Ministry of Justice

Ministry of Interior

Phnong Ethnicity

Documentation of Customary Rules

Indigenous People in Pu-Trou village

Sen Monorom commune, O'Raing district, Mondulkiri 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 MoI 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, MoI 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 MoI.

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 be half 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 Mondulkiri. These provinces, situated far from the capital Phnom Penh, are rich in natural resources. Economic deve-lopment 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.

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[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.

Acknowledgements

Contents

Pu-Trou village is an old indigenous *Phnong* village located in O'Rang district in the Mondulkiri basal highland. It is home to 320 villagers, including 120 women, and comprises 64 *Phnong* ethnic families. Pu-Trou village is currently situated within the Seima wildlife reservation area bordering Pu-Rong, O'Chrar, Sre Phrea and Sre Ambel villages. The villagers mainly subsist on traditional farm cultivation, rice farming and collection of non-timber products such as vines and resin for use and sale. Villagers live as a small tight-knit community and maintain their historic identity, traditions, culture and belief systems.

Pu-Trou village derives its name from a small stream called Trou that spans the length of the village. The Trou stream provides villages with all their daily needs. It is said that a sacred rock, the Trou rock, lies at the bottom of the stream (see case study 1). *Phnong* village names typically begin with 'Pu', meaning human, followed by the geographical location of the village, such as Pu-Trou, Pu-Char and Pu-Siam. Under Khmer Rouge rule, the villagers were forced to relocate to Koh Nhek district. Villagers cannot recall the name of their *Purahn Ban* during the time prior to the French colonial rule. Under French colonial rule their *Purahn Ban* was elder Hnoeng. Apart from his role as *Purahn Ban*, he was also appointed village chief due to the fact that he was a highly respected and active member of the community. At age 100, elder Hnoeng died in 1986. His successors were his sons, Roes and Khoes who continue to serve as *Purahn Ban* today.

Case study 1: A tale related to the name of Pu-Trou village

There once lived a man named Trou who always grazed his buffaloes along a stream. One time, his dog barked so loudly that he thought that the dog must have seen a turtle or some other kind of animal. He went down the stream to find out, but could not see any animal. All he could see was a large rock under water. The dog kept barking until he concluded that his dog must have barked at the rock. Thus, he asked people to help him carry the rock into his

house. That night he dreamt that the rock advised him to sacrifice a buffalo and eat all its meat if he and his children wanted to prosper. He then sacrificed a buffalo as told, but could not eat all the meat; 30 pieces were left. Thus, the rock proclaimed: 'only you shall prosper, your children will not'. The next morning, he told all the villagers about the dream. The villagers believed that the rock was sacred and sacrificed a buffalo to pray to the spirits. They attributed the name of the rock to the name of the old man and called the stream Elder Trou rock stream which was later shortened to O'Trou stream. And subsequently the name of the village became Pu-Trou.

Scene from Pu-Trou village. (Photo: UNDP/Yin Sopheap)

2. Traditional Authority

The *Phnong* of Pu-Trou village abide by the traditional rule of a group of elders in the village, referred to as *Purahn*, in the *Phnong* language. Respected elders, known as *Purahn Ban*, play a key role in governing the community, settling issues, organising spirit sacrifices and maintaining peace and happiness within the community. In addition, a village elder or middle-aged person capable in negotiations, is appointed to be the village spokesperson; this person is called the *Antreahn*. Today there are over ten *purahn*, two *Purahn Ban* and three or four *Antreahn* who work together in the village.

2.1. *Purahn Ban*

A *Purahn Ban*'s key role and duties include the following:

- Organising sacrificial ceremonies in the village requesting the spirits for peace, happiness and forgiveness.
- Organising village ceremonies including weddings.
- Mediating village disputes.
- Organising meetings among village elders to resolve problems within the village.
- Educating village children in accordance with traditional culture and practice.

A Purahn Ban in Pu-Trou village.
(Photo: UNDP/Yin Sopheap)

- Advising villagers on land matters, including preserving forest for non-timber products or selecting suitable land for cultivation. Villagers believe that such persons are knowledgeable on the subject of sacred forests.
- Representing villagers in negotiation and dispute resolution with neighbouring villages.
- Maintaining solidarity within the village.

A *Purahn Ban* is not selected based on any particular criteria. A person becomes a *Purahn Ban* if they are considered to be in good standing within the community and are knowledgeable in traditional beliefs and capable of solving conflicts. The majority of *Purahn Ban* inherited their title; however, inheritance is not the main criteria for selecting a *Purahn Ban*.

Elders in Pu-Trou village. (Photo: UNDP/Yin Sopheap)

2.2 *Antreahn*

An *Antreahn*'s principle roles include the following:

- Village spokesperson responsible for facilitating resolutions to conflicts, especially in cases of divorce.
- Organiser of village festivities including conciliation ceremonies with chicken and wine.
- Matchmaker in any village engagement and wedding process. Often, a *Purahn Ban* is asked to be an *Antreahn*.

2.3 Village chief

A village chief is nominated by the commune authority and plays the role of village coordinator and facilitator of all tasks related to interaction with government, aid organisations or institutions from outside the village. For example, a village chief can call on villagers to participate in meetings or training workshops. In addition, he supports the village elders (*Purahn Ban*)

in organising ceremonies such as village sacrifices, weddings, or funerals. He also facilitates village activities by making announcements, disseminating information, collecting contributions or conducting meetings with outside organisations. In conflict resolution, he is sometimes asked to be the *Antreahn* or to join the hearing conducted by a *Purahn Ban* to share his opinions. In cases where disputing parties do not agree with a resolution proposed by the *Purahn Ban*, the village chief can refer the case to the commune authorities to facilitate solving the conflict. Nowadays, the village chief is often asked to be the *Antreahn* in organising weddings and mediating divorce disputes and settlements. However, in general he listens to the group of elders, particularly decisions made by the *Purahn Ban*. If the *Purahn Ban* decides to organise a sacrificing ceremony or move the village, the village chief will never refuse as it is thought that the village chief has respect for the *Purahn Ban* who is considered to be the most knowledgeable individual on traditions.

3. Dispute resolution procedure

For many generations, like other indigenous minorities in Cambodia, villagers have solved conflicts using negotiation, mediation and arbitration. The traditional and typical way of settling disputes is through mediation by the *Antreahn* and the *Purahn Ban*. In general, the conflict resolution procedure is as follows:

3.1 Solving conflict between the parties themselves

In cases where a 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 *kaos*[2] by which a ceremony is organised with wine and chicken to symbolise reconciliation.

3.2 Mediation through an *Antreahn*

When a dispute occurs, the claimant (victim or aggrieved party) will find an *Antreahn* 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 *Antreahn*. If the claimant agrees with the respondent's reasons, the *Antreahn* will ask the two 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 his or her case to the *Purahn Ban*.

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[2] *Kaos* refers to the obligation to pay reparation and compensation, and to compensation itself. It is the indigenous traditional means of compensation in the form of cash, animals or property. In addition to paying *kaos*, there is typically a sacrifice of a chicken and a jar of wine to mark the end of a dispute and symbolise reconciliation.

In cases when the respondent agrees to confess, apologise to and compensate the claimant, s/he can request the *Antreahn* to persuade the claimant to discount the claim price. The *Antreahn* negotiates between the claimant and the respondent until an agreed claim 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, the *Antreahn* may refer the parties to the *Purahn Ban*. Any party can stop negotiations by telling the *Antreahn* that they will take the dispute to *Purahn Ban*.

3.3 Conciliation by a Purahn Ban

Negotiation through a *Purahn Ban* is different, as a he does not serve as an intermediary between one party and another. Instead, he first listens to both parties, balances the claim price and then makes the final decision to order one party to pay a price. Thus the process is one of arbitration rather than mediation. In addition, he will also provide advice to both parties on how to live peacefully with one another. Conflict resolution through a *Purahn Ban* generally involves three steps:

3.3.1 Storytelling

When villagers come to him or her to resolve their conflict, the *Purahn Ban* organises a meeting at his or her house. The *Antreahn* and other *Purahn Ban* are also invited to participate, as are witnesses, relatives and interested villagers. The *Purahn Ban* listens to all parties allowing enough time for this storytelling until he fully understands the case or finds the truth. He then offers his opinion on the cause of the dispute and which party is at fault. In the case where both parties reject each other's stories, the *Purahn Ban* may ask the parties to under-take a *bet-swear test*. (See section 4.7.3 for details).

3.3.2 Compensation bargaining

After the party at fault is determined, the *Purahn Ban* helps negotiate the amount to be paid in compensation. The respondent can attempt to bargain down the price and if an agreement cannot be reached, the *Purahn Ban* may provide suggestions on the level of compensation to be paid. In addition to the compensation amount, the *Purahn Ban* may ask the parties to provide a buffalo, cow, pig or chicken and wine for a sacrifice to the village spirits.

3.3.3 Post agreement

If disputing parties come to a compensation agreement and provide resources for a spirit sacrifice, the *Purahn Ban* will ask all involved in the conflict resolution to participate 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. For a serious offence, a buffalo, a cow, or a pig is required for the sacrifice. During this sacrificing ceremony everyone eats and drinks together, so that the ill will between the parties is healed. In cases where the conflict is resolved using a *bet-swear test*, the losing party is responsible for providing most of the resources for the ceremony and spirit sacrifice.

3.4 Penalty/compensation (*kaos*) and eliminating bad luck (*Mpes*)

- **Kaos:** Holding the perpetrator responsible for compensation, reparation and spending property for praising the spirits and ridding the village of bad luck.

- **Mpes:** A ceremony to pray to the spirits asking for forgiveness for any wrong doing and ridding the village of bad fortune and danger. The ceremony is organised with the sacrifice of at least a chicken and wine depending on the gravity of the wrong doing. Pig or chicken blood is used to paint the opening of the wine jar and the forehead of the victim. Village elders perform the ritual while whispering apologetic words and asking that the village be rid of all bad fortune. They use coconuts or sticks to stir the wine while the apologies are made. For minor accidents such as dog-bites, the *Mpes* is performed simply using a small amount of rice and tree leaves.

Wine sacrificing ceremony for spirits. (Photo: UNDP/Yin Sopheap)

4.1 Physical abuses

4.1.1 Murder[3]

For generations, *Phnong* ancestors have passed on the belief that human beings should not be deprived of their right to live, nor should they be harmed in any way. Under customary rules, killing is prohibited as it violates the *Phnong* value of peace and tranquillity. Although there have not been any cases of murder, villagers explained that if such a case were to happen, the perpetrator would be obligated to pay *kaos* in the form of property equalling the value of one elephant or ten buffaloes, one pig, a dog, a duck, a chicken and a jar of wine. The elephant or ten buffaloes are for compensation to the family of the victim. The pig, dog, duck, chicken and wine are used for a ceremony (*Mpes*) called *kway antreng* (see details in section 4.7.2) for all the villagers, to apologise and to ask the spirits to rid them of bad luck. If a perpetrator cannot pay the required reparations, s/he must work for the victim's family for their whole life or be executed, as has occurred in the past.

Villagers explained that in the past a death penalty would be imposed based on a number of circumstances:

1. The person was a sorcerer who was known to frequently cause villagers' deaths
2. The person had committed arson
3. The person had committed frequent robberies or thefts

Villagers confirmed that today this kind of death penalty is no longer applied as it is prohibited under Cambodian law.

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

Case study 2: A case occurring in the village

In 1998, an uncle and his nephew were murdered by someone from the lowland. The two men used to tend to their cattle on a piece of land that they allocated as a grazing area. A lowland person seized this land to use for coffee cultivation and a land dispute ensued. In the end, the two highlanders won and regained ownership of the land. However, angry at the loss of the land, one night the lowland person shot and killed the uncle and nephew. Nothing could be done about it because the perpetrator could not be found; he had fled the area. Therefore the victim's family proceeded with the traditional funeral at their expense and then performed the *kway antreng* and *Mpes* for the villagers.

4.1.2 Manslaughter[4]

Villagers explained that manslaughter is when a perpetrator kills someone without the intention to kill, i.e. it was an accident or the perpetrator was unaware that the injury would lead to death. Manslaughter can sometimes be determined based on the prior relationship between the victim and the perpetrator and whether it was hostile or amicable.

According to village culture, manslaughter does entitle the victim's family to compensation from the perpetrator. However, the compensation is typically half of that for murder as manslaughter is considered a less serious offence. In this case the perpetrator would be penalised *kaos* of five buffaloes, a cow, a pig, a chicken and a jar of wine. The cow, pig, chicken and wine are used for holding a *kway antreng* (see details in section 4.7.2) for all the villages as above. The remaining five buffaloes are for the victim's family as reparation.

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[4] 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.

Case study 3: A village case

One night a man was returning to the village from hunting while another man was returning from his farm carrying a *sas*[5] (backpack) on his back. The hunter mistook the backpack the man was carrying to be a peacock because the backpack was full of vegetables and aimed and shot his crossbow at what he thought was the peacock. Instead he shot the other man in the chest and killed him instantly. Realising his grave mistake, the man hurried back to the village to get help. After the funeral and *kway antreng*, a mediation ceremony was performed. The hunter paid compensation to the victim's family in the form of three buffaloes.

4.1.3 Rape[6]

In the *Phnong* language, rape is referred to as '*hnob tam*', (meaning 'being forced down'). Villagers defined it as a violation where a man has sexual intercourse with a woman without her consent. In the case of a rape, the perpetrator must pay *kaos* in the form of a buffalo or cow and a medium sized pig, chicken and wine, plus pay for an *Mpes* ceremony.

A man who rapes a woman can also be forced to marry her, if she agrees. In addition to the wedding party, the perpetrator must organise an *Mpes* ceremony for the victim and the villagers as a form of apology and to ask the spirits to rid them of bad luck.

For attempted rape, the perpetrator is required to pay *kaos* to the victim in the form of a cow, a chicken and a jar of wine, as well as perform an *Mpes*.

4.1.4 Molestation[7]

In this community, men respect women and typically would not dare to do anything to offend them. However, villagers maintain that if a molestation case occurred, the victim could ask the *antreahn* or *Purahn Ban* to settle the

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[5] Ethnic minorities in Rattanakiri generally refer to a backpack type bag as a *kapha*.

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

[7] No such word exists in the *Phnong* language.

dispute. For verbal assaults or defamation, the victim can report to case to the *Purahn Ban* and ask him to penalise the perpetrator with *kaos* in the form of a pig, chicken and wine.

Villagers affirmed that there had been quite a few cases of molestation in the village in the past. The majority of the settlements depend on the agreement among the parties. Sometimes, the perpetrator spends a pig or a chicken and wine for an *Mpes* and a party to symbolise reconciliation. There has not been any case whereby the *kaos* is up to a buffalo. In addition, the *Antreahn* or *Purahn Ban* shall advise and educate the perpetrator not to behave in such a manner anymore.

4.1.5 Disputes causing physical injury[8]
Disputes causing physical injuries in the community shall be punished. A punishment is more severe for injuries that involve broken bones or bleeding. The *Purahn Ban* will try to determine whether the injury is intentional or unintentional. Intentional injuries receive higher punishment than unintentional ones. For injuries intentionally inflicted, the perpetrator is required to pay *kaos* which may take the form of cash, traditional jars, elephants, cows, buffaloes, pigs, chickens and wine. However, the *kaos* is to be balanced with the severity of the injury sustained by the victim. Villagers affirmed that their *Purahn Ban* was very skilled in dispute settlement and always provided a fair and acceptable solution for both parties. In the past, if a perpetrator did not have enough resources to pay *kaos* to the victim, s/he would have to work for the victim for a certain period of time according to their agreement. For injuries with broken bones or bleeding, the responsible person is required to organise an *Mpes* for all the villagers offering a cow, pig, chicken and wine depending on the severity of the injury. A person causing unintentional injuries to another person, as a result of a traffic accident for example, would perform an *Mpes* for the victim and pay all costs of medical treatment.

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[8] 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.

Case study 4: A case occurring in the village

During the 1970's, most of Cambodia's northeast region was under Khmer Rouge rule. At that time, most people wore *poeng* (a montagnard breech-cloth). One day a man wearing a grey shirt and a *poeng* climbed a tree to pick fruit. At the same time, another man was hunting in the area. The hunter mistook the fruit-picker for a monkey and shot him in his stomach, causing him to fall to the ground. Realising his mistake, the hunter carried the victim to the hospital; fortunately the victim survived his injuries. The hunter paid all costs for medical treatment for the victim. After returning home, he performed an *Mpes* symbolising his apologies and calling back the victim's soul.

4.1.6 Threatening to kill or cause injury

A victim of such a threat can find a *Purahn Ban* for help. The *Purahn Ban* will try to calm the perpetrator down and persuade him/her to reconcile with the victim by restoring friendship and solidarity so that they can live peacefully together without any thought of revenge or hostility. In the end, each of the two parties will be required to provide one chicken and a jar of wine to celebrate a party marking the end of dispute and symbolise reconciliation and renewed friendship. But in the case when the threat is accompanied by a weapon, the *Purahn Ban* will require the perpetrator to perform an *Mpes* to call back the soul of the victim and rid him/her of all danger and/or bad luck. Then *kaos* in the form of a pig, a chicken and a jar of wine is required from the perpetrator. The application of this kind of *kaos* is to be meant to deter people from committing further threats.

Case study 5: A case occurring in the village

A man from Pu-Trou Leu sub-village came to Pu-Trou Kraom sub-village[9] and asked to see the gasoline seller at his shop. The shop-owner was not around but his assistant demanded that the visitor provide the reason for wanting to meet with the shop-owner. This lead to a verbal dispute causing the two

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[9] Pu-Trou Leu sub-village is 2-3 kilometres from Pu-Trou Kraom sub-village. They are governed and administered as one village.

men to threaten violence against each other. The next day the same dispute continued until finally relatives went to the *Purahn Ban* seeking help. In the end, two *Purahn Ban* got the two men to sacrifice a chicken and a jar of wine for a party to mark the end of the dispute and symbolise reconciliation.

4.1.7 Arrest or detention[10]

Arresting or detaining any person without reasonable cause is viewed by the villagers as an abuse on a person and reflects negatively on an individual's honour. Therefore anybody who dares to arrest or detain another person without reasonable grounds is required to pay *kaos* to the victim. The level of *kaos* is dependent upon the severity of the act weighed against the causes of detention/arrest. The *Purahn Ban* will solve this dispute upon request of the victim. S/he balances the rationale against the level of *kaos* required from the perpetrator.

In cases where the *Purahn Ban* finds that the act was reasonable (that is, taken to protect or prevent danger), the perpetrator is deemed to be not guilty and is not required to pay any *kaos*. If s/he finds that the act constituted an abuse by the perpetrator, s/he would ask the perpetrator to pay *kaos*, such as a pig or chicken and wine, depending on the fault.

4.1.8 Injury or death caused by traps

Villagers usually use traps (snares) or spur-guns trap (*knar*)[11] to protect their farm crops against wild animals, such as pigs and musk deer that often enter and destroy crops. Sometimes these are placed on paths frequented by wild animals or at the farm entrance. Before setting the traps, villagers are informed about the locations of the traps so as to prevent accidents. In addition to

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

[11] A *knar* is a spur-gun made of bamboo. It can measure up to two meters high and typically has a strong wooden handle. It is tied to an arrow, which is released when an animal steps on the trigger. Its size is determined by the size of animal it is intended to target. For example, for wild boars the gun is typically set at about 40cm high; for a deer the gun is set at over one meter high. The spur-gun targeted for deer can be fatal to humans.

an announcement to the village, warning signs such as a small bow and arrow placed in the nearby trees or bundles of grass are placed at the trap site so that passers-by can be wary of where they step.

If anyone dies or is injured by a trap by accident or due to carelessness, no one is held responsible and no *kaos* or claims apply. However, if anyone in the village is injured by a trap, an *Mpes* ceremony should be performed to rid the victim of bad luck.

4.1.9 Injury caused by domestic animals

Every village family raises animals including dogs, cats, cows, buffaloes, pigs and chickens. In this village, only dogs and buffaloes have caused injuries to people in the past; fortunately none have resulted in death. Buffaloes are considered to be the most dangerous animals to keep. For minor injuries caused by dogs, there is generally no need to seek help from the *Purahn Ban*. The animal owner usually performs an *Mpes* using steamed rice directly where the injury occurred.

In cases where an animal causes serious injury to a person, its owner is required to perform an *Mpes* for the victim and pay for all costs of medical treatment. In cases of injury resulting in death, the animal responsible would be killed and its owner required to pay *kaos* to the victim's family in the form of a buffalo, cow, pig, dog, chicken and a jar of wine. The performance of a *kway antreng* for an *Mpes* to the victim's family is also required to call back the soul of the person whose death is seen as accidental (*ty hong*) rather than natural.

Case study 6: A case occurring in the village

One day a woman was bitten on the leg by her neighbour's dog causing her to bleed. The dog's owner took the injured woman to the clinic for treatment and paid all medical costs. However the wound did not heal properly. Therefore the dog owner decided to slaughter a chicken and used its blood to perform an *Mpes* for the victim. A few days later, the wound healed completely.

Case study 7: A case occurring in the village

One day a man was heading out to go fishing when he came across a buffalo that belonged to someone from Dak Dam village. The buffalo chased the fisherman and severely injured him. The injured man demanded the buffalo owner to perform an *Mpes* for him but the owner refused by saying that he was not the owner of the buffalo. After calling upon him to do so several times without result, the fisherman, together with friends and relatives, shot and killed the buffalo. The meat was sold and the money was used to cover the costs of medical treatment and performing an *Mpes*. The buffalo owner remained quiet and could not intervene or object due to the fact that he had denied his ownership of the buffalo.

Case study 8: A case occurring in the village

One day a man walking to his farm was attacked by a bull and seriously injured. Upon hearing the news, the owner of the bull went to see the injured man, paid for his medical treatment and performed an *Mpes* using a chicken and wine. Eight days later, the bull injured the man once again. This time the bull owner offered a pig, a chicken and a jar of wine to perform another *Mpes* for the victim. They agreed that should the bull attack the same man a third time, its owner would kill it as well as offer a dog, duck and chicken and wine for an *Mpes* calling back the soul for the victim.

4.2 Offences over property and animals

4.2.1 Stealing and robbery

Theft[12]

Theft of property, including buffaloes, oxen, chicken, ducks and pigs have occurred in the village. For minor thefts, such as of small objects or a chicken, the *Purahn Ban* would not require any *kaos* except the return of the stolen object to its rightful owner. For more serious theft, such as of a pig, ox, cow or buffalo,

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[12] 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.

the stolen animal must be returned to its rightful owner and the *Purahn Ban* will require the perpetrator to pay *kaos* in the form of a chicken, a pig, a cow/ox or a buffalo. This serves two purposes: to deter future thefts and to contribute to a celebration party in which the community eat and drink together to mark the end of the dispute and symbolise reconciliation. In addition, the perpetrator is required to swear an oath in the presence of the property owner and all the villagers guaranteeing that s/he will not be angry at the property owner and will properly behave him/herself lest the spirits become angry and cause him/her to fall sick or die.

Case study 9: A case occurring in the village

A man planned to steal an ox that frequently strayed and grazed on his rice farm. The man asked a fellow villager to come with him to shoot the ox. They did and then ate as well as sold the ox meat. The owner of the ox took the case to the police. Later, the police arrested the perpetrators who confessed to killing the ox. In the end, the perpetrators paid fifty thousand riel each to the police and compensated the owner with a new ox. The police then released the two thieves.

In cases where the thief escapes arrest and there is no clear evidence, the property owner can accuse anyone s/he suspects and ask the *Purahn Ban* to settle the matter. If the suspect or the accused confesses, then the stolen property is returned to its owner and a chicken and a jar of wine is sacrificed for a party to mark reconciliation. However if the suspect does not to confess, the *Purahn Ban* will have to organise a *bet-swear test*.

Recipient of stolen property

A person who has unknowingly bought, received or consumed a stolen animal or other property is not held accountable. But if s/he is aware of the theft and still commits the offence, s/he must pay *kaos* together with the perpetrator. In addition, there is another *kaos* of a pig, a chicken and wine.

Robbery[13]

Robbery refers to an act of taking property by force of threat using a weapon, such as a knife, gun or stick, for example a thief who threatens a motorbike owner with a knife demanding the bike. Villagers claim that if such cases occur and the perpetrator is apprehended, the village elders (such as *Purahn Ban*) will settle the matter in accordance to village tradition. The perpetrator can then be faced with varying levels of punishment depending on the facts. In cases when a perpetrator robs and kills a villager, s/he may be executed as the most severe punishment. For robbery of property only, the property shall be returned and additional property offered as *kaos*, to praise the spirits and to hold an *Mpes* to call back the victim's soul.

Case study 10: A case occurring in the village

Two soldiers from the lowland threatened an elderly couple at gunpoint demanding two *chee* of gold[14]. The couple denied that they had any gold but the soldiers continued threatening them, shooting all the traditional jars in the house. They also injured the couple's son. The soldiers then forced the couple into the forest. The couple called out for help and, when villagers came to their aid, the soldiers ran away. In the end, unable to apprehend the soldiers, the couple treated their son's wound and organised an *Mpes* with help from the *Purahn Ban*.

4.2.2 Fraud and Forgery

Purchases

According to villagers, before buying anything purchasers should thoroughly examine the product and carefully consider its price. To purchase something at a price higher than its regular value, the purchaser would have to be a careless and naïve person according to the villagers. Thus s/he cannot complain over paying the higher price. This should be considered a lesson for people to learn to become shrewd. 'If one does not know the price of a product, then why bother buying it' said villagers.

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[13] 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.

[14] *Chee* is used as a measurement for gold in Cambodia. There are 260 *chee* in 1 kilogram.

Entrusted purchase

A person entrusted by another person to purchase things for him/her must be honest. S/he must tell the true purchase price to the person who entrusted the purchase or that person can claim his/her money back if they find out that the purchase price is lower. The dispute will end at the return of the money. If not, a *Purahn Ban* will be asked to settle the dispute. After finding out the truth, the *Purahn Ban* tells the purchaser to return the money to its owner and sacrifice a chicken and a jar of wine for a party to mark the end of the dispute and signify reconciliation.

Fraud

In general, 'fraudulent properties' taken, such as oxen/cows, buffaloes, pigs, chicken or ducks, must be returned to their rightful owners. If the perpetrator confesses and accepts guilt, only a chicken and a jar of wine is needed for the celebration to mark the end of the dispute and symbolise reconciliation. Anyone who refuses to confess will be made to take a *bet-swear test*, such as holding rice in the mouth while jumping into the water, to resolve the dispute (see details in section 4.7.3). The person failing the test will be forced to return all property to its rightful owner and be responsible for providing a cow/ox, buffalo or a pig, chicken and wine for sacrifice in an *Mpes* and organising a party to mark the end of the dispute.

4.2.3 Fire (arson)

Traditionally, fire represents an important element of villagers' lives. Villagers use fire for cooking, protection against insects and the cold, for their livelihoods (such as burning resin-trees and bushes for farming), as well as for light at night. Fire is especially important for burning bushes to make a new farm. Care is taken in order to prevent fires from spreading and harming residents, villages and neighbours' farms. Nevertheless, Pu-Trou village does have a history of problems with fires that have caused destruction.

Residential fire

Any person causing a fire that damages the house and property of others is held responsible for the reparation costs based on the total damages incurred and for holding an *Mpes* for the victim by performing what is know in the *Phnong* language as a *kway antreng* Uhn (see details in section 4.7.2). If a person is found to have intentionally started a fire, the additional *kaos* would be the same amount as the damaged property. For the *kaos*, the sacrifice could be a buffalo, a pig or chicken and wine depending on the actual outcome of negotiation.

A person causing a fire on sacred grounds or to sacred objects, such as spirit trees or spirit shrines must perform an *Mpes* for all the villagers to rid them of bad luck.

Farm fires

Fire caused by an inability to control the burn

Before burning the bushes in a 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. If, despite all careful preparation, the fire spreads to the neighbouring properties due to strong winds for example, then the burner needs to only help in cleaning the affected farms. If crops in the farm are damaged, the burner must compensate the farmer for half the value of the crops. In cases when the burner refuses to help clean up the farm, s/he will be penalised by being required to pay *kaos* of a pig, a chicken and a jar of wine.

Fire caused by the carelessness of the burner

If the burner does not inform his/her fellow farmers of plans to slash and burn land as described above, and the fire spreads to neighbouring farms, it signifies that the burner has been careless. Thus s/he is responsible to pay *kaos* in the amount equal to the total damage incurred plus a pig, a chicken and a jar of wine to signify reconciliation. In addition, s/he is obliged to help clean up the affected farms.

4.2.4. Causing damages to property

A person whose property is destroyed by another may go to the *Purahn Ban* for help. The *Purahn Ban* will try to mediate the dispute with the aim to reconcile the two parties and then hold a party with a chicken and wine to mark the end of the dispute. In general, the perpetrator is responsible for the reparation of the damaged property and sacrifices a chicken and wine for a party to end the dispute.

Villagers said that most problems occurring in the village take place when people are intoxicated. If a person enters another person's house and destroys plates, pots and wine jars, the owner may impose a high *kaos* on the perpetrator and require him/her to pay reparations up to twice the cost of the damaged property, as well as a performance of an *Mpes*.

4.2.5 Cattle grazing on someone else's rice farm

Traditionally villagers cultivate rice once a year during rainy season between July and December. In the cultivation season, all cattle are required to be tied up so as to prevent them from grazing and straying on others people's farms. By contrast during the dry season, cattle are able to wander freely without fear of reprisal for grazing on other people's land.

In cases where a cow/ox or a buffalo grazes in someone else's rice field, the owner of the animal is held responsible for *kaos* for reparations covering all damages, plus an *Mpes* to rid the rice farm of bad luck. The *kaos* is based on actual damages and the *Mpes* typically requires a chicken and a jar of wine.

In cases where the animal repeatedly strays and grazes, and its owner has been notified up to three times and s/he still does not take measures to prevent it, the farm owner can either confiscate all the crop from the farm of the animal's owner, take the animal for his/her own, or sell the animal for cash to be used as reparation for the damaged property.

Case study 11: A case occurring in the village

An elephant got loose and strayed and grazed in another person's rice farm twice. The woman who owned the elephant sent her apologies to the farm owner who required her to perform an *Mpes* with a pig and a jar of wine. As the woman did not have a pig, she negotiated down to two chickens and a jar of wine. The farm owner then changed the requirement to 100,000 riel in cash and an *Mpes* with a chicken and a jar of wine and they were able to reach an agreement. (Of note is the fact that this negotiation took place between the two parties only without the need to involve the village elders).

4.2.6 Killing or causing injury to someone else's animal

Killing another's animal without permission is considered culturally immoral and those responsible must pay reparation. In this village there have been some cases, particularly of killing cows or buffaloes that strayed and grazed rice and in others' farms. Sometimes the cattle were injured, other times killed. The cattle owner needs to present proof of the perpetrator accused in such cases.

If the owner of the animal has been notified three times and the animal still continues to stray and graze, the farm owner has the right to harm or kill the animal. In cases where cows/oxen eat people's clothes, the property owner must first seek the *Purahn Ban*'s help before harming or killing the animals in question. For chickens eating food in someone's house, the house owner has no right to harm or kill the chicken because its owner can pay reparation. In cases when an animal is injured, the perpetrator is responsible for any treatment needed for the animal as well as for performing an *Mpes* with a chicken and a jar of wine to symbolise reconciliation. In cases where the animal dies, the reparation expected is usually replacement with another animal or with an object of equal value.

Case study 12: A case occurring in the village

One day for no apparent reason, a man went and cut the tail off another man's buffalo. The buffalo owner was furious and went to investigate the perpetrator. After being identified, the owner of the buffalo required the man perform an *Mpes* for the buffalo using a chicken and a jar of wine. However the wounded tail still did not heal even after the *Mpes* had been performed. The owner of the wounded buffalo therefore demanded the perpetrator to take this buffalo and replace it with another one. The perpetrator sold the wounded buffalo at a price of 7 *chee* in gold. The owner of the buffalo agreed to accept the gold instead of a new buffalo.

Case study 13: A case occurring in the village

One day a man was walking in front of a house with a long handed cleaver over his shoulder. A dog that lived in the house barked and approached the man aggressively, at which point the man killed the dog with his cleaver. The owner of the dog went to the *Purahn Ban*. Having determined that the killing was inappropriate as the dog had not in fact bitten the man, the *Purahn Ban* required the perpetrator to compensate the owner with a new dog. In addition, he was required to sacrifice a chicken and a jar of wine to perform an *Mpes*.

4.3 Offences over honour and reputation
4.3.1 Curses and verbal assault

Against other people

In the village, anyone who puts a curse or spell on someone else shall be punished by being required to perform an *Mpes* with a chicken and a jar of wine. However, if both parties exchange curses, the *Purahn Ban* requires each of them to sacrifice a chicken and a jar of wine for a party to signify reconciliation.

In cases of serious curses or spells cast on others that later become true, such as sacrificing wine and asking mountain spirits to kill or cause an accident to others and this in fact happens, the *Purahn Ban* will order the party responsible to pay compensation to the victim's family. Therefore, if anyone puts a curse on anyone else, in general the *Purahn Ban* will require the perpetrator to perform an *Mpes* with a chicken and a jar of wine to signify the taking back of the curse and to prevent future bad events.

In cases where nobody takes the responsibility for casting the curse, the accuser and the accused will swear an oath. The oath may include the following words: 'If you have truly put a curse on me you will die, but if you have not put any curse on me and I have accused you without ground, I will die instead'.

There is no punishment on children who put curses on adults, but they will be educated, disciplined and corrected accordingly.

Against parents
Verbal assaults or curses on one's own parents are not punishable. Village elders and *Purahn Ban* will try to educate them to correct their behaviour. There is no punishment for minors.

4.3.2 Defamation
A person who defames another is someone who commits any act of speaking ill or looking down on another person causing them anger and embarrassment. The victim of defamation can go to a *Purahn Ban* to request help to settle the matter. The *Purahn Ban* will generally try to advise the person not to commit any further acts of defamation. Nevertheless if the person still continues, the *Purahn Ban* will require the perpetrator to sacrifice a chicken and a jar of wine as *kaos* to mark the end of dispute and signify reconciliation. The *kaos* is also meant to deter further acts of defamation.

4.4 Relationships in the community
4.4.1 Borrowing, Renting and contract care-taking

'When borrowing somebody's object we must return, it is our culture', villagers reported. If a person borrows something and does not return it to its owner by the promised due date, the owner should notify him/her to remind them, up to three times. If the case is not resolved after the third notification, the lender can go to a *Purahn Ban* who will first try to talk to the borrower to settle the problem. In doing so, the *Purahn Ban* keeps trying to persuade the borrower until the borrowed object is returned to its owner. So far in this village there have not been any cases of villagers defying the *Purahn Ban*'s decision. However if in the future the *Purahn Ban*'s decision is not respected, villagers will ask the village chief to bear witness in confiscating the borrowed object/property in accordance with the *Purahn Ban*'s decision.

In cases of renting cattle or objects for a particular purpose, but that are then used for other purposes, the owner will generally require twice the amount of fee that had originally been agreed. In the case of borrowing buffaloes for transporting rice, but then using them to transport timber for example, the owner can require the borrower to share some money from the transport fees.

In contract rice field farming, the rice crop is shared between the owner and the worker. An agreement of who gets what amount must be reached beforehand. Typically, the rice field owner gets 30 to 35 percent while the contract worker gets 65 to 70 percent of all rice reaped in the season.

In contract caretaking of cattle, the normal arrangement would be for the owner to take the first calf and the caretaker the second calf the following year. When the cow becomes too old to produce calves, it will either be slaughtered and the meat shared, or sold and the money split between the owner and the contract worker. However if the caretaker ceases to care for the animal, the contract ends by returning the animal to its owner and sharing a chicken and a jar of wine are to mark the end of the contract.

Case study 14: A case occurring in the village

A woman borrowed a buffalo to plough her rice field. A few days later, the buffalo suddenly died for no obvious reason. The owner demanded a new buffalo and left the dead one for the borrower. The borrower agreed. She then sold the dead buffalo meat and shared it with the rest of the villagers.

Case study 15: A case occurring in the village

A woman borrowed a jar for the purpose of fermenting rice wine. She put the jar out to dry in the sun on the wooden shelter in front of her house. A pig came by and scratched its back against one of the poles underneath the shelter causing the jar to fall and break. The owner of the pig compensated the owner with a new jar and performed an *Mpes* for the owner by sacrificing a chicken and a jar of wine. Villagers affirmed that the borrower was not at fault in this case, however, the owner of the pig was.

4.4.2. Lending a hand

Helping each other is representative of a strong traditional solidarity within the village. The villagers help each other particularly during the farming season, especially in slashing and burning forests to clear land and to plant and harvest rice. Villagers rotate their assistance to one another, but if a person is absent for his/her turn, there will not be any dispute. If one repeatedly fails to help during his/her turns, this would not be 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. If a person is unable to help for any reason one day, the person can instead offer assistance in cash in the amount of 5,000 riel per day.

4.5 Farming systems

Villagers affirmed that since the old days, land disputes have not occurred in this village. They maintained that customarily, villagers have a taboo that absolutely forbids them to touch sacred forests. Therefore, they fell trees for mountain slope farming or clear land for rice farming elsewhere.

Traditionally villagers pray to the spirits three or four times in each farming season. These events include (1) a sacrifice to the spirits given for wishes of safety in clearing land for farming; (2) a sacrificing ceremony asking that seeds grow and reap good produce after preparing them for plantation; (3) in the middle of the rice production period, farmers hold another sacrifice to request that the rice plants continue to grow; (4) when the rice crop is ready for harvesting, farmers perform another sacrifice to pray to the spirits asking for well wishes during the harvest; and (5) the last ceremony of the rice plantation calendar is held at the time when all harvested rice is brought into storage (see details in section 4.7.2). Paddy rice farming is practiced the same way as the Khmer and crop rotation is practiced the same way as other indigenous minorities.

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 clearing land and wedding 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 *Purahn Ban* in advance. The customary territory of Pu-Trou village is identified by their traditional practices, which acknowledges the natural boundaries created by mountains, trees, steams 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.

4.6 Marriage and family

4.6.1 Marriage

Pre-wedding

In the village tradition, after reaching manhood or womanhood[15], young men and yond women are free to have boy/girlfriends. They have the freedom to choose anyone they love of their free will. A couple in love is free to talk and spend time with each other without engaging in sexual intercourse. It would be a problem otherwise should the young woman become pregnant (see details in section 4.6.3).

There are two distinct pre-wedding events, the engagement consultation and the formal engagement.

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[15] Considered to be around 15 years of agespouse and to allow the living spouse to re-marry.

Engagement consultation

When a young man and a young woman fall in love, the young man asks his parents to talk to the young woman's parents. The parents must ask an *Antreahn* to represent them in the consultation. The *Antreahn* proceeds with a bottle of wine, a candle and five hundred riel in cash placed on top of a bowl filled with rice, to talk to the young woman's parents. If the *Antreahn* receives a positive response from the young woman's parents, s/he informs the young man's parents and formal engagement procedures begin. The young woman's parents must also have an *Antreahn* to represent them in dealing with the young man's parents. The two *Antreahn* meet to discuss further steps leading to the formal engagement and the eventual wedding.

Formal engagement

The groom's *Antreahn* prepares an engagement offering in the form of a pig, a chicken, a traditional jar, a bottle (one litre) of rice wine, a skirt, a blouse, a comb, decorative beads, a knife and four bowls (one of which is for holding rice, one for clothes, one for a chicken and one for a pig-head) for the bride's family. Upon arriving at the house of the bride's family, the groom's *Antreahn* pulls out the rice-bowl and chicken then sits down to the ground and slaughters the chicken for its blood. Then he asks the young woman, 'Now I ask you to be engaged with my boy, will you agree or not? If you agree do come and take the chicken and wine'. The woman would responds: 'Yes I agree' then she comes from the house to take the chicken and wine. The woman also has a chicken and a jar of wine for the man. A pig is then slaughtered to complete the offering for the groom. After slaughtering the pig, the man's *Antreahn* invites the woman's side to receive all the offerings. Then the two *Antreahn* prepare sacrifices to pray to the spirits and ask all their ancestors to approve the young couple to be engaged from then on. After the sacrifices, the woman's party requires the man's party to prepare three jars and thirty bowls for the wedding offering. Without them, the engagement is considered null and void. The two parties continue to discuss the family trees of both sides in order to ascertain that the couple are not closely related. If it is found that they are closely related and they still want to go ahead with the wedding, the man's party shall find a pair of

black and white cows, buffaloes, pigs, twelve piglets, and a pair of black and white chickens and ducks to be used for the performance of an *Mpes* to get rid of all bad luck. The woman's party will have to contribute four piglets. At the end, the wedding day is scheduled.

In this engagement ceremony, the two *Antreahn* set condition on the *kaos* in case one of the parties breaks the engagement without reasonable ground and sets the conducts that the two engaged parties have to maintain until the wedding day.

The engagement process is followed by a party for all participants. The couple must garner resources such as pigs, chickens and rice wine for their wedding. From this day on, the man must prepare himself and resources for the wedding. When the wedding day approaches, the man's *Antreahn* must inform the woman's family to be prepared for the wedding or otherwise to postpone it. The *Antreahn* does so with an offering of a chicken and a jar of wine.

The *Antreahn* is responsible for ensuring that the couple are not closely related. In the *Phnong* tradition, marriages among close relatives are prohibited. Relatives who are not allowed to marry include blood relatives such as father and daughter, mother and son, grandparents and grandchildren, siblings, uncles and nieces and aunts and nephews. Distant relatives apart from these are allowed to marry on condition that their parents are related via their opposing sexes. For distant relatives who had the same mother seven generations ago, marriages are strictly prohibited (see explanation below). However, if the young man and woman are committed to loving each other as husband and wife against this tradition, they must perform a village sacrificing ceremony asking for an exception and forgiveness known in the *Phnong* language as *Kway Katis* (see details in section 4.7.2). To perform a *Kway Katis*, the two parties must sacrifice a buffalo, a cow, a goat, a black dog, a duck, a chicken and wine.

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1st generation          Father ———— Mother
                                      |
2nd generation   Wife——Son       Daughter ———— Husband
                        |     ⌣⌣⌣⌣                |
                        |    Marriages Prohibited  |        ⌉
                        ↓                          ↓        | Marriages prohibited
3rd generation      Son  Daughter    Son       Daughter    |
                         ⌣⌣⌣                                |
                      Marriages allowed                     |
                                                            |
7th generation      Son  Daughter    Son       Daughter    ⌋

                       Marriages prohibited
```
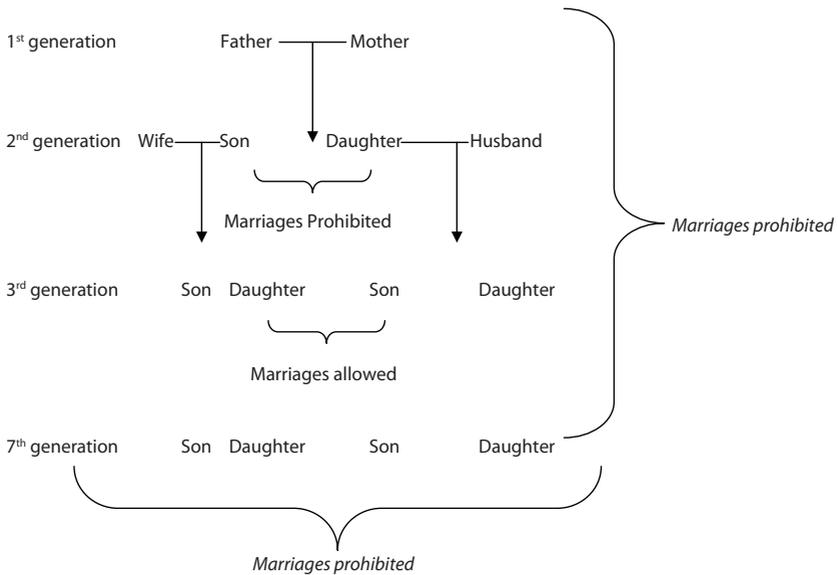
After the engagement, if any party requests dissolution of the engagement without providing reasonable grounds, the other party may demand *kaos* in the form compensation of all the costs of preparation for the engagement in accordance to the agreement. However, if a party in the engagement violates the condition that was set during the engagement process, the other party has ground for termination of the engagement and can also *kaos* the guilty party. Termination of an engagement does not require an *Mpes*. The compensation, however, depends upon the agreement is the result of bargaining from both sides. After all the compensation is settled, a celebration using a chicken and a jar of wine is held to symbolise reconciliation.

The wedding

On the day of the wedding, the groom, his parents, his relatives and the *Antreahn* bring the required offerings to the house of the bride's family, together with a chicken and a jar of wine. On the bride's side, the bride herself, her parents, her relatives, her elders and her *Antreahn* prepare to welcome the groom's delegation with a chicken and a jar of wine at the house of the bride's family. Early in the morning, three *nheas* (banana stems or shoots fitted with a stand and decorated with betel leaves, areca nuts and flowers that serves as a

decoration and as an offering to a deity) are made, one of which is for the celebration of the opening of wine jars, another for guarding the water-well and another to be erected at the site where buffaloes, oxen and pig are to be slaughtered.

That morning, the bride's side slaughters a buffalo, an ox and a pig. The bride herself uses a scarf or blanket to cover the buffalo's head, carefully wrapping its horns and praising the spirits with the *nheas*. Thirty full bowls of minced chicken are reserved for the bride's and groom's parents and relatives. The next morning their elders, their *Antreahn* and their parents give them additional advice for a long life and happiness together. That morning, to signify the end of the wedding celebration, a party is celebrated with baked buffalo head (and/or ox head) and wine. The newlywed couple prepare a jar of wine and a chicken for the cooks. The couple also prepares a jar of wine and a pig, with 100 riel, one scarf and a bowl of rice to perform an *Mpes* for the *Antreahn* of both sides. To signify that this family's daughter has been married a Roka tree (a kind of tree with red flowers, similar to a Kapok tree) is planted near the bride's house.

Post-wedding
Eight days after the wedding, the new couple pay a visit to the groom's family who organise a ceremony with a pig and wine to welcome them. The couple must stay there for four days and four nights before returning to live at the bride's house. Upon returning, the new couple must bring along five kilograms of glutinous rice, a reel of yarn and a scarf. Another ceremony, with a pig and a jar of wine, is organised in the evening at the bride's house to welcome friends and relatives who arrived late and missed the wedding ceremony. That evening, the rice, yarn and scarf are placed in a bamboo tray and the bride's parents present an apology to all the late arrivals by performing a *Velpear* ceremony to signify the apology. Before the *Velpear*, the new couple should not touch the new guests for fear of possible bad luck. In general, the groom typically lives with the bride's family. However if the couple want to move to the groom's family a sacrificing ceremony, large or small depending on resources available, is required. There is no fixed time required before the couple can move out of their family home.

4.6.2 Divorce

Traditionally, divorce is considered a major dispute that must be solved by mutual agreement between the two parties. Villagers, however, maintain certain appropriate grounds must be met before granting a divorce.

Appropriate reasons for a husband to divorce his wife are:
- If the wife has been dead for more than one year
- If the wife has intercourse with other man twice or more
- If the wife becomes pregnant with other man

Appropriate reasons for a wife to divorce her husband are:
- If the husband has been dead for more than one year
- If the husband has intercourse with other woman twice or more
- If another women is pregnant with his child
- If the husband commits repeated cases of physical abuse against his wife. In addition to the divorce, the woman can receive from her husband his property; these may included pigs, chicken and wine as *kaos*, depending on negotiation and mediation to be performed by the *Antreahn*.

If there are reasonable grounds for divorce as stipulated above, the other party is unable to refuse the request. In the case where a wife or husband refuses to divorce, the party insisting on a divorce without reasonable grounds as stipulated above shall be penalised (*kaos*) by the other party. The *kaos* would be for pigs, chicken and other properties if there is no agreement on the division of property.

In cases where a spouse dies, the other spouse may continue to stay with his/her in-laws for at least one year. Later on, if s/he wants to re-marry, s/he shall perform a *Choon Cha Oeng*[16] to his/her parents-in-law with an offering of one skirt, one shirt/blouse, together with one chicken and a jar of wine for a party. After receiving the choon cha oeng from their son/daughter-in-law the spouse's parents shall return the son/daughter-in-law to his/her parents with a sacrifice of a chicken and a jar of wine in a party. The new spouse may contribute some property to the *Choon Cha Oeng* sacrificing ceremony. In the new wedding, there must be a sacrificing ceremony for their dead partner to signify the breaking of marital relations. In the case where a new wedding takes place without performing the *Choon Cha Oeng* sacrificing ceremony, parents of the previous spouse may request *kaos* from the couple of a pig, a chicken and a jar of wine for sacrificing to the dead partner.

4.6.3 Sexual intercourse 'against culture'

In the case where an unmarried woman and unmarried man have sexual intercourse 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. Typically the young woman must tell her parents and elders that she is pregnant and by whom. The young man must find evidence or a witness to prove that he did not commit such an act, otherwise he is presumed responsible. Usually the parties involved confess the truth. Along with their parents, both parties must offer at least a buffalo, an ox, a pig, a chicken and a jar of wine for an *Mpes* sacrificial ceremony called *Kway Katis*. This sacrificial ceremony is to ask the spirits for forgiveness and wish for happiness and health for the whole village (see details in section 4.7.2).

In cases where an unmarried man has sex with another person's wife and the two agree to marry each other, then they are required to pay *kaos* to the woman's husband (equal to twice the amount of the expenditure in the previous wedding and other interest promised during the wedding/engagement to the husband). In addition, they have to perform an *Mpes* for the whole village

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[16] This is to ceremony to mark the termination of marital relationship with the deceased spouse and to allow the living spouse to re-marry.

using a pig, a chicken and a jar of wine. 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 *kaos* to the husband according to his claim, and the woman must also pay *kaos* to her husband according to the wedding/engagement promise. If the husband agrees to keep his wife, then the other man must pay *kaos* to the husband and the wife also must pay some compensation to her husband.

In cases where an unmarried woman has sex with an married man, and both individuals want to marry, then the two have to pay *kaos* to the man's wife (twice the amount of the expenditure in the previous wedding and other interests promised during the wedding/engagement). In addition, they have to perform an *Mpes* for the whole village using a pig, a chicken and a jar of wine. If any party refuses to marry the other party, the resolution is the same as that of the unmarried man's case cited above.

In cases where a married man has sex with a married woman and the two individuals agree to marry each other, the couple must both pay *kaos* to their spouses twice the amount of expenses for their previous wedding and also pay to their lover's spouses twice the amount of expenses for their partner's marriage with their previous spouse. In addition, they have to perform an *Mpes* for the whole village using a pig, a chicken and a jar of wine. If any party refuses to marry, then the wife or husband who has not been unfaithful will get *kaos* from both her/his spouse as well as the other party.

4.6.4 Inheritance
Generally, when parents get old and anticipate their passing away, they divide their inheritance among their children. Traditionally, everyone gets equal share except the youngest child who gets more than the others. For example, each child including the youngest one gets one ox or cow, and all the remaining property is for the youngest child. In case where parents die without having the chance to share their property amongst their children, the eldest child who still lives with them is responsible for determining how the property will be shared. According to tradition this must be performed under the supervision of the *Purahn Ban* and in the presence of neighbours in the village.

4.6.5 Abduction and consensual running away

According to villagers, there have not been any forced abductions in the village, only cases of couples in love running away to live together. Such couples can return to their home village without any punishment. Their parents must marry them in accordance to tradition, and perform an *Mpes* for the whole village using a pig, a chicken and a jar of wine.

Upon returning home, if the young man refuses to marry the young woman, the young man's family must pay compensation to the young woman's family in accordance to their agreement through negotiation. The compensation can be in the form of cash or any other properties. In addition, an *Mpes* must be performed for the whole village using a pig, a chicken and a jar of wine. If the young woman refuses to marry the young man, she does not have to pay *kaos* to the young man and the young man has no right to demand *kaos* from her.

4.7 Taboos, major ceremonies and beliefs

4.7.1 Taboos

The villagers, as a community, do not have common taboos. However each family maintains their own taboos mainly on items that are not to be touched or brought into their village or be eaten. Some families have a taboo on pythons, soft shell turtles, wild chicken, wild tubers, or bamboo shoots. They believe that these items can cause them to contract illness including skin rashes, leprosy or blindness. In the cases where someone breaks this rule by bringing a taboo item into a family's house, the person would be obliged to perform an *Mpes* for the family using a chicken and a jar of wine to rid the family of diseases and bad luck.

Case study 14: A taboo on wild chicken

One village woman has a taboo not to eat wild chicken. A tale was told to her through her ancestors as follows: One time in the past, an elder in the village got severe wounds all over his body and could not be healed. Inside the wounds there were maggots that caused terrible pain and emitted a bad smells. Villagers, having no hope of curing him and for fear of catching the

disease, decided to take him away into a forest. In the forest, the man's pains and itches got worse. He scratched and scratched causing the wounds to bleed and the maggots to become even more intrusive. Meanwhile there was a wild chicken in the forest that kept on crowing loudly causing the sick man to become infuriated. He screamed at the chicken: 'Damn chicken, you make too much noise around here, you sing happily by yourself and do not care about me who is sitting here in severe pain'. Having heard the man, the chicken flew down to him and began to eat all the maggots from his wounds, which later completely healed. The chicken then warned him not eat wild chicken and that severe and incurable wounds would befall those who did. From then on the man and his family created the taboo neither to touch nor to eat wild chicken. The woman added that under the Khmer Rouge regime, being so hungry, she once ate a wild chicken and later on got a painful and incurable wound for which she was kept away in a forest alone. Her father sacrificed a pig and a jar of wine to perform an *Mpes*. A few days later the wound healed. She added that today she does not even touch the ashes from which a chicken was roasted.

Case study 15: A taboo on white-tailed monkeys

A few village elders told the following tale: A man went hunting and captured a white-tailed monkey. Then he went to find a piece of *pork* bamboo to be used for making the monkey soup (called *proung*). Upon being chopped, the bamboo fell down to the ground making a sound like that of a gong. The man reached into the ground and found an antique gong. He brought it home. At night, he dreamt of the same *white tailed* monkey telling him that the gong is a sacred object that can be used for making three wishes. But the monkey told the man that he, his children and his relatives must never eat white-tailed monkeys. The next morning he used the gong to wish for many other things and since then, he and his family have never eaten white-tailed monkeys.

Case study 16: A taboo on Rokar trees

One day, a man being chased by his enemy escaped and hid behind a Rokar tree. His enemy could not find him and went away. That night the man dreamt of the Rokar tree telling him that the tree had saved his life and asked him to tell all his family members not to eat Rokar and to take good care of the tree so that the Rokar trees, in return, take care of his family. The next morning, the man told his children and other villagers to take this message seriously and protect this type of tree from then on.

4.7.2 Key sacrifices and ceremonies

Village sacrificing (Sen Phum)

Every year, Pu-Trou villagers perform a ceremony to pray to the village spirits asking for safety, happiness, prosperity and enough rain and good agricultural crops for the year. Everyone in the village organises the ceremony together. It is called *Sen Phum*. Generally, the ceremony is organised at the beginning of the monsoon period or the end of hot season after villagers have finished clearing their farming fields. People also do this to mark the celebration of the New Year. The celebration is based on the level of rice yield for that particular year. For high rice yields, the villagers sacrifice a buffalo, but for a medium yield, only a pig or a chicken is sacrificed with rice wine.

This sacrificing ceremony is held for three days and nights during which outsiders are strictly forbidden from entering the village. A piece of bamboo hanging across the village entrance is a sign of warning not to enter. Violating this taboo is punishable by *kaos* in the forms of a pig, a chicken and rice wine.

A genie shrine and the village marking pole are places for worship and to pray to the spirits for the New Year

Sacrifice for rain

This sacrificing ceremony asking for rain is not a major event; only a chicken or a pig and wine are used for a one-day party. After this there is a day of calmness that prohibits outsiders from entering or leaving the village.

Funerals

Natural death

When someone dies from natural causes, the person's family, relatives and friends traditionally organise a funeral ceremony with participation from other villagers. A *Purahn Ban* helps coordinate the duties of funeral participants. Women are in charge of food preparation while men go to the woods to look for a tree trunk that is suitable for making a coffin (poorer families would use only the bark of Rokar tree to wrap around the body). Typically the timber is cut in two metre long pieces split in half and carved with a hole to fit the body. The body is placed inside one half of the trunk, covered by the other half and sealed up tightly with resin to preserve it. To keep company and to comfort the family of the dead, villagers play gong music, with dancing, eating and drinking day and night as well as sacrificing a buffalo, a pig or an ox, chicken and rice wine. Relatives and close friends speak and sing to the dead, paying tribute to their memory. For wealthy families, the funeral ceremony may last seven days, but most hold a one-day ceremony after which the body is buried the next day. Regardless of the length of the funeral, there is a small sacrifice to pray to the spirits on the seventh day. On the day of the burial and on the seventh day, the family of the dead and people in the whole village are required to maintain a sense of calmness by not doing anything serious for one day. Villagers believe that anyone who breaks this rule will get sick or encounter an accident. Everyday at meal time, family members traditionally set aside some food for the dead.

Accidental death (ty hong)

Villagers refer to accidental deaths as those such as falling from a tree, hanging oneself/suicide, or death during the childbirth, known as ty hong.

If a villager is killed or dies outside the village 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 would accompany the body and befall other villagers. The funeral would therefore take place outside the village with the building of a small hut for the body and another larger hut for participants in the ceremony. In cases of accidental death within the village, the funeral ceremony must be held at the place where the dead body is

found. Generally, the ceremony is to be organised on the day of death, the seventh day and the hundredth day afterward, then the final ceremony on the last day of the third year. After the funeral, the family must perform a *kway antreng* ceremony in the village in order to prevent bad fortune from befalling other villagers.

Ceremonies related to farming systems
Pah Pra
A ceremony performed to aid in the search for fertile farmland. This is the first step in the traditional farming system to find out whether the spirits will allow a person to farm in this location. First a piece of land 2 -3 square meters long is cleared. Then a piece of bamboo about the size of a thumb is split in four slices and pierced into the ground to perform an *Mpoek Ach*, which is believed to predict the outcome of the crop through dreams.

Before going to bed, the farmer and his/her family ask the spirits to allow dreams that indicate whether or not their farming will yield a good crop. If the dream is good, such as s/he can catch fish or can climb up rocky valleys, it is a sign that s/he can farm on the land s/he has marked. However if the dream is bad, such as dreaming of chopping down banana plants, cutting banana blossoms, cutting down trees or seeing the moon or sun, then s/he will not farm in that area because they believe that this forest is protected by spirits. The farmer will then continue his/her search for another location to farm on.

Mus Prey
A ceremony performed before clearing small plants and bushes on the farmland.

Kal Prey
A ceremony performed before felling big trees on the farmland. At this stage, people gather to help out and there is a sacrifice of chicken and rice wine to pray to the spirits for safety and happiness.

Op Preh Unh (fire sacrificing)
After clearing all bushes and trees, villagers burn the area and collect amd set a side all the remaining unburned wood. Before doing so, villagers collect the

half-burnt or remaining wood pieces to be used in a sacrifice called *Op Preh Unh* during which they ask for the healthy growth of their plants. As in other ceremonies, the sacrifice also involves chicken and wine. Finally they burn the remaining pieces of wood. Historically, all villagers gathered to perform this sacrifice together but nowadays people do it separately.

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

Chraol Par
In the middle of the rice production period, farmers perform 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.

Kap Par
When the short-duration rice is ready for harvest, this ceremony is performed to pray to the spirits (sacrificing a chicken and wine).

Koch Pannal Hae or Tak Par
This is the last ceremony of the rice plantation calendar and is held at the time when all harvested rice is brought into storage. In this ceremony two chickens and two jars of wine are required.

Sacrificing ceremony for healing illnesses
Traditionally, when a sick person cannot be cured with medicine, villagers resort to praising the spirits in order to heal the illness. The patient, together with his/her family members must go through a three-day period of calmness or abstention (from doing any activity). During the abstention period, people other than members of the family are strictly prohibited from entering the house or bothering the family. A sign such as a piece of string on which tree leaves are hung is placed across the walkway to inform the public of the prohibition. Any person entering the perimeter of the house during the prohibition period must pay *kaos* in the form of a pig or a chicken and wine depending on what

was used for the previous sacrifice. This *kaos* is generally applied regardless of whether or not the perpetrator is aware of the abstention taboo.

Other smaller ceremonies

Kway Antrehn

This is one of the major sacrifices of the *Phnong* tradition done to praise the spirits, reject bad luck and recover good luck when someone has died as a result of an accident – *ty hong*. In this sacrifice, at least one buffalo or an ox/cow, a pig and chickens as well as rice wine are sacrificed. A *Purahn Ban* and other elders in the village will use pig blood to paint the toes of everyone attending the funeral to ensure that the bad luck will not befall others.

Kway Katis

This means an apologetic sacrifice. Villagers conduct this sacrifice if they discover that someone has broken the customary rules related to sexual intercourse and marriage as mentioned above. The guilty person must perform an *Mpes* for people who are in danger and facing danger because breaking a customary rule related to sexual intercourse and marriage is believed to cause the spirits to be angry. People in danger are those who have had an accident which has led to broken bones, bleeding, sickness or fever, women who have miscarried and families of those who have passed away[17] since the rule was broken. People facing danger are the *Me Arak*, pregnant women, those who possess traditional jars and gongs and the *Purahn Ban*.

Kway Antrehn Uhn

The villagers conduct this ceremony with the purpose of rejecting all bad luck and ill fortune to the owners whose property is damaged by fire, especially house fires. The ceremony is to pray to the spirits to bring back lost souls and to reject bad luck and welcome good luck. As in other ceremonies, they do this with the sacrifice of a pig, chicken and wine depending on resources available. If the house was damaged by accident, the *Purahn Ban* is responsible to provide *Mpes* for the house owner, however if a person causes somebody's house to catch fire, s/he must perform an *Mpes* for the house owner who is considered the victim.

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[17] This refers to those whose family members had died after the woman gets pregnant without engagement. In general, it is counted from the time when the woman is three months pregnant.

4.7.3 Beliefs

Sacred ground

Villagers in Pu-Trou village worship mountains, ponds, valleys, Chrey trees, Bodhi trees and deep forests. They especially revere the Pu-Trou rock located in the stream running through the village.

Anyone entering these forest areas or behaving disrespectfully to the sacred forests by doing things such as felling trees, cursing or acts that may cause villagers to get sick or get into an accident will have to pay *kaos*. The *Purahn Ban* will require the person to pay *kaos* in a form of a pig, chicken and jar of wine to pray to the spirits and ask for forgiveness and as a warning for the person never to repeat the act.

The *Phnong* people strongly worship Rokar trees as they believe these trees are the symbol of happiness and can ward off all dangerous and unwelcome circumstances. They believe that the thorn of the Rokar tree can provide protection to people, which is why they plant this tree during various key ceremonies, including weddings.

There used to be a lot of sacred forests but most of them have disappeared due to deforestation. What remains for the villagers is a small altar of the village spirits at the end of the village boundary where people perform sacrifices to praise the spirits and to hold the New Year celebration.

Sacred places or worship areas. (Photo: UNDP/Yin Sopheap)

Cemetery

The Pu-Trou village cemetery is approximately 2,000 meters away from the village. The cemetery is not a forbidden area for villagers. However they 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 cause them to fall ill.

Pu-Trou village cemetery seen from the mountain. (Photo: UNDP/Yin Sopheap)

A bet-swear test

Traditionally, villagers use a *bet-swear test* to end a dispute in which both parties claim they are not guilty or refuse to confess. The two parties try to find the truth through asking spirits to give a result through various *bet-swear test*s. The loser shall be penalised in accordance to the bet decided before the test. To make the bet credible there is an oath swearing to the spirits that only the honest people shall win. The test is generally one in which the two parties submerge themselves under water. Before the test, a chicken and a jar of wine are sacrificed to praise the spirits. The *Purahn Ban* is the key organiser. The *Purahn Ban* tells the two parties to submerge themselves at the same time into a river. The loser is the person who emerges first to take a breath. Elders in the village affirm that they continue to follow this practice until the present day.

In the case of theft, whoever loses must return the property to its rightful owner plus make a sacrifice of an ox/cow, buffalo or pig and wine for a party to symbolise reconciliation. For this test, each party must bring a chicken. The villagers believe that the winner or loser can be determined by observing the chicken. Typically the chicken of the innocent party is vigilant, flaps its wings and crows, while that of the dishonest party is scared and ducks to the ground like a sick chicken.

4.7.4 Sorcery (*Arb* or *Thmub*)

Villagers believe that in the village there have been ghosts, sorcerers (*Arb* or *Thmub*) and 'magical' individuals who leave caused people to die. In the past if a person was found to be an *Arb* or a magical individual, *Thmub*, who has caused many people to die, villagers would catch and kill the person. To better determine whether a person is an *Arb* (or *Thmub*) villagers base their observations on some of the following:

1. The individual is related to individuals who were *Arb* or *Thmub*
2. The individual is identified by a distant *Me Arak* or fortune teller, who does not know him/her at all, that s/he is an *Arb* or *Thmub*
3. Through a swear test by pouring boiling liquid-lead into the water at which point, a loud bursting sound is heard. Prior to the test, a *Purahn Ban* performs a sacrifice using a chicken and wine to pray to the spirits. Then s/he pours boiling liquid-lead into a bowl of water, praying that if the suspect named is truly a sorcerer (*Thmub*) who has caused someone to get sick or die, the lead must burst. If the boiling liquid lead dripped into the water bursts on all the seven rounds of the test then the suspect is considered a *Thmub*.
4. An amount of boiling liquid-lead is poured onto the palm of the suspect. If the lead goes through the palm then the suspect is considered a *Thmub*. By contrast, if the suspect can make the lead spill off his/her palm instead, then s/he is not considered a *Thmub*.
5. The suspect has had a history of ongoing hostile relationships with the victim(s).

However, villagers affirmed that *Arb* or *Thmub* are no longer effective and people would not dare to kill other innocent people.

Case study 17: A historical tale

Village elders said that there was once a woman sorcerer. One day the woman begged for something from another woman. The latter refused to give the item to her and the sorcerer performed magic that caused the woman's child to get sick and die. The elders explained that the reason people knew that this woman was a sorcerer was because she belonged to a family known to be sorcerers.

Case study 18: A historical tale

Village elders recalled that a man was walking to his farm when he accidentally came face to face with a female sorcerer who tried to harm him. He ran up to a tree where he saw the sorcerer and drove a nail into it at about the height of his chest. Subsequently, the sorcerer fell sick and died.

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

Arb: Evil witch

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

Chee: The scale for gold used in Cambodia, which is about 0.26g

Choon Cha Oeng: The gift that a surviving spouse pays to the family of a spouse who has died in order to remarry

Chraol Par: A sacrifice to the spirits to take care of the growing rice

Hnob tam: Rape

Kal Prey: A sacrifice performed before chopping down big trees

Kaos: Compensation, in both wealth and spirit

Kap par: A sacrifice performed before the harvest

Knar: a spur-gun made of bamboo which can measure up to two meters high and typically has a strong wooden handle. It is tied to an arrow, which is released when an animal steps on the trigger.

Koch Pannal Hae: A sacrifice for storing rice in the barn

Kway Antreng: A sacrifice for the accidental death of a village member

Kway Antreng Uhn: A sacrifice for a house after a fire

Kway Katis: A sacrifice performed after any woman has gotten pregnant before marriage or when a couple that are related in a way that traditionally prohibits marriage wish to get married (for example close relatives such as uncles and nieces and relatives where their parents are related via the same sex)

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

Mpes: A sacrifice where animal blood is painted on the forehead of a person or pained on the top of the wine jar, depending on the case

Mpoek ach: The identification of the area for cultivation

Mus prey: Testing the spirits before starting clearing land

Nheas: A small traditional artistic temple made by banana leaves and trunks, used in spirit sacrifices

Op Preh Toch Pa: A sacrifice for the spirit of seeds, before planting rice

Op Preh Unh: A sacrifice for the fire spirit

Pah pra: Searching for a relationship for men and women before marriage

Poeng: Traditional cloth for men which covers just over the penis

Pu: The prefix of the *Phnong* language that refers to the name of places. It is also the word for person

Purahn Ban: Traditional leader of the village

Sen Phum: A village ceremony

Sas: Traditional basket worn on the back, made with bamboo

Tak-par: A sacrifice for storing the rice in the barn

Thmub: Evil witch

Ty hong: Accidental death

Velpear: To apologise; apologetic ceremony

Elders in Pu-Trou village

Hnoung Ras,
Chief Elder

Pyeus Phen,
Women's group member

Pyeus Thon,
community member

Elder Pop,
Elder

Runhay Chol,
Elder

Yu Klok,
Women's group member

Nheum Chreun,
community member

Chhol Preut,
women group

Chhol Preut,
Women's group member

Ev Hchrop,
Women's group member

Cho Kheul,
Elder

Pin Deum,
Women's group member

Me Phum,
Village Chief

Lok Srey,
Women's group member

Bopha,
Women's group member

Members of the Cambodian Indigenous Youth Association (CIYA)

Mr. Leang Sokcheun	CIYA member
Miss. Yun Ravy	CIYA member
Mr. Yen Bunthan	CIYA member
Ms. Latt Samneang	Cook, Khmer Leu Association

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