have not been any cases of rape in this village, but there had been in a neighbouring village.

Case study 3: A case occurring in a neighbouring village

In 2005, a 12 year-old girl walked home from school by herself in Peoy commune. On her way, she was accosted by a 15 years-old boy and raped. She reported the rape to her parents who came to the *Krak Shrok* to ask for help in dealing with this case. The perpetrator confessed and after

¹⁰ According to the Criminal Code Article 239, rape is punishable with a sentence of five to ten years in jail.

negotiation the victim's family accepted *tatch* from the perpetrator of five million riel and a pig the size of five *chap* (a traditional measurement for pigs in northeast Cambodia), two jars of wine and one chicken. The pig, chicken, and jar of wine were for sacrificing to the spirit as well as to celebrate the end of the dispute.

Although there have been no cases of rape in the village, the villagers said that if such a case were to happen, they would require severe *tatch* from the perpetrator according to the victim's claim; for example requiring a payment of money, pigs, chickens and/or a jar of wine. According to villagers, the *Krak Shrok* plays an important role in conciliation of the *tatch* negotiation in such cases. They also said that at present, the state law prohibits rape and condemns the perpetrator to prison punishment, so the perpetrator must accept the lighter cultural resolution given by the villager. They explained that the victim's family would not want the perpetrator to be sent to the police as they would gain no compensation from the perpetrator who would simply be sent to jail. In addition, villagers explained that the perpetrator's family would not be happy and may harbour feelings of anger or revenge against the victim's family.

4.1.4 Disputes causing physical injury¹¹

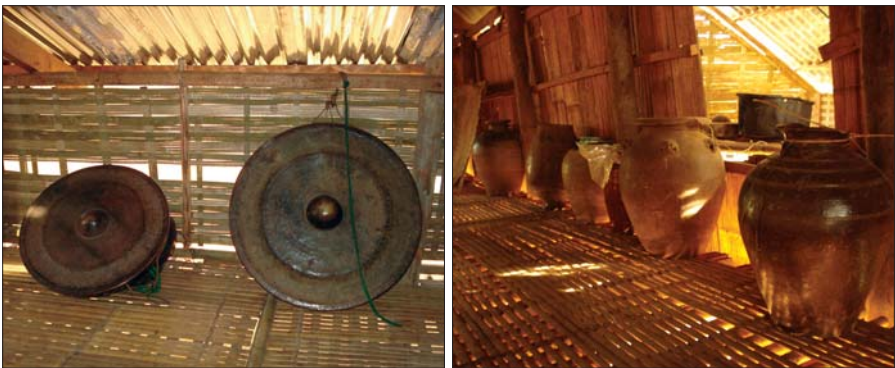
Villagers explained that their ancestors educated them to avoid disputes or fights with each other as it is considered an abuse of their culture. If injury is caused by another person biting or fighting them, the case would come to the *Kanong* who would mediate the dispute. If the mediation through the *Kanong* is unsuccessful, it could then be taken to the *Krak Shrok*. The person responsible for the injury must pay *tatch* to the victim according to the severity of the injury. If the injury is serious, disabling the other person, the *tatch* would be a cow or buffalo. For a less serious injury, the *tatch* might be a pig. A minor injury would cost one chicken and a jar of wine in *tatch*. The chicken and wine are for eating and drinking to end the dispute and are symbolic of the resumption of the

¹¹ According to the Criminal Code article 217, disputes causing physical injury are punishable with a sentence of one to three years in jail and a fine of 2-6,000,000 riel.

friendship. If the perpetrator does not have the required assets to compensate the victim, they become indebted and have to find resources to repay the debt. If s/he is unable to do this, s/he has to work for the victim to pay off the debt.

During conflict resolution, the level of *tatch* is dependent on the cause of the dispute. If the victim was the one who caused the dispute, for example by cursing at the perpetrator, then the *tatch* is lowered. If both parties are involved in physically fighting each other; then the person with the most serious injuries would be paid *tatch* by the least or non-injured party. In such cases the *tatch* amount tends not to be very high. Additionally, the *Krak Shrok* will take into consideration specific attributes such as age, sex and physical body strength. If an adult bites a child or a man bites a woman, for example, the *tatch* would be up to a buffalo or a cow, a chicken and a jar of wine.

In addition to the *tatch* the perpetrator must participate in a ceremony – *Chrolab Chreh*-for the victim (see details in section 4.7.2). For the ceremony, the perpetrator has to provide a chicken and a jar of wine. The perpetrator must put his finger to the wine and whisper apologetic words while asking the spirits to rid him/her of bad luck from the illness and injury of the victim. The perpetrator then sinks a piece of chicken flesh into the wine and offers it to the victim for eating. A *Kanong* or *Krak Shrok* is the person in charge of organising this type of ceremony.



Traditional gongs and jars in a Rong house. (Photo: UNDP/Yin Sopheap)

Case study 4: A historical account

This is a historical account during the time in which Kameng ruled the village. Kameng's two sons had a fierce argument, during which the older brother Yak Royan bit his brother Yak Sar in anger. However Yak Sar did not bite him back. Their father came and yelled at Yak Royan as well as physically beat him in order to correct his behaviour. Consumed by anger, Yak Royan left the village with his family to build his own house in another location, which later became a village. Another man Yak Srech also left to establish his own village with his family and friends.

With the exception of this case, there has never been any dispute in the village during which violence has caused injury. The villagers reported that disputes generally take the form of verbal arguments, especially while drinking wine or when intoxicated. The dispute is most often forgotten the next day when normal relations resume.

4.1.5 Injury or death caused by a trap

Villagers usually use traps to protect crops in their farms against wild animals that often enter their farm, such as wild pigs and deer. Usually traps are placed on pathways frequented by wild animals or at the entrance of the farm. Before setting the traps, villagers are informed about the location of the traps. In addition to the announcement, they also build warning signs (such as a small bow and arrow placed in the trees close by or tying up bushes or grass) at a place that people can easily see.

If anyone dies or is injured by a trap while accidentally entering the farm, the responsibility would not fall on anybody. There would not at all be any *tatch* or claim. The villagers remarked, 'They should be dead if they do not know that those traps are for animals only'. However, if anyone in the village is injured by a trap, they have to perform a ceremony, *Chrolab Chreh*, to rid the victim of bad luck.

Case study 5: A case occurring in the village

This true story relates to an injury caused by a trap in 1950 during the French colonial period. Rantong Krogneh was a youth living in Phaknam village. He often found that yams had been taken from his farm. He put a trap at the entrance of the farm to protect it from thieves. One night, a man came into the farm to steal the yams and was shot by the trap's arrow; his leg was seriously wounded. The injured thief went to the district authority to report Rantong Krogneh. The district chief, unaware of local traditions and customary rules, arrested Rantong Kragneh and brought him to the district. He was charged with the intention to kill and was condemned to a life sentence in jail. He told the chief that he was willing to stay in jail for life, but requested to let him have one night of freedom before being sent to the province to serve his sentence. During this time, Ranton Krogneh hoped to explain their local customary system and traditions to the chief. He did so providing the following example. He told the chief: 'Tonight, I am going to steal from your house and other villagers in this district'. The chief's response was, 'Then I will kill you tonight'. Rantong Kragneh explained that if that were to be the case, the chief too would receive a life sentence as punishment. The chief protested, 'But I am innocent as I killed the thief who was stealing from me'. It was then that Rantong Kragneh explained that this hypothetical scenario was identical to the situation in which he found himself accused. The trap that the thief had fallen into was set precisely to protect his property from this same kind of theft. The district chief, upon understanding this rationale, released Rantong Kragneh.

4.1.6 Detention or arrest¹²

To arrest or detain any person without reasonable cause is viewed by the villagers as an abuse which reflects negatively on an individual's honesty. Therefore anybody who dares to arrest or detain another person without reasonable cause will have to pay *tatch* to the victim. The level of *tatch* is

¹² According to the Criminal Code Article 253, detention or arrest is punishable with a sentence of one to ten years in jail.

dependent on the seriousness of the act, weighed against the causes of detention or arrest. The *Kanong* or *Krak Shrok* will solve this dispute upon request of the victim. He balances the victim's claim against the reasons provided by the perpetrator. In cases where the *Krak Shrok* finds that the act was reasonable (taken to protect or prevent danger), he would ask the two parties to bring a chicken and a jar of wine for eating and drinking together to end the dispute. If he found that the act constituted an abuse by the perpetrator, he would ask the perpetrator to pay *tatch*, such as a pig or chicken and a jar of wine.

Case study 6: A case occurring in the village

A group of men were drinking together at a party. A man lost his temper, stood up and started beating his hands against a nearby wall. Another man who saw the situation stopped him by tying up his hands. Upon waking, the tied man was very angry as he thought that in such a state, others would look down on him. He went to a *Kanong* to mediate the dispute. The *Kanong* went back and forth between both parties to report on proposed solutions and to explain to the complainant why he was tied up. In the end, both parties came to agreement that the man who tied up the other must pay one chicken and a jar of wine to eat and drink together to end the dispute. The case was successfully resolved.

4.1.7 Injury to villages caused by domestic animals

In most families, people raise animals such as dogs, cats, cows, buffaloes, pigs and chickens. In this village, only dogs have caused injuries to other people in the village, although buffaloes are also considered to be dangerous. The most dangerous injury is caused when a dog with rabies bites a villager. Such cases can be lethal.

In the case where someone's animal injures another person, the owner must pay for the patient's treatment according to the seriousness of the injuries. There is no *tatch* for this case as the villagers recognise the injury is not the fault of the owner and is likely due to the carelessness of the victim. In a case where the animal has injured a victim or someone in his/her family twice, the victim has the right to kill the animal. The meat is then shared with its owner.

If victim dies due to his/her injuries, the animal's owner must pay *tatch* to the victim's family which includes resources for the funeral and *pakkahteung* (compensation for the victim's family). However, the level of *tatch* is not as large as that attributed to murder and is often dependent on the ability of the animal's owner to compensate the victim's family. The *tatch* can be as high as one buffalo, one pig, one chicken and a jar of wine in accordance with tradition. In this case the animal's owner has to conduct a *Char Brieng* ceremony to reject bad luck and bring back happiness to the village.

Case study 7: A case occurring in the village

A thirsty woman, who chose not to go home for a drink, went to her neighbour's house to get a drink of water, where she was bitten on her leg by the house owner's dog. The injury was not serious; just a small wound on the skin of her leg. The house owner saw the situation, carefully treated the wound with rice and offered a prayer of healing. There was no dispute.

Case study 8: A case occurring in the village

Last year, one of the villagers' dogs contracted rabies and began chasing and attacking people. A 10-year old girl was bitten on the leg. The dog was killed. Her grandfather and parents took her to the provincial hospital for treatment. After staying in the hospital for five nights, the girl was healed and the doctor allowed her to return home. After a few days, she went with her grandfather to gather cashew nut fruits on his farm. Unfortunately, a tree-ant bit her on the wound she had received from the rabid dog. As darkness fell, she got a high fever and died during the night. The girl's family received *tatch* from the dog's owner of a cow, a pig, a chicken and a jar of wine for the funeral and a *Char Brieng* ceremony was held.

4.2 Offences over property and animals

4.2.1 Theft¹³ (stealing and robbery ¹⁴)

The villagers see stealing as taking away another's wealth when the owner does not know or has not agreed, who then realises that their wealth is gone or has been used by someone else.

Stealing is considered an abuse to the Kreung culture in Kameng village. When a theft occurs, the owner of the stolen object must search for the thief by him/herself or with assistance of family members or close friends in the village. If they find the suspected person, they would ask a *Kanong* to mediate this dispute through negotiation. If the negotiation is successful, the case is concluded. If not, any party can take the case to the *Krak Shrok*.

The villagers learned from their ancestors that if both parties and the *Krak Shrok* cannot find the truth, the dispute will be solved by the *bet-swear test* method to identify the honest party (see section 4.7.3 for details). First, the two parties offer their own chicken and jar of wine to sacrifice to the spirits. Then the '*best-swear test*' takes place. The losing party is required to pay back the stolen wealth plus the equivalent *tatch* which may include a buffalo, cow, pig or chicken and wine. In cases where the initiating party wins, s/he must pay a pig or a chicken and wine to the responding party to bring an end to the dispute and allow continuation of the friendship.

In the event that the perpetrator confesses to the *Krak Shrok*, the *tatch* is set lower than if a *bet-swear test* had taken place and the perpetrator had lost.

However, thus far in this village there have been no serious cases of theft, only cases of confusion where someone has mistaken their property for someone else's. The villagers said that they had lost bicycles or motorbikes which had been stolen by outsiders when they had come into town. In such cases, the perpetrator has never been brought to traditional justice due to the inability to trace the suspected persons.

¹³ According to the Criminal Code Article 358, this crime is punishable with a sentence of six months to three years in jail a fine of 1-6,000,000 riel.

¹⁴ According to the Criminal Code Article 364, this crime is punishable with a sentence of two to five years in jail and a fine of 4-10,000,000 riel.

The village has never had any cases of robbery. They explained that they consider robbery to be a kind of violent act where a person forces the victim to give them their wealth, whatever they may have of value on hand. They knew that their neighbouring villages have had cases of robbery, but they were unaware of how those cases had been resolved. However, they said that if such case were to happen in their village, they would arrest the culprit and force them to pay *tatch* equal to twice or three times the total price of the stolen wealth.

4.2.2 Fraud and forgery

There have been no cases of fraud or forgery in this village, but there have been many cases of confusion over villager's property. In such cases the person who had mistaken someone else's property as their own must return the object to its rightful owner or compensate them in cash. Such 'confusion' is not typically a source of dispute. Should the person who took someone else's property refuse to return the object to the owner as requested, a *Kanong* might be asked to mediate this dispute. If mediation through the *Kanong* is not successful, then the case might be passed onto the *Krak Shrok*. When an agreement is reached, the person who accidentally took another person's belonging must pay one chicken and a jar of wine to celebrate the resumption of the friendship between the two parties.

Typically, property confusion occurs over small objects of value like spoons, plates or pots. These cases rarely resort in disputes as the rightful owner will likely be able to take back the objects identified as belonging to them.

In the case of property disputes over livestock such as a buffalo or cow, when there is a lack of evidence of the rightful owner, resolution of the dispute will be made through a *bet-swear test*. In general, the losing party must be willing to give the buffalo or cow in question to the wining party, pay *tatch* which is equal in value to the item to the winner and provide a chicken and a jar of wine to reconcile the friendship. In addition, the losing party will also pay all expenses incurred during the *bet-swear test* and a chicken and jar of wine to the winning party.

4.2.3 Fire (arson)

Traditionally, fire represents an important element of the villagers' lives; they use fire for cooking, protection against insects and the cold, livelihoods (such as burning resin-trees and bushes for farming), as well as a light source at night. Care is taken in order to prevent fires spreading and harming residents, villages and farms. Nevertheless, Kameng village does have a history of problems with fires destroying houses and farms.

Residential fire

There have not been any cases of people intentionally setting fire to others' houses or property; however, there have been instances of accidental fire. Any person who through carelessness causes a fire which damages the property of others must pay *tatch* to the victim according to the total damages incurred. The compensation in *tatch* could take the form of cash, a buffalo, cow, pig, chicken, jar of wine, or gong depending on the ability of the perpetrator to pay. If a perpetrator is found to have intentionally started a fire, the *tatch* would be doubled, to serve as punishment and as a deterrent. In determining the level of *tatch*, a *Krak Shrok* will balance the level of imprudence of the perpetrator against the total damages incurred.

Apart from *tatch*, the perpetrator is responsible for a ceremony called *Tatasrast* (see details in section 4.7.2) for the victims to sacrifice to the spirits so as to rid themselves of bad luck (such as illness or accident) and to ask for health and happiness. The perpetrator has to pay wine and a chicken for sacrifice in this *Tatasrast* ceremony. S/he must take the chicken's blood mixed with wine to sprinkle on the site where the fire occurred, while asking for a pardon from the spirits.

In case of a villager's own house being damaged by fire, they must also organise a *Tatasrast* to sacrifice to the spirits to reject bad luck and request happiness and health.

Case study 9: A case occurring in the village

An old woman, said to have lost her memory, accidentally burned down her house. The fire subsequently spread to other villagers' houses. The villagers pitied her and her family and requested a reduced *tatch* of 1 million riel per victim, plus materials used in constructing the house. In addition, the family had to pay one chicken and one jar of wine to conduct a *Tatasrast* ceremony for the victims.

Farm fires

In the traditional culture of shifting cultivation used by indigenous people, a slash and burn technique is used to clear and fertilise the land. This involves intentional fires being set on the land. Nevertheless, the unintentional spread of such fires to neighbouring farms may occur. Traditionally there are two causes of such fires: one, due to the carelessness of the burner and two, the burner's inability to control the fire. Both causes are considered accidental therefore there is no need to conduct a *Tatasrast* ceremony in such cases.

Fire caused by an inability to control the burn

Before burning the bushes in the farm, the farmer usually slashes and clears a perimeter area to prevent the spread of fire to neighbouring farms. All the neighbouring farmers are asked to witness the setting of the fire to ensure protection of their land.

An inability to control the burn occurs when, despite careful preparation, the fire spreads to neighbouring properties due to strong winds, for instance. In this case the burner need not pay *tatch* to the neighbouring farmer, but instead is required to help in cleaning the affected farms. If crops in a neighbouring farm are damaged the burner must compensate the farmer for half the value of the crops.

In the event that the neighbouring farmer is informed of the plans to slash and burn the land but chooses not to attend the fire setting, they become ineligible to claim *tatch*, even if their farm is subsequently damaged by the fire. Villagers

explained that in such cases, it is the fault of the neighbouring farmer as s/he did not take the appropriate measures to protect their land.

Fire caused by carelessness of the burner

In the event that the burner does not inform his/her fellow farmers of plans to slash and burn their land and the fire spreads to neighbouring farms, s/he is responsible to pay *tatch* according to the total damage incurred. The *tatch* can be in the form of livestock as well as chicken and wine which are consumed to signify a healed friendship.

Today, disputes over farm fires usually occur on cashew farms. A solution is typically found with the aid of the *Kanong* or *Krak Shrok* and those responsible are required to pay compensation of money or a pig, plus chicken and wine.

4.2.4 Cattle grazing on someone else's rice farm

Traditionally, the villagers cultivate rice once a year during the rainy season between July and December. During the cultivation season, all cattle are required to be tied up so as to avoid them consuming others' rice. In cases where a cow eats someone else's rice and a dispute occurs, it is normally settled with *tatch*. The *tatch* can be rice or livestock and wine. When the parties agree on the level of *tatch*, the guilty party is required to pay a chicken and a jar of wine to celebrate the end of the dispute. In addition to the *tatch*, the farm owner must hold a *Tatasrast* ceremony to apologise to the rice spirits and ask them to help the rice to grow as it did before. Then s/he performs a *Chrolab Chreh* to the rice farm owner with a chicken and a jar of wine.

In the event that one's cattle have strayed and grazed on someone else's rice farm, even after repeated warnings from the neighbouring farmer, that farmer is allowed to kill the cattle. The meat of the cattle is then divided into two parts and shared; one part for the rice farm owner and the other part for the cattle owner.

Such regulations only apply in the rainy season. During the dry season, cattle are able to wander freely without potential punishment for grazing on other people's land.

4.2.5 Killing someone's animal

Killing someone's animal without permission is generally considered culturally immoral and those responsible must pay *tatch*. The guilty party is required to replace the animal or offer another animal of equal value as a replacement. The meat of the killed animal must be shared with villagers during a dispute healing celebration. However, it is also dependent on negotiations by both parties to determine the *tatch*, based on the reasons why the animal was killed.

As killing another's animal for food is considered a serious offence, the guilty party must pay *tatch* equal to twice the price of the animal's worth. If the case, for example, involves a buffalo, the required *tatch* is two buffalos, of which one is returned to the owner and the other is for collective village consumption to celebrate healing the dispute and the resumption of friendship. Those who participated in eating the stolen buffalo are not considered responsible for *tatch*, even if they were aware the buffalo was stolen.

In the case where the animal was killed in anger in response to the animal destroying someone's crop or farm, the responsible party is not required to pay *tatch*. The responsible party can take half the meat from the killed animal and give the rest to the owner. However, if it is the first time that the animal has eaten from someone else's farm, nobody has the right to kill or injure it. If the animal is injured, the perpetrator must pay for the damage or treatment of the injury. If the animal dies, the responsible party must replace the animal with another equivalent in value.

If someone's animal is killed by a trap, the trap's owner is not guilty as the trap was intended for wild animals. There is no *tatch* and the animal's owner gets the body of his/her animal for food. The trap is used to protect crops and farms, and typically the owner has already announced to all in the village the planned location of the trap before placing it.

4.3 Offences over honour and reputation

4.3.1 Curses and verbal assault

Against other people

Kreung culture and tradition, handed down by many generations of ancestors, prohibits casting all spells or curses on others. Also prohibited are acts of looking down on elders and parents. Yet some villagers still break these rules and there were reported disputes over cursing or verbal assaults, especially occurring during arguments involving drunken individuals.

When a person puts a curse or spell on someone repeatedly, s/he can come to ask a *Kanong* to talk to the person involved about the reasons for this abuse. The *Kanong* can serve both to mediate the dispute, as well as to 'correct' the curser. If both parties do not come to an agreement, the case will go to the *Krak Shrok* who will call them to sit down and negotiate *tatch* price (often a pig, chicken and wine), determined by how serious the curse is considered to be. After successful negotiation, the dispute is solved and the chicken and wine must be brought to the party to facilitate the healing of the friendship. In some instances, serious curses or spells are cast on others, including asking spirits to kill others, causing a still birth during pregnancy, or accidental death. In the case that victims die after being cursed, the parties responsible must pay *tatch* of a buffalo, cow, pig, chicken and wine.

Case study 10: A case occurring in the village

A number of boys and girls unhappy with village elders who consistently correct their behaviour, verbally cursed their elders. They continued to do so even after they were warned and corrected multiple times. They were required to pay *tatch* of 50,000 to 100,000 riel, plus a chicken and wine.

Against parents

Children must respect their parents. If they do not, elders can be called in to correct them. They told us that the children in the village strictly obey their parents and elders and there had been no serious cases of cursing parents.

In cases of children cursing parents, it is not considered a dispute that involves paying *tatch* as generally parents do not *tatch* their son or daughter. However, the village elders told us that if parents wanted to *tatch* their children and brought a case to the *Krak Shrok*, it would be possible. In such cases, the *Krak Shrok* would assess the dispute using his own methods and the children might have to pay a pig, a chicken and wine to their parents. Yet, they reiterated that such a case had never occurred. Elders in the village who witness such cases of disrespect can also help by calling the children to them to explain and correct them.

4.3.2 Defamation

In the Kreung language, defamation is termed *protu prochuk* which means to 'over talk', gossip, speaking untruths or unjustly accusing someone for the purpose of destroying their honour. Traditionally, it is considered 'cultural guilt' against an individual person's honour because it causes apprehension among people towards the victim.

Any person who falsely accuses another must pay *tatch* to the victim. Both parties are responsible for providing their own witnesses or evidence to prove their argument. In the case that the accused is guilty, the claimant must pay *tatch* to the respondent instead. Both parties negotiate the price of *tatch* until they reach a mutual agreement. *Tatch* can be a pig, a chicken and/or wine. Chicken and wine are for the party to symbolise healing the friendship.

Case study 11: A case occurring in the village

A woman told other villagers that another woman had slept with her husband. Upon hearing this accusation, the accused woman came to ask the *Kanong* to mediate this dispute. The accuser did not have any evidence or witness that the victim had slept with her husband, nevertheless she remained jealous. The victim asked *tatch* from her of a pig, a chicken and a jar of wine. The *Kanong* explained to the claimant that the case was not serious enough to warrant a payment of a pig, and the claimant agreed to accept *tatch* of a chicken and a jar of wine which were consumed to heal the dispute.

4.4 Relationships in the community

4.4.1 Borrowing and renting

The villagers said 'when borrowing somebody's object we must return, it is our culture'. If a person borrows something from someone, s/he must return it to its owner by the due date as promised. The borrower can prolong the due date a maximum of two times, otherwise the owner will ask the *Kanong* or *Krak Shrok* to intervene. If the borrower still refuses to return the object to the owner on account of a specific reason, the *Krak Shrok* will engage in discussions with the borrower until s/he is willing to return the object to the owner.

In cases where the borrower has damaged or lost the object, s/he can compensate with cash or other wealth such as pigs, chickens and wine, equal to the object price, and there is no need for *tatch*. In cases of dispute solved by *Kanong* or *Krak Shrok*, the party found guilty will be required to pay *tatch*. One chicken and a jar of wine will also be paid to celebrate healing of the friendship.

Cases of renting are no different from cases of borrowing. The villagers explained that renting is a kind of borrowing, but the borrower pays for the price of the item that is borrowed. In the case where a person borrows or rents a motorbike and loses it, s/he must compensate the owner for the price of the motorbike. If the motorbike is in an accident and is damaged, the borrower must repair it and then conduct a sacrifice called *Chrolab Chreh*. When borrowing a gong, the borrower may pay the owner some rent, but this is not technically seen as rent as the meat is not equal to the price of the gong, rather it is a symbol of thanks for borrowing the gong. Many people like to borrow gongs for use in ceremonies. If the borrowers do not give anything in return, it is not considered a cause for a dispute; it is simply construed as impolite.

There were no reported cases where the borrower has never returned an object to the owner and there are no issues involving objects of high value because in general all the villagers maintain the same living standard. Villagers recall that traditionally, if the borrower does not have anything with which to compensate the damage of the object s/he borrowed, they would be required to work for the owner until the debt has been paid off. Today this

practice no longer takes place. Instead those who owe money to others can pay off their debt in increments. If the debt cannot be paid off during his/her lifetime, then their children inherit the debt.

4.4.2 Helping each other

Helping each other is a strong aspect of Kreung culture in Kameng village. The villagers help each other particularly during the farming season. They help each other when slashing and burning forests to clear the land and when planting and harvesting rice. The villagers rotate their assistance for one another but if a person is absent for his turn there will not be any dispute. If one fails to help during his/her turn, it is not considered a reason for dispute, nevertheless the person would lose the respect of the community and there would be reluctance to help him/her the next time around. This has not happened in Kameng village. If a person is unable to help for any reason one day, they will instead offer their assistance the following day. The villagers said that there have been verbal arguments about people who have missed their turn to help out, but it has not caused any serious conflict.

4.5 Farming systems

The villagers practice shifting cultivation or crop rotation. With each step, they usually celebrate in a ceremony and sacrifice to the spirits for good wishes (see section 4.7.2 for details).

The steps of farming are as following:

- Search for fertile land based on the growth of forests
- Start cutting down the forest and leave the timber to dry out. Then clear an area large enough to conduct farming
- Burn all the cleared forest timber and clean the land
- Plant the rice crop
- Tend to the rice to ensure crop growth by cleaning land and weeding as needed
- Harvest the rice
- Leave the retired soil until the rains begin

- After the rains, clear the soil by removing grass and clearing bush. Plant and tend to the crops, then harvest at the end of the season. Villagers repeat this practice on the same farmland until the soil is exhausted and a new area of land is required.
- After cultivating a piece of land for several years, the land becomes exhausted. Villagers then leave this farm to 're-grow the forest' and allow recovery of its fertility; it thus becomes fallow land. Villagers leave the fallow land unused for 20 to 30 years depending on the time need to recover land fertility and on the availability of forest farmland close to the village. The fallow land is considered communal land, so any villager can clear it to conduct their farming.
- The members of other village communities cannot cross the customary boundary to farm within their territory; this is considered a taboo. If they want access to the land, they must ask permission from the *Krak Shrok* in advance. The customary territory of Kameng community is identified by their traditional practices, which acknowledges the natural boundaries created by mountains, trees, streams and valleys.
- Look for new land to cultivate farms. In general, new forest farms are created on fallow land abandoned over the last 15 years. Villagers explained that according to their practices, they do not like to clear virgin timber forests. This is due to the fact that they do not have enough tools for clearing, as well as their belief that such forests are spiritual places to be kept for wildlife hunting and collection of non-timber forest products.

There is little conflict associated with this livelihood system except for occasional accidents or misunderstandings. Most disputes over this system occur when villagers clearing forest unintentionally cross each other's boundaries. It is considered taboo for villagers to clear forest areas that lie directly in the path of someone's farm expansion. If such a mistake occurs, the guilty party must pay *tatch* of one chicken and a jar of wine to sacrifice to the spirits for good wishes and good luck and to reject all bad luck.



Ceremony sacrificing to spirits when starting planting rice in their farm. (Photo: UNDP/Yin Sopheap)

4.6 Marriage and family

4.6.1 Marriage

Pre-wedding

In the village tradition, after reaching man or womanhood – considered to be around 15 years of age – young men and women are free to have boy or girlfriends. They have the freedom to choose any one they love without being forced. Upon falling in love, they are free to talk and go anywhere they want together. Often they gather in small groups at night to chat under a bright moon. A young man who loves a young woman would go to a hut which the young woman's parents built for her close to their main house. If they love each other, they can talk or stay together in her hut overnight without engaging in sexual intercourse. If the young woman does not love the young man, she can ask the young man leave her hut. If the young man rejects her request, she can resort to shouting loudly to call her parents from the main house close by to intervene. Alternatively she can go up to the main house and stay with her parents. In general, a young man will not dare to come to a young woman's hut unless she loves him because of the fear of rejection leading to a loss of face within the community. When they want to marry, they can decide to have sexual intercourse together at night in her hut.

The following morning, a young woman who had just had sexual intercourse with her boyfriend would typically go to her parents and report the event. Her parents would then quickly find a *Kanong* who would consult with the

young man to ensure that he truly wants to marry their daughter. The *Kanong*, after getting a positive answer from the young man, must meet with his parents to discuss organisation of the wedding or sacrificing ceremonies. When an agreement is made with a *Kanong* representing the young woman's family, the young man's parents must find another *Kanong* for their family to negotiate with the young woman's family regarding the date of the wedding.

After both families reach an agreement, they organise a ceremony at nightfall for a spiritual sacrifice recognising the engaged couple and establishing specific conditions should the engagement be broken. During this engagement, the *Kanong* of both families, the *Krak Shrok*, the *Teungkrang Krak*, relatives, friends and villagers gather to celebrate. Traditionally they kill a pig or other animals according to their resources and contribute chickens and wine to sacrifice as well. After this sacrificing ceremony, the young couple can live together and have children. In general, they stay in the young woman's family house.



A young man's hut in the village centre.

(Photo: UNDP/Yin Sopheap)



A young woman's hut close to the family House.

(Photo: UNDP/Yin Sopheap)

The wedding

One day prior to the wedding, the *Kanong* of both families call the *Krak Shrok*, friends, relatives and other villagers to gather to help organise the celebration. During the night, the *Krak Shrok* gives the bride and groom advice on customary rules related to being a spouse, including taboos and *tatch* if taboos are broken. The next morning, they start the celebration by eating and

drinking wine. The families can kill a buffalo, cow or pig depending on their resources and a chicken to celebrate the sacrifices. In the afternoon, the *Krak Shrok* brings a basket of rice and puts it in front of the new couple requesting best wishes and blessings from the spirits. Later, the *Kanong* bundles two handfuls of rice, in which there is a piece of chicken, and hands them to the bride and groom to eat. After eating the handful of rice, the bride and groom will start to compete with each other in taking the rice. The person who takes the rice first will be considered the most powerful in the family. On the morning of the second day, the couple will be brought by the *Kanong* to perform a sacrifice with a jar of wine in the *Rong* house. The couple must sit face to face, with the *Kanong* between them, and drink wine until they become drunk. Other villagers, relatives and friends can join in the drinking celebration in the *Rong* house. They all drink until they are drunk and then fall asleep there. On day three, everybody goes to drink at the bride's house for the whole day to signify the end of the wedding celebration. In the early morning of the fourth day, the couple must get up to wash and clean dishes, plates and pots as it is believed that their children will become as clean as the tools. Afterwards they have to *krang* (stay without doing anything) in the house for the whole day to relax. There are certain food taboos for the new couple; they cannot eat vine vegetables, for instance, as it is believed that vine vegetables will cause problems during the delivery of their future baby.

Post-wedding

Five days after the wedding there is another ceremony to celebrate the new couple moving to live in the husband's family home. The day before the couple move, they celebrate with a party at the wife's family home, then the new couple go to celebrate with another sacrifice at the house of the husband's family. A party is held there to welcome the new couple. The couple must stay in the husband's family home for five days. At the end of the five days they celebrate with another ceremony offering the new couple to stay with the wife's family. The sacrifice is accompanied by a party with much eating and drinking. After living with the wife's family for a few years, if the husband's family wants to bring the couple to live with them, they will celebrate the occasion with a similar sacrifice and party.

4.6.2 Divorce

Traditionally, divorce is considered a major dispute that must be solved by enlisting the help of the *Kanong*. There can be many reasons for requesting a divorce, including the death of a spouse¹⁵. When getting divorced, the *Kanong* must consult the conditions determined during the engagement or the wedding regarding conflict resolution. In addition, the *Kanong* or *Krak Shrok* must discuss the causes of why the couple want a divorce. They must balance and consider the reasons for the request with the request for divorce with the request for divorce by each party. Property, resources and children must be divided in accordance with the agreement of both parties. The party who is considered guilty must pay *tatch* to the other according to conditions determined during the wedding or engagement. Yet, the negotiation is still important in ensuring the healing of the dispute. After the agreement on *tatch*, traditionally at least one chicken and a jar of wine will be brought for the party to heal the friendship.

Appropriate reasons for a husband to divorce his wife without paying *tatch* are:

- If the wife becomes pregnant with other man
- If the wife has intercourse with another man

Appropriate reasons for a wife to divorce her husband without paying *tatch* are:

- If another women is pregnant with his child
- If he has intercourse with another woman more than twice
- If he commits more than two cases of physical abuse against his wife

Anyone wanting a divorce for reasons other than the above must pay *tatch* to his/her spouse as promised during the wedding or engagement.

In the case where a wife or husband dies, the living partner cannot remarry unless their partner has been dead for over a year. Before remarrying, the living partner must participate in a sacrificial ceremony for their dead partner to signify the breaking of marital relations as well as to provide compensation

¹⁵ Within indigenous cultures in Cambodia, the death of a spouse does not automatically signify the end of a marriage. In order to remarry after a spouse's death, a traditional divorce is required.

to his/her family in accordance to the premarital conditions promised. If the living partner marries or they or their new partner becomes pregnant without performing such a ceremony, s/he is responsible for paying *tatch* to the ex-partner's family (as stipulated in the wedding/ engagement promise) as it is considered 'cultural guilt'.

4.6.3 Sexual intercourse 'against culture'

Traditionally, sexual intercourse 'against culture' refers to a sexual relationship between a man and woman who are not officially engaged nor have requested permission from the spirits to become physically involved.

In the case where an unmarried woman and unmarried man have sex and do not inform their parents or elders, and the young woman becomes pregnant, this will bring about 'cultural guilt' due to the fact that this is considered a violation of traditional norms. Normally, the young woman must tell her parents and elders that she has pregnant and by whom. The accused young man must find evidence or a witness to prove that he did not commit such an act, otherwise he is presumed responsible. Typically the parties involved will confess the truth. Along with their parents, both parties must offer at least a pig, a chicken and a jar of wine for a sacrificial ceremony called *Char Kamliat* (see details in section 4.7.2). This is a sacrificial ceremony to the spirits to ask for forgiveness and wish for happiness and health. In the case where both individuals want to marry each other, their parents will organise the wedding for them according to tradition. In the case where the young man does not want to marry the young woman, he must pay *tatch* to her of at least one cow, one chicken, one pig and a jar of wine. If the young woman does not want to marry the young man, she is free to refuse.

In cases where an unmarried man has sex with an unmarried woman and then refuses to marry her, he is deemed guilty of breaking a customary rule and must pay *tatch* to her according to the situation and claim from her family. This *tatch* must be paid regardless of whether she becomes pregnant. During the dispute resolution when the amount of *tatch* is determined, the woman's family might put conditions on the man which he must accept in the event

that she becomes pregnant. At this time, if the possible pregnancy is not discussed, future *tatch* will not be included in this issue. In some cases, the man may pay a higher *tatch* up front that would include payment for any possible pregnancy that occurs.

In the case where an unmarried man has sex with another man's wife, he will be responsible to pay *tatch*. With regard to the marriage, the husband has prior right to divorce his wife. The unmarried man also has right to accept or reject the woman to be his wife. The woman has only the right to refuse marrying the unmarried man, but not to divorce her husband. However, both the unmarried man and the woman are considered to have broken a customary rule, so they have to join in the responsibility to provide *tatch* to the husband, who is considered the victim. If the woman's husband is willing to offer his wife to the other man, both can live together, but they must pay *tatch* for the expenditure in the previous wedding and other interests promised during the wedding/engagement to the husband. Secondly if the unmarried man and the husband both refuse to accept the woman to be his wife, then the unmarried man must pay a separate *tatch* to the husband according to his claim, and the woman must also pay *tatch* to her husband according to the wedding/engagement promise. This *tatch* must be at least a cow, a pig, a chicken and a jar of wine. A pig, chicken and wine are brought for sacrificing to the spirits as well as healing of the dispute. The cow, however, is not sacrificed and is given to the husband. However, as in other cases, the negotiation of *tatch* is determined by the parties on a case by case basis.

As in previous examples, in cases where a married man has sex with an unmarried woman, both are considered culturally guilty. With regard to the marriage, the husband is under no obligation to divorce his wife and the unmarried woman is under no obligation to marry the man. In either case, both the man and woman have broken a customary rule, and therefore have the joint responsibility of *tatch* to the wife, who is considered the victim. Firstly, if the wife is willing to offer her husband to the unmarried woman and her husband agrees, they can live with each other. However they must pay *tatch* as noted above. If the husband does not agree to divorce her, the woman

cannot divorce him because it was the first time he had sexual intercourse with another woman¹⁶. This *tatch* must be at least a cow, a pig, a chicken and a jar of wine. A pig, chicken and wine are also brought for sacrificing to the spirits. A cow will be given to the wife (but not sacrificed). However, like other cases, the negotiation of *tatch* is flexible based on the agreement of all parties concerned. The unmarried woman's parents will also claim *tatch* from the husband, which is also subject to negotiation.

In cases where a married man has sex with someone else's wife, it is considered an offence against the Kreung culture. *Tatch* can be given from one person to another based on their culpability as described earlier. The spouse who has not been unfaithful will get *tatch* from both her/his partner and the other party.

4.7 Taboos, major ceremonies and beliefs

4.7.1 Taboos

Villagers have strict taboos including items which are not to be touched or brought into the village. These include the following:

- Wild district bamboo and krala bamboo
- Wild bananas
- Pythons
- Wild chickens

In the case that someone, either inside or outside the village, breaks this rule by bringing such taboo items into the village, they would be forced to pay *tatch* with pigs, chicken and wine according to the resources they have. They will also sacrifice to the spirits to reap happiness and be immune from illnesses such as measles and cholera or accidents causing injury or death.

¹⁶ Under customary rules a woman can only divorce her husband if he has intercourse with another woman more than twice

Case study 12: A historical tale

During the mid-19th century, most of northeast Cambodia was occupied by Siam soldiers who robbed and arrested people to use as slaves. In each village, there existed a defense system to protect villagers against the soldiers. At that time, the village ancestor Yak Kaol who was considered a strong and magical man led the villagers to fight against the Siam soldiers. Usually he won the wars. He planted three kinds of bamboo as guard fences – wild, district and kralak – to protect the village. When the Siam soldiers came to invade their village, they saw that the leaves of these bamboo had many sharp thorns. After seeing this defense wall, the soldiers turned and started to walk in the other direction. However in doing so, they came across a big python that came after them. Even though the soldiers shot at the snake, they could not kill it. They ran away from the village and dared not to come back. During the night, Yak Kaol dreamed the spirits ordered them not to eat the bamboo or the python; otherwise, they would become deathly ill. He ordered all the villagers to follow the spirit's orders, and since that time no one in the village will eat or touch such objects.

Case study 13: A historical tale

One night, Yak Kaol, who was the village leader, dreamt someone cut wild banana leaves, put them on the roof of his house and told him that he must prohibit all villagers from eating or touching them. If they did not heed this warning they would become sick and die, and bad luck would come to the village. After he woke up, the village leader warned everyone not to touch or eat the wild bananas. This has remained a village taboo since.

4.7.2 Sacrifices and ceremonies

Village sacrifices¹⁷ and moving ceremonies

Village sacrifices

Every year during the season when farmland is cleared, all the villagers celebrate a ceremony where they offer sacrifices to the spirits wishing for good fortune and happiness. This ceremony is organised and conducted by the *Krak Shrok*. The *Krak Shrok* will hold such ceremonies in accordance with his dreams (during which the spirits communicate their sacrificial requests). Often he will experience an increase in dreams when there is any illness in the village and subsequently call for a ceremony to be held. The spirits tell the *Krak Shrok* what they want to eat, such as a buffalo, cow, pig or chicken, and then he would tell the villagers the resources need to provide the villagers for the ceremony. For example, if he dreams that the spirits want to eat buffalo, he will lead the villagers to celebrate such a ceremony where a buffalo will be sacrificed. All resources spent in this ceremony must be collected by each family according to their resource ability and commitment. This is the largest ceremony celebrated in the village, continuing for three days and nights with much dancing and drinking together.



Rong house of Kameng village located in the village centre. (Photo: UNDP/Yin Sopheap)

¹⁷ Some development terminology uses the alternative term community ceremony.

Close to the *Rong* house in Kameng village, there is a small banana tree farm approximately 15m² surrounded by timber posts to prevent its destruction by animals and children. This is a place where sacrificing to the village spirits takes place. Only a *Krak Shrok Sen Phum* can enter into this farm for sacrificing. All others are not permitted to enter, or s/he or another villager risks becoming sick and dying. If someone accidentally enters into the farm, the villagers sacrifice to the spirits again asking for good fortune, happiness and forgiveness, in hope of avoiding any punishment that might be imposed by the spirits. Then s/he must be responsible to compensate all expenditures incurred in the sacrificing ceremony. The second sacrifice must correspond to the previous sacrifice, i.e. if the previous sacrifice was celebrated with a buffalo, then the second sacrifice must also be with a buffalo. In addition, the person who broke the rule must pay *tatch* of a buffalo. During the village sacrifice celebration, all villagers and other people or guests are invited to join in the eating, drinking, dancing, playing music and singing. After the celebration, the village will be closed for three days for *krang*, during which time no outsiders are allowed to enter the village unless they are involved in the celebration. To prohibit guests from entering the village, they place a no-entry sign consisting of a piece of rope strung with tree branches across the village entrance. The villagers taking part in the ceremony can move around within and come and go from the village as usual. If someone without the right to enter the village, does enter, s/he is considered to be breaking the village's *krang*. This would cause the spirits to become angry or unhappy and may punish the people in the village with illness and death. To avoid the bad fortune caused by breaking their *krang*, the villagers must re-sacrifice with the same resources they used in the original sacrifice. The individual who violated *krang* will be arrested by the villagers and required to pay *tatch* which includes all resources needed for the additional sacrifice.



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Small banana tree farm, site of the village sacrificing ceremony. (Photo: UNDP/Yin Sopheap)

Moving the village

For many years, especially before the Khmer Rouge, the villagers recalled that they sometimes moved the location of their village¹⁸. However, they would not move their village far from the original location (usually only about 200 – 2000 metres away). The reason for moving their village would usually be due to illness, cholera, accidental death or other unfortunate incidents. Such incidents, they believed, would cause the spirits to not want villagers to stay there anymore. The person responsible for making the decision to move the village is the *Krak Shrok Sen Phum* (the village representative knowledgeable in the mysteries of the spirits). No one, including the village chief, would dare disagree to moving the village as they hold strong beliefs and trust in the *Krak Shrok*.

To successfully move the village, the *Krak Shrok* searches for areas which the village spirits have revealed to him through dreams. After clearing the ground, all villagers help each other in moving their houses to the new place. After all houses are completely rebuilt, they build a *Rong* house which they use for celebration ceremonies and for guest accommodation. After the construction

¹⁸ The village refers only the residential part of the land, not the entire area, which usually includes forest, farms, fallow land, lakes and steams.

of the *Rong* house, they celebrate with a village sacrificing ceremony (*Sen Preh Rong*) to mark the new village inauguration. They sacrifice at least one buffalo or cow, a pig and chickens and celebrate together followed by three days of *krang*.

Sacrificing for rain

When the monsoon season is supposed to arrive but there is no rain, the *Krak Shrok* and other *Teungkrang Krak* gather to find a solution for the rice plants which are starting to die. The solution is found in a rain sacrifice requesting the spirits to bring rain. They perform this sacrificing ceremony in accordance with the climate approximately every six to seven years. This entails a large ceremony where at least one buffalo is sacrificed. The celebration includes eating, drinking, dancing and singing with gong music and continues for three days. *Krang* is then observed for seven days. This sacrifice is considered more serious than others as even the villagers themselves (with the exception of women) are not allowed to go out of the village unless the *Krak Shrok* opens the gate. In addition, the villagers are not allowed to make loud noises, including crying, shouting or conducting loud discussions. All the village entrance gates have signs prohibiting entrance as mentioned earlier. Once again, if someone breaks these *krang* rules, s/he must be forced to pay *tatch* equal to the resources spent during the sacrifice. This *tatch* is then used for re-sacrifice.

Funerals

When someone dies, the family will traditionally organise a funeral with participation from other villagers who come to comfort the family by playing music, dancing, eating and drinking¹⁹ until the day of burial. The funeral ceremony takes three, five or seven days depending on the resources available to the family. The body is buried in a forest not far from the village (about 500 metres). On the day of the forest burial, there is a village prohibition on cutting trees, picking fruits, collecting vines and vegetables and engaging in disputes or arguments. The villagers believe that someone who breaks these rules will get sick or have an accident. There is no *tatch* associated with breaking these

¹⁹ Villagers explained that eating and drinking together helps console the family and alleviate some of the collective sorrow felt.

rules because accidents and illness will only befall someone who has broken the rules. Relatives and friends are able to visit the grave and/or sacrifice food in the cemetery at any time, except on the burial day.

Accidental death (get brieng)

The villagers call accidental death, such as falling from a tree, suicide, or death during the childbirth, *get brieng*.

If a villager is killed or dies due to an accident, the body is not allowed to be brought into the village for a funeral ceremony. This is due to a strong belief that bad fortune will come with the body and befall the villagers. The funeral will take place outside the village or at the place where the dead body was found. The family cannot hold a ceremony longer than three days as the body must be carried out into the forest to be buried. Furthermore, the body cannot be buried close to the other graves in the cemetery, so it must be placed at the edge of the cemetery. This tradition has been followed for many generations without exception.

In addition, the family must conduct another ceremony, *Char Brieng*, in order to dispel bad fortunes for the other villagers. The victim's family traditionally takes pig's blood and uses it to paint the toes of all participants of the ceremony. It is believed that the pig's blood will stop any future misfortune occurring in the village. The villagers said that for many generations when an accidental death occurred in the village, they would move their village to another location. They believe that an accident could befall any one of them, and the soul of the dead person would become an evil ghost. The villagers in general no longer move their village based on this rationale.

Ceremonies related to farming systems

Sorsouy

This is a ceremony performed to aid in the search for farm land. It is the first step in the traditional farming system. The villager finds any forests that represents good land, then cuts trees or some bark from the area. This is a sign to others that she is going to clear this section of forest for farming. The villager

must first find out whether the spirits will allow him to farm in this location. Before going to bed, s/he asks the spirits to allow dreams that indicate whether or not farming should take place. If the dream is good, it is a sign that he can farm on the land he has marked, but if the dream is bad, then he will not farm in that area and will continue his/her search for another location.

Seak Bri

This is a ceremony to ensure that the spirits will look after the villagers whilst they have their farm. After the *Sorsouy* ensures that this is a good area to farm, the villager will clear a few square meters of forest, then plant banana trees, sugar cane, lemon grass and *proteal*²⁰. Before planting, the villager throws some *proteal* into the air and watches it fall to the ground. If the *proteal* lands face side up, it signifies that the area is fit to farm on, however, if it lands face side down, the area is considered unfit for farming. Then crops are planted and showered with wine mixed in chicken blood, used to ask the spirits to look after the plants and the farm. Then the area is left for two days. Upon returning after a few days, if the plants are uprooted and strewn on the ground, it is considered a sign from the spirits that they do not allow them to do farming there. If they find a trace of cow or buffalo in the area, it means that the plants will get sick and die unless a cow or a buffalo is sacrificed. If those plants remain in the same position, it means they can farm there and that the spirits are happy to look after them, as well as tend to their farm.

Sen Bri

The highlanders typically cut down trees and clear land for plantations such as rice. The villagers say that after they clear small trees and bushes, they will wait before cutting down the big trees. Before cutting big trees, they need to make a sacrifice to the spirits to be given wishes of safety, otherwise farmers believe that the trees might fall, injuring or killing them. This sacrifice can be wine or a chicken according to the resources of the farm owner.

²⁰ This refers to some kinds of root plants (similar to ginger) that are considered as magical and used as herbal remedies.

Sen Preh Unh (fire sacrifice)

After clearing all the bushes and trees, villagers burn the area and collect all the remaining unburned wood. They collect any small half-burnt wood pieces to be used in a sacrifice called *Sen Preh Unh* and ask for the healthy growth of their plants. As in other ceremonies, the sacrifice is a chicken and wine. Finally they burn the rest of the collected wood. Historically all villagers gather to perform this sacrifice together.

Sroch Chateu

When farmers prepare seeds for plantation, they perform a sacrificing ceremony asking that their seeds grow well and reap good produce. As in other ceremonies they do this using chicken and wine.

Banh Cheh Teuk

In the middle of the rice production period, the farmer needs to hold another sacrifice to request that the rice continues to grow free from destruction by termites or rats. As in other ceremonies this is done using chicken and wine.

Banh Cheh Tum

When the rice is ready for harvesting, the farmer sacrifices a rooster and a hen with a jar of wine to the spirits asking for well wishes during the harvest.

Banh Pateuk Pateus

This is the last ceremony of the rice plantation calendar, and is held at the time when all harvested rice is brought into storage.

Other smaller ceremonies

Tatasrast

The villagers conduct this ceremony with the purpose of rejecting all bad luck and ill fortune to the rice and owners whose property and rice are damaged by fire or animals. As in other ceremonies they do this using chicken and wine. Chicken blood is mixed with wine and showered on the site where the fire burned or the cattle grazed. This sacrifice is performed by those responsible for the fire or the owners of the cattle that ate rice from another's farm.

Chrolab Chreh

Villagers conduct this sacrifice to allow the guilty person to apologise and recover the soul of the victim. This in turn allows for the victim's health to return. This sacrificing is conducted whenever there is physical violence that results in any bleeding or broken bones. It is also performed when a villager's general health, or a specific wound cannot be cured, or if it is thought that the patient has *chreh*.²¹ In some cases, when parents have bitten or seriously scolded their children and the child becomes skinny and sick, villagers believe that the child is afflicted with *chreh*. In such cases they will perform this sacrifice with the purpose of calling back the soul of the child, allowing the individual to be cured.

If parents suspect that their children have *chreh*, they are responsible for conducting the sacrifice. If this suspicion is relayed by a fortune-teller or a *Me Arak*, then the *Me Arak* is the one who conducts the sacrifice.

In the case of physical violence, the perpetrator must pay a chicken and a jar of wine to conduct this sacrifice. The perpetrator must put his finger to the wine, whisper apologetic words and ask for the removal of the bad luck of illness and injury from the victim. After this they get a piece of chicken flesh and sink it in into the wine and give it to the victim to eat. The *Kanong* or *Krak Shrok* is responsible for organising this ceremony.

Char Kamliat

This is a large sacrificing ceremony to reject bad luck from the village, particularly for villagers who are affected or who face danger from guilty parties. Guilty parties are those individuals who are considered to have broken a customary rule by causing a pregnancy before holding a cultural ceremony celebration (engagement ceremony). The affected people are those who became injured or sick and the family of any person who died in the period between when the woman conceived and the pregnancy is known about.

²¹ *Chreh* refers to a condition when one's soul is said to separate from the body temporarily, often during times of fear or trauma. It is believed that the soul will then try to find its way back to the body.

Persons who face danger include those who are pregnant, fortune-tellers (*Me Arak*), the *Krak Shrok Sen Phum* and people who have traditional gongs or jars. This sacrifice is held when a woman who has never been married becomes pregnant before being wed or engaged.

Those deemed guilty must go from house to house to apologise and purge bad luck from the households with affected people or people facing danger. The guilty individuals must take pig's blood to paint the respective house steps and utter words rejecting bad luck and asking best wishes, then give a piece of pork to the victims. In cases where the guilty persons are too young and/or timid, this can be performed by proxy by their parents.

Char Brieng

The villagers conduct this sacrifice when someone has died as a result of an accident – *get brieng*. It is conducted in order to pray to the spirits and to reject bad luck while recovering good luck. In this sacrifice, at least one cow or buffalo is sacrificed and a chicken and jar of wine is offered. The *Krak Shrok* and *Teung kang Krak* will take animal blood and paint the toes of all attending the funeral, so that the bad luck will not spread to others.

4.7.3 Beliefs

Trespassing on sacred ground

Since Kameng village was established, villagers have found areas which they believe are sacred and have named them spiritual forests/mountains. These are places which the spirits look after and do not allow anyone to enter or destroy in any way. These include Gong Mount, Beureu Mount and Bro Mount which are large jungles with deep forests, large trees and many animals. No one is allowed to touch these forest areas lest s/he or anyone in the village becomes sick, wounded, or dies. 'Touching the forest' refers to acts such as cutting down trees, clearing land, hunting, digging for mines and other non-timber forest product collection. If someone needs to enter such forest/mountains, s/he must ask permission from the *Krak Shrok* to pray to the spirits and ensure there will be no problems.

If someone breaks this rule by entering a spiritual place and any villager becomes wounded, sick or dies, s/he must pay *tatch* to the victim in a sacrifice to the spirits. If a villager receives a sacrificial request in his/her dreams, s/he will inform the *Krak Shrok* of such a request. The *Krak Shrok* will investigate if there has been trespassing on sacred ground and will fine the perpetrator accordingly (with the animal requested by the spirits). The villagers believe that when the spirits are angry with them for failing to protect the forest/mountains in this way, it will cause villagers to become sick, wounded, or die.

Case study 14: A historical tale

A villager said that there was a man who one day entered a mountain forest, heard the sound of gong music everywhere, but could not find any signs of the person responsible for the music. To him, the gong music sounded like someone had died, as it was the kind played at funerals. When he returned home in the afternoon, he found out that someone had in fact died in the village. From then on, every villager heard the gong music coming from the mountain every night. The villagers named the mountain Gong Mount and henceforth dared not touch it. They believe that Gong Mount has spirits looking after the mountain that cause anyone to become sick or die if they were to touch it.

Case study 15: A historical tale

A villager said that a man, Yak Kaying, entered Beureu mountain forest and saw a monkey sitting in the branches of a big tree. The monkey's penis was hanging in between the branches. He was surprised at the sight and exclaimed aloud 'Oh a monkey's penis!' When he came back to the village, Yak Kaying became sick. He went to the fortune teller (*Me Arak*). The spirit happened to be in the *Me Arak*'s body at the time and told him 'I made you sick because you insulted me in my forest home; you know I am not a child.' Thereafter he performed a sacrifice to the spirits in the mountain and later became better. Since then, all villagers believe that the mountain is a spiritual place they dare not touch.

Case study 16: A historical tale

A villager recalled that a man, Yak Nginh, entered Brou Mountain/forest to set a wild animal trap, and caught a monkey. As nobody ate monkey, he threw the body of the monkey away. During the night, a villager heard gong music and the sound of people crying at a funeral ceremony coming from a neighbouring village. Another villager from the neighbouring village also heard gong music and people crying. When both of the villages met with each other, they were astonished as nothing had happened in either of their villages. Everyone started talking about this issue in the villages. Yak Nginh wondered about what he had done in the jungle, and went back to locate the monkey's body. He found that that the monkey's body had been perfectly laid out on a beautiful banana leaf. He brought this information back to the village, and from then on everyone believed that the mountain was a spiritual place.

Cemetery

The Kameng village cemetery is not far outside the village – approximately 500 meters away. The cemetery is located close to the village because the dead are relatives and villagers don't want their relatives to live far from them. It is also easier for villagers to carry the body for burial, as well as during sacrificing ceremonies.

The cemetery is not a forbidden area. However the villagers believe that those who enter the cemetery should not perform any acts of disrespect to the dead, such as shouting or destroying the surrounding environment. If they fail to follow such rules, it is believed that ghosts will make them sick. The cemetery is traditionally separated into two areas, one for what is considered 'normal death' and the other for accidental death.



Graves in Kameng village. (Photo: UNDP/Yin Sopheap)

A bet-swear test

Traditionally, villagers use a *bet-swear test* to end disputes and uncover the truth when either party claims innocence or refuses to confess. Betting is important in maintaining one's honesty and reputation. The loser is penalised in accordance to the bet agreed before the test. To maintain credibility there is a swearing of an oath to the spirits before the test, affirming that only the honest party will win. *Bet-swear tests* can include:

Pouring boiling liquid lead onto the palm

Before this proceeding, the *Krak Shrok* sacrifices a chicken and a jar of wine to praise the spirits. Then, the *Krak Shrok* proceeds to pour boiling liquid-lead onto the palms of the two parties. The palm of the honest person will be able to withstand the heat and pour the lead off without getting burned, while that of the culprit or thief will get burned by the lead often burning a hole straight through the palm. This person is considered the loser of the bet-swear test. Villagers claim that they have heard of this type of test from their elders but have never witnessed it, as it is not practiced today.

Breaking a bamboo water container

Prior to proceeding with the test, a sacrifice of a chicken and wine to the spirits is performed by the *Krak Shrok*. A segment of bamboo cylinder filled with water is placed between the two contestants. After praying to the spirits, the

Krak Shrok uses a wooden stick to pierce the cylinder causing the water inside the bamboo to flow out. The contestant who causes the most water to flow out is deemed the loser. This test continues to be practiced until the present day.

Submerging oneself in water

Before the test, a chicken and a jar of wine are sacrificed to praise the spirits. The *Krak Shrok* tells the two parties to submerge themselves at the same time under water in the river. The loser is the party that emerges first from the water to get air. Elders in the village affirm that they continue to practice this test today.

Sorcery

The villagers believe in *Pi-u* which is the bad soul of a person²². If someone in the village is sick, the family will ask the fortune-teller (*Me Arak*) to find the cause of the illness. *Pi-u* will come out through the *Me Arak* psychic and say that he wants to eat an animal such as a pig or chicken and wine. The patient or family must then sacrifice such an animal to *Pi-u*. The villagers believe that some people have *Pi-u* which causes illness in others. However it is acknowledged by all that this is an affliction over which the affected individuals have no awareness or control. When villagers discover someone in the village has *Pi-u* they would tie up him/her hands and then take a knife, place it on his/her neck and pretend to kill him/her. After this simulation, they would release him/her without harm. They believe that his/her bad soul – *Pi-u*, would be become afraid during the simulation and dare not make other villagers sick. The person who has *Pi-u* is not considered guilty.

Apart from *Pi-u*, villagers also believe in ghosts and magical individuals who can make others sick, but the villages did not have anyone experienced who could speak to the resolutions for such cases.

²² *Pi-u* is something one is born with and has no control over.

Bet-swear test: A test to find who the guilty party is

Chap: A traditional scale of measurement for a pig. This is done by measuring the diameter of a pig's stomach using a piece of string. Measurements are then taken by folding this string in half (i.e. the length is half the diameter of the string) and counting the number of hand widths from the top to the bottom. The amount of chap corresponds to the number of hand widths in the length of the halved string from top to bottom. This indicates the size of the pig, and thereby its worth

Char Brieng: A sacrifice performed when there has been an accidental death

Chreh: A condition when one's soul is said to separate from the body temporarily, often during times of fear or trauma. It is said that the soul will then try to find its way back to the body.

Chrob chroloc: Rape

Chrolab Chreh: A sacrifice asking for a person's soul to return to the body

Get brieng: Accidental death

Kanong: A mediator; a person who assists in resolving conflict

Krak Shrok: Traditional village leader

Krak Shrok Sen Phum: Elder who organises village sacrifices; the highest ranking *Krak Shrok* in the village

Krak Shrok Tatchin: Elder who mediates and conciliates disputes within the village (also called *Katkdi*)

Krang: To stay in the house, not be able to go out and disconnect with outsiders in order to remain undisturbed

Me Arak: A woman who can be asked by the spirit to borrow her body to communicate with human beings

Pakkahteung: Compensation from the perpetrator for the victim's family when the victim has been murdered

Pi-u: The evil soul of a person

Proteal: A type of herb

Protu prochuk: Defamation

Rong house: Communal house in the village

Sen Preh Rong: A sacrifice for the communal house of the village

Tatasrast: A sacrifice for the farm or house after it has been destroyed by fire

Tatch: Compensation, in both wealth and spirit

Teungkang Krak: Elder

Yak: A term used to refer to a person of old age, typically a person over 50 years of age.

Elders in Pu-Trou village



Yak Rantong Kragheh
Krak Shrok Sen Phum



Yak Teng Kanang
Krak Shrok Tatchin



Mr. Yun Roheh
Village Chief



Mr. Pve Rombin
Krak Shrok Sen Phum



Mr. Sieng Born
Assistant Village Chief



Yak Teng Rave
Teung kang Krak



Yak Pangang Vorn
Teung kang Krak



Yak Kanhchat Mao
village elder



Yak Rann Year
Teung kang Krak



Yak Pove Hmong
Village elder



Yak Hyok Sampoey
Village elder



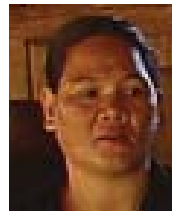
Yak Teav
Teung kang Krak



Yak King Yang
Teung kang Krak



Yak Chong
Teung kang Krak



Yak Voam
Village elder

Members of the Cambodian Indigenous Youth Association (CIYA)

Mr. Choung Phea	Active member of CIYA
Mr. Sovann Bunthai	Active member of CIYA
Mr. Nun Sokunthea	Active member of CIYA
Ms. Latt Samneang	Cook, Khmer Leu Association
Mr. Nun Sokunthea	Staff of ICSO Rattanakiri

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