



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

12 October 2016  
Trial Day 463

<b>ឯកសារដើម</b>
<b>ORIGINAL/ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ (Date): 09-Dec-2016, 14:36
CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding  
Claudia FENZ  
Jean-Marc LAVERGNE  
YA Sokhan  
YOU Ottara  
Martin KAROPKIN (Reserve)  
THOU Mony (Reserve)

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
Anta GUISSSE  
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:  
Maddalena GHEZZI  
SE Kolvuthy

Lawyers for the Civil Parties:  
CHET Vanly  
Marie GUIRAUD  
HONG Kimsuon  
LOR Chunthy  
PICH Ang  
SIN Soworn

For the Office of the Co-Prosecutors:  
Joseph Andrew BOYLE  
Nicholas KOUMJIAN  
SENG Leang

For Court Management Section:  
UCH Arun

I N D E X

Ms. Peggy LEVINE (2-TCE-81)

Questioning by Ms. GUIRAUD..... page 2

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Ms. PEN Sochan (2-TCCP-298)

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Questioning by Mr. BOYLE..... page 97

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Ms. LEVINE (2-TCE-81)	English
The President (NIL Nonn)	Khmer
Ms. PEN Sochan (2-TCCP-298)	Khmer
Mr. PICH Ang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 Today, the Chamber continues to hear the remainder of the  
6 testimony of expert Peg LeVine and begins hearing testimony of a  
7 civil party, namely, 2-TCCP-298.

8 Ms. Se Kolvuthy, please report the attendance of the parties and  
9 other individuals to today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case  
12 are present except Mr. Liv Sovanna, the National Counsel for Nuon  
13 Chea, who is absent due to health reason, and Pich Ang, the  
14 National Lead Co-Lawyer, is absent for the first session this  
15 morning due to personal matters.

16 Mr. Nuon Chea is present in the holding cell downstairs. He has  
17 waived his right to be present in the courtroom. The waiver has  
18 been delivered to the greffier.

19 The expert who is to conclude her testimony today, that is, Ms.  
20 Peg LeVine, is present in the courtroom. The upcoming civil  
21 party, namely, 2-TCCP-298, is <in the waiting room> ready to be  
22 called by the Chamber.

23 Thank you.

24 [09.01.53]

25 MR. PRESIDENT:

1 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the  
2 request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 12  
4 October 2016, which states that due to his health, that is,  
5 headache, back pain, he cannot sit or concentrate for long and in  
6 order to effectively participate in future hearings, he requests  
7 to waive his right to be present at the 12 October 2016 hearing.  
8 Having seen the medical report of Nuon Chea by the duty doctor  
9 for the accused at the ECCC, dated 12 October 2016, which notes  
10 that, today, Nuon Chea has a lower back pain and feels dizzy when  
11 he sits for long and recommends that the Chamber shall grant him  
12 his request so that he can follow the proceedings remotely from  
13 the holding cell downstairs. Based on the above information and  
14 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
15 grants Nuon Chea his request to follow today's proceedings  
16 remotely from the holding cell downstairs via an audio-visual  
17 means.

18 The Chamber instructs the AV Unit personnel to link the  
19 proceedings to the room downstairs so that Nuon Chea can follow.  
20 That applies for the whole day.

21 The Chamber now hands the floor to the Lead Co-Lawyers for civil  
22 parties to put questions to the expert. You have the floor.

23 [09.03.30]

24 QUESTIONING BY MS. GUIRAUD:

25 Thank you, Mr. President, and good morning to all of you. Good

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1 morning to you, Ms. Expert. My name is Marie Guiraud, and I  
2 represent, together with Ang Pich, who is absent this morning,  
3 the civil party collective in Case 002.

4 And I have a certain number of follow-up questions. A lot has  
5 already been said, of course, over the past two days. And I'm  
6 going to put to you a certain number of questions by quoting  
7 excerpts of your book or excerpts from the transcripts that we  
8 received this morning, so simply just I would like to warn the  
9 interpreters that I'm going to quote in English because your book  
10 has not been translated.

11 [09.04.16]

12 So if you have the impression that you have already answered  
13 these questions, of course, please tell us. <Otherwise,> I would  
14 like to give you an opportunity to <explain or> nuance some of  
15 the statements you made yesterday.

16 Q. So I would like to start with the first question regarding a  
17 term that you brought up quickly yesterday, which is a term that  
18 is central to your work, which is the word "ritualcide".

19 You said yesterday at 11.05 -- and I'm referring to the English  
20 transcript because these are the only transcripts we received  
21 this morning -- you said, and I quote you, that <you had> "mapped  
22 the breakdown of traditional rituals over time and the impact  
23 that had on an entire population."

24 Can you explain, therefore, to the Court what were the  
25 traditional rituals that were abolished during the DK regime in

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1 -- of course, please say so <briefly> because I don't have a lot  
2 of time, and then I'll put another question to you on the impact  
3 of this disappearance of the rituals on the population.

4 [09.05.48]

5 MS. LEVINE:

6 A. Thank you.

7 With regard to my study into the rituals, as was referenced, I  
8 believe, on the first day, I went for painstaking days upon days,  
9 went into very old texts, interviewed many people before 1970, so  
10 that I could be very clear about, not just the rituals, but the  
11 sequence by which rituals happened and what rituals were dropped  
12 out; what ritual objects were dropped out; what were added, what  
13 dynamics. There's a dynamic in rituals because there's often an  
14 exchange between people during the course of a ritual proceeding.

15 [09.06.41]

16 So I looked at the rituals of weddings, I looked at the rituals  
17 of courtship. That was very important because that's an  
18 importance sequence for the weddings. And I looked at the  
19 sequence of rituals for women from the time they are pregnant  
20 through to their delivery and post-delivery time.

21 And in doing that, I was able -- much more able to look at the  
22 breakdown of ritual then the breakdown of culture because culture  
23 is so much more an amorphous entity to study.

24 And what I found was that the sequence of rituals for people who  
25 were married, men and women -- I looked at male and female

1 rituals. Even during the birthing time, men had a role, whether  
2 it was finding the right fertile ground in which to bury the  
3 placenta. So it was very important for me to really pay attention  
4 to what were the roles and what were the interacting roles.  
5 And what I discovered -- because it was a discovery for me. What  
6 I discovered was that there was a dramatic change in the ritual  
7 structure, in the access people had to rituals formally. Many  
8 sought rituals secretly, sometimes at the risk of feeling very  
9 afraid. And without rituals for protection, of course, that I was  
10 interested in what particular texture or kind of anxiety people  
11 experienced by not having a particular kind of protection that is  
12 embedded for centuries in Cambodia.

13 [09.08.45]

14 I also looked at, strategically, the difference in rituals in  
15 terms of rituals that were happening in urban regions and rituals  
16 that were happening in remote regions, so I could get a sense of  
17 the ranked order of importance of rituals as well. And so that I  
18 was able to, very strategically -- when people were living in a  
19 countryside -- excuse me -- when people were living in the  
20 countryside and they had been living in an urban region, what  
21 they didn't have access to. And similarly, when they were being  
22 moved from one region to another with unfamiliar topography and  
23 geography and even some nuanced differences in practices, what  
24 did that mean for them.

25 That was probably my most profound finding in my study that I

6

1 didn't set out to look for and that I found to be most disturbing  
2 for my respondents. It -- oftentimes, that was the focus when we  
3 spoke about weddings or births, what rituals they did not have  
4 access to or what rituals they had to sneak or their families had  
5 to sneak to find for them.

6 [09.10.27]

7 Q. Thank you.

8 And you drew a parallel yesterday which you <make in your book,  
9 and you> have just drawn right now between the loss of rituals  
10 and the lack of protection. You say or in your book you speak  
11 about a Khmer word, "phay-khlach", and you say how <much> fear  
12 was <the end> consequence of the loss of rituals and of this lack  
13 of protection.

14 So can you provide us with more clarification on this concept? Is  
15 it a concept or is it a symptom? Is it something that you  
16 observed only among the sample you studied, or did you observe  
17 this <more broadly> when you spoke to different people?

18 Because we learned through your statement that you consulted  
19 patients <at a clinic> in Takhmau as well as in the United  
20 States. So what can you tell us about "phay-khlach"? Is it a  
21 symptom, is it a feeling, is it an emotion, and what was the  
22 impact on the population at large of this phenomenon?

23 [09.12.00]

24 A. I strategically chose the word "dread" for the title of my  
25 book because I think that word, in many ways, describes the

7

1 experiences that people spoke about more than a clinical term,  
2 "anxiety" or "post-trauma" because that term, almost in the  
3 French "imparfait", it extends through time.

4 And this which I'm speaking to that the Khmer word may not  
5 actually fully be able to realize -- this concept of dread was  
6 haunting for people so that -- everyone that I spoke to saw dead  
7 bodies. Not that they said that they saw people being killed, but  
8 they saw dead bodies. Whether it was holding a father who died of  
9 starvation or walking along a road and seeing some bodies  
10 floating. People saw dead bodies.

11 [09.13.14]

12 And when they saw those dead bodies, yes, one would think that  
13 that's a traumatic experience, but for them to not have  
14 protection and to have the knowledge that the person who died,  
15 most likely those who died a violent death, what happens to the  
16 spirits of those who died. The unrest is profound.

17 And so yes, every single person I spoke with in my study,  
18 including those that I was interviewing as not part of my formal  
19 cohort, so that I could map the rituals -- that was the purpose,  
20 really, in those interviews -- spoke about a particular kind of  
21 dread on a daily basis.

22 Q. Thank you. You also say on page 5 of your book, or you speak  
23 about the way the kinship links were modified during the DK  
24 period. And you say the following, and I'm going to read it out  
25 in English. I'll read out the short sentence:

8

1 "Trust of family, friends and <neighbors> became conditional  
2 rather than unconditional, and many became confused about loyalty  
3 and betrayal when separated from the familiar."

4 Can you, therefore, explain to the Chamber in which way these  
5 links were altered during the DK regime, and what was the impact  
6 of this modification of the ties of trust, either in your sample,  
7 or in the population at large<, if you can generalize a larger  
8 population sample>?

9 [09.15.34]

10 A. Yes. This issue of trust is very complex. Suspicion, of  
11 course, was necessary in order to survive, but for example, if I  
12 can give you a sketch of the complexity of this because it's not  
13 so simple that "I don't trust my neighbour, they may dob me in".  
14 That's an Australian term, may submit my name for critique.  
15 I can think of, as an illustration, two young women walking out  
16 of Phnom Penh together, sisters. One is older, one is younger.  
17 The other is quite discerning and bright and realizes that it  
18 might be important to create a story about our past lives now as  
19 we're walking out of Phnom Penh.

20 [09.16.40]

21 So for days, the older sister told a story of what their history  
22 is and had her sister rehearse and rehearse and rehearse that  
23 story. I suppose they did a good job because they held that story  
24 throughout the regime period. But the older sister had this fear,  
25 a bit of mistrust, not in her sister, but in her sister's

1 developmental capacity to be able to hold and report that story  
2 without being tripped up.

3 So, I think that's an illustration of just how difficult this  
4 concept of suspicion is in that period, and that people became  
5 more and more observational, more and more -- at least in those  
6 that I spoke with, more and more heightened in their sensory  
7 awareness to be ready for anything that might be different such  
8 as the pace of a footstep of someone walking towards someone if  
9 that pace changed.

10 People actually started to know when the pace could mean that  
11 they were going to be sent to hard labour by the person coming to  
12 them based on the pace.

13 So everything was heightened, and I think that's really an  
14 important aspect.

15 Q. And this suspicion that you describe, can we find it in the  
16 accounts of the people in your sample or can you generalize and  
17 say that this <climate of> suspicion <prevailed> more generally  
18 speaking throughout the country under the DK regime?

19 [09.18.44]

20 A. I can say that it increased dramatically, but also I want to  
21 add that other aspect that was introduced yesterday by the  
22 Defence, and that is the concept of Angkar, because that creates  
23 yet a whole other cosmological dimension of suspicion and dread.

24 Q. Well, I will turn to Angkar in the next two questions, but  
25 first I simply wanted to speak to you about the consequences of

10

1 this loss of rituals on marriage in particular. And you said in  
2 your book at page 31, and I will quote once again in English:  
3 "My findings point to the omission of traditional ritual as a  
4 grave violation, and I claim that such omission is a crime  
5 against culture."

6 Can you, therefore, explain to us what you mean by "crime against  
7 culture"? And can you tell the Court if this crime against  
8 culture had an effect as well on the men and women who <lived  
9 and> were married under the DK regime?

10 [09.20.25]

11 A. Because ritual is so much a foundation in a culture,  
12 micro-cultures as well as macro-cultures, but I was -- I was  
13 looking at macro-culture mostly here, the breakdown of that  
14 foundational ritual and the access to that at particular  
15 developmental stages in one's life -- that's important, too. Yes,  
16 I claim that that is a crime against culture, but I think I need  
17 you to ask me the other part of your question.

18 Q. And well, did this crime against culture have a consequence or  
19 an effect on the men and women who got married under the DK  
20 regime?

21 A. Yes, and I'll explain a bit of my answer because it's  
22 important for me to go back to courtship.  
23 Because, the Khmer Rouge created a particular kind of courtship  
24 memento for people, that was a micro second in time. So  
25 traditionally, courtship traditionally -- a long time ago,

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1 weddings would be arranged and when the weddings were arranged,  
2 there would be a period of time, up to a year, where the couple  
3 would be able to spend time together, much more time together, be  
4 recognized by the community. And in that regard, the unfolding of  
5 recognition of someone, the unfolding of a story that one holds  
6 in a relationship moved forward as well, but also an evaluation  
7 period for parents on both sides, not usually the couple, but  
8 parents on both sides as well as other community members.

9 [09.22.55]

10 And I think that's a really important part, that the courtship  
11 and the weddings are not just about the nuclear family. And I was  
12 asked a question yesterday about a question I asked in my study  
13 about were the weddings real. And I -- this might be a time for  
14 me to introduce my answer to that question, which I very much  
15 appreciated because it brought me back into my field work diary.  
16 So, the question that was posed to me by the Prosecution was,  
17 what -- how was that term rendered, the term "real". At least  
18 that was my understanding that was posed to me.

19 [09.23.54]

20 So I went back and I -- and the Court can make a copy of this. I  
21 got the -- I have the Khmer and I have the three words that were  
22 referenced around "real". Real meaning not fake, real meaning  
23 recognized, real meaning official.

24 So it's this question that gave me the lens that allowed me to  
25 capture the within cultural view of the wedding. It also gave me

1 some nuanced understanding of people's interpretations or how  
2 they came to interpret the wedding as real. That's all I wanted  
3 to do, was to understand that.

4 So, I considered a statement when I went back into my research  
5 last night, and I have one here that I think represents what I'm  
6 trying to talk about here as the wedding was just not a nuclear  
7 family affair. I'm going to quote here:

8 "Yes, the wedding was recognized because the chief of the village  
9 and the chief of the commune and parents and brothers and sisters  
10 and aunties recognized us as a couple, even though they did not  
11 attend the wedding. As official couples, we could now live  
12 together."

13 Now, I know that there's a lot in that quote, but the reason that  
14 quote was significant to me was -- and to digress a moment, first  
15 the question was asked, "Was the wedding real?", and the person  
16 said, "Well, yes, it was an official wedding".

17 [09.25.51]

18 And my question after that was, "Please tell me about your  
19 answer", so I just want to let you know how I was able to solicit  
20 the response I just gave you.

21 So that when we look at rituals and breakdown of rituals, it's  
22 really -- it was important for me to create a sociogram of the  
23 space in which the rituals happened or didn't happen under DK.

24 And that meant that I had to include players.

25 Now, what happened was some players were exchanged for other

13

1 players that were usually in place traditionally. The question  
2 for me as a researcher was, did that shift in person in a  
3 particular role lead someone to believe something about the  
4 wedding they had.

5 So again, a ritual involves more than just one person. It happens  
6 in a context.

7 [09.27.15]

8 Q. Thank you. I am now going to transition to the role of Angkar  
9 in weddings, which you spoke about yesterday. You spoke about the  
10 quasi-mythological aspect of Angkar, at least in the eyes of some  
11 people under the DK regime, and you said the following at 11.06.  
12 You said that certain people would give transformative powers to  
13 Angkar, that Angkar was completely unpredictable. And I will  
14 quote in English to make things easier:

15 "So when someone was told that Angkar was asking them to be  
16 married, it was essential that they comply."

17 In your book, you speak at length about Angkar and you associate  
18 the following terms <in English> to Angkar on page 13,

19 "<mistrust,> fear, hypervigilance."

20 Can you, therefore, detail a little bit what you mean by this? I  
21 see that you're reacting. I'm on page 13. Page 13 in your book.

22 "Mostly found that mistrust, fear and hypervigilance were related  
23 to respondents' experiences of Angkar as a damaging and  
24 potentially possessing force."

25 And you add:

14

1 "<Angkar> was a power so large that people were afraid to think  
2 for fear that Angkar could read their minds."

3 I know you spoke about this yesterday, but however, can you  
4 explain, if you wish to provide clarification, what was the role  
5 of Angkar or the perception, at least, of Angkar by the people  
6 you interviewed and, more generally speaking, by the population  
7 at large? What was the perception of these people of Angkar's  
8 role in weddings?

9 [09.30.13]

10 A. I heard two questions, the role of Angkar and the role of  
11 Angkar in people's weddings. Would you like me to respond to  
12 both?

13 Q. The role of Angkar in marriages. Let us start with that.

14 A. When I was doing my interviews, the word "Angkar" came up so  
15 often that I didn't want to just assign the organization to that  
16 term. So yes, I explored what does -- what is Angkar.

17 I even tried to get images of what Angkar looked like in people's  
18 minds because Angkar was presented as some power that was  
19 controlling a lot of things that were happening. And yet, as I  
20 said yesterday, people could not -- there were no -- there was  
21 not a headquarters that people could visit, couldn't drive by  
22 Angkar's house. They had a very difficult time determining how  
23 things were happening.

24 And the more the term Angkar was used and the more things that  
25 were happening was associated with Angkar or the rule of Angkar,

15

1 the more people began to have that amorphous it -- I have to  
2 really frame it as an "it" without gender -- this amorphous it,  
3 then seemed to somehow interact with pre-existing animist  
4 perceptions in a culture that has many, many rituals around the  
5 cosmology or cosmological realm. And so I started to gather as  
6 much as I could people's descriptions of Angkar.

7 Now, as I said yesterday, initially those descriptions were not  
8 forthcoming in a first interview, but as I met with people a  
9 couple of times and travelled with them and I became familiar  
10 with the way in which Angkar was being presented, it -- we were  
11 able to just have conversations about this concept.

12 So, if deceased ancestors' spirits roam, someone said to me,  
13 certainly Angkar must have the capacity to do the same.

14 [09.33.35]

15 So this sense of some force that was making things happen -- and  
16 some people said they didn't know what Angkar was. Some force was  
17 making things happen and creating chaos that people were trying  
18 to catch up with. How can one make logical sense of that? It  
19 seems very logical, if you can't make logical sense of something  
20 and there's already a pre-existing foundational system by which  
21 people perceive roaming spirits, possessing spirits, transforming  
22 spirits, trickery spirits, spirits that could trick you, it made  
23 perfect sense that people would start to experience a particular  
24 kind of fear that was familiar to them when they couldn't figure  
25 out what was going on. And the possibility of Angkar being some

16

1 force that was hard to reckon with became larger over time.

2 [09.35.01]

3 Now, with regard to the part of your question, Angkar's role in  
4 the wedding, I think that was very confusing for people because,  
5 on the one hand, people would say "Angkar arranged our wedding"  
6 but they knew the person who arranged it. So then there was an  
7 association with the human entity.

8 But then, after the wedding, and I gave the illustration of the  
9 couple that walked at night and were afraid even to think, all of  
10 a sudden, Angkar could be anywhere.

11 So it's a very, very complex word.

12 Q. Thank you. It will be up to the Chamber to determine whether  
13 the context of <fear> you have been talking of since the  
14 beginning of this morning can be intrinsically coercive, since it  
15 is fundamental that we determine whether the marriage you have  
16 been referring to since the beginning of your testimony can be  
17 considered as a crime.

18 But I would like us to talk about conscription. Since you hold  
19 the view <in your book> that people were conscripted, I will  
20 quote a passage from your book, page 29, in English. And here,  
21 you state as follows:

22 "Conscripted weddings became part of one's duty to country to  
23 propagate, literally, the Communist state."

24 Can you explain somewhat, this notion since you appear to ascribe  
25 to this notion of conscription to the propagation of the

17

1 Communist state? Ultimately, was the purpose of conscription to  
2 contribute to the revolutionary project of the Communist state?  
3 Was that the purpose of what you referred to as conscription into  
4 marriage or through marriage?

5 [09.37.40]

6 A. For me, it was not about propagation per se. It was really  
7 about the creation of structures that would lead to formal  
8 communal living sites with a cohort of people selected for that  
9 site.

10 Q. Thank you.

11 In the passage I have just quoted, you explicitly referred to the  
12 Communist state, which leads me to a hypothesis that I'll submit  
13 to you, and I would like you to say whether you agree with me or  
14 not.

15 If I do understand your thesis regarding conscription, the  
16 results of your research make it <appear> that persons who are  
17 conscripted through marriage and such conscription, did it come  
18 from the state that you referred to as a Communist state in your  
19 book. Do I understand you to be saying that such conscription was  
20 a state policy?

21 A. I can't say for sure.

22 Q. So when you say in your book, page 29, that -- and again, I'll  
23 speak in English here, "one's duty to country to propagate,  
24 literally, the Communist state."

25 So here, you are clearly referring to the state. Can you,

18

1 therefore, explain what appears to be a contradiction, the fact  
2 that <in your book> you link the conscription to the state and  
3 today you say that it is not possible to <generalize> and say  
4 that there was a state policy? <What makes you nuance your  
5 statement like this today?>

6 [09.40.18]

7 A. My former response was in regard to the word "policy". So I  
8 think through mapping across time and place weddings and births  
9 that I was watching a policy in formation. And that's -- it's  
10 interesting. I did go back into my research last night, and I  
11 withdrew my 1979 cohort from my study.  
12 I was interested to see what would happen with the per centage of  
13 people that were given prescriptions for sex, because originally  
14 it was 39 per cent when the '79 cohort was in my larger sample  
15 because, again, I was -- I was doing a contextual study into  
16 weddings that were organized by agents, if you will, of the Khmer  
17 Rouge, and that was happening in 1979, so I tracked that cohort.  
18 But when I withdraw that 1979 cohort, then not any bit  
19 significant, the 39 per cent is 38 per cent.  
20 Now, what is significant for me in mapping the weddings is that I  
21 was clearly seeing the development, perhaps, of a policy by late  
22 '78 into '79, because things were becoming more consistent and  
23 there was consistency in the proceedings of the weddings, how  
24 things were happening and the prescriptions in different regions.  
25 [09.42.12]

19

1 For example, my largest region, again, Kandal, when I took out  
2 that sample from the '79, it was the Kandal sample that had 100  
3 per cent of the respondents being told to have sex.

4 So you know, again, a lot of my proceedings in my research was  
5 about mapping and making sense of what happened, how it happened,  
6 where it happened, when it happened, by whom it happened.

7 Q. And from a very basic standpoint, you referred to a  
8 conscription, a national service. And in your book, you talk of a  
9 manner in which a Communist state was propagating its ideology,  
10 its revolutionary ideology.

11 Is it possible to talk of conscription at <the> national level  
12 without the involvement of the state at the highest level <in the  
13 design>? I'm not talking of the implementation; I'm talking of  
14 the design, the conception of that policy.

15 You, yourself, talk of conscription as a national service, <are>  
16 you not <implying that> the highest echelons of the state <were  
17 not> at the very genesis of that <idea>?

18 [09.43.48]

19 A. Yes, I still contemplate this. It's still a quandary for me,  
20 and because -- the reason it's a quandary is because there was a  
21 lack -- a lack of consistency in how people were selected for  
22 service.

23 The fact that they were selected to marry is clear, and that the  
24 marriage had to be approved. Oftentimes, people were put on a  
25 list. The boys' leader and the girls' leader would get together

20

1 and they would make a list of the people that they thought would  
2 be most suited to marry. And then that would go, oftentimes, to a  
3 commune, and then different things happened among different  
4 people in different roles.

5 So it could be that the district leader presided over the  
6 wedding. It could be the commune leader. It could be the village  
7 leader presided. Could be the -- a cadre told someone to have  
8 sex. Very much incongruent.

9 [09.45.06]

10 However, there were locations where things did happen in a bit  
11 more of a homogenized way. And so what that seems to say to me --  
12 but again, this is all hypothesizing -- is that there were people  
13 who were in certain regions, I would not have a clue about what  
14 their rank was, who were in a position in a region to do  
15 something without a very concrete plan. But the something to do  
16 was to arrange weddings and -- that will eventually lead to  
17 people not going on mobile teams any more, people staying in a  
18 particular place.

19 I mean, it's a possibility -- it's just a possibility -- having  
20 visited villages and meeting people who are still living there  
21 that were married with the same cohort and other cohorts, it's a  
22 possibility that people were selecting dynamics for a village.  
23 It's a possibility.

24 Q. Thank you. I will rapidly deal with the common points, the  
25 points of convergence that you referred to in your book,

21

1 beginning with what you say on page 176, which is somewhat  
2 similar to what you have just said. But you, nevertheless, appear  
3 to conclude at the end of your study that there are commonalities  
4 in all the marriages <that took place> in Democratic Kampuchea.

5 In English, page 176, quoting in English:

6 "But by the end of '77, common ingredients entered weddings  
7 across regions such as speeches were similar in content and style  
8 regarding promises to Angkar, as were post-wedding procedures."

9 Can you elaborate a bit more on these findings you reached which  
10 made you conclude, nevertheless, that there were common features  
11 in marriages -- in all marriages as of the end of 1977,  
12 particularly with regard to speeches and promises made by Angkar?  
13 What are your conclusions on this? Can you be a bit more specific  
14 as to the similarities that you found as of late 1977 in all the  
15 marriages you studied?

16 [09.48.18]

17 A. Yes. In terms of the speeches, they were becoming much more  
18 consistent in terms of what was content inside the speech.  
19 Loyalty was probably number 1, and loving this person and staying  
20 with them for the rest of their life was probably number 2.

21 There were more weddings in early '77 and late '76 where people  
22 were asked to produce a certain amount of rice. There was less of  
23 that production content in the late '77-78 speeches.

24 [09.49.07]

25 The reason I've been so interested in the southwest, is because

1 things that were happening, with regard to sort of waves of  
2 purges or other things that were happening in the country, it  
3 would seem as if some of the, if you will, reconstituted rituals  
4 in the weddings that were happening in the southwest were then  
5 moving to the east because I did not, at least in my cohort --  
6 and that's all I can speak to, I really did not have weddings  
7 other than some in Battambang in -- before 1978.

8 So then I could -- I could see with regard to when things were  
9 happening, oh, this region seems to be very much following the  
10 rituals now and the speeches now that were happening here in this  
11 area.

12 And it seemed to me as -- almost as if there was a dress  
13 rehearsal that was happening, and there was some way of just  
14 trying to get the system moving quickly -- everything happened so  
15 quickly -- so that we could set up these communes now that we've  
16 purged the people that we don't want there and we can move people  
17 that we do want there. And it was like a machine.

18 [09.50.38]

19 Q. Thank you. You state in your book on page 174, that in some  
20 parts of the country there was an increase in births as of 1977.  
21 I'm on page 174 of your book. I do not know whether you found the  
22 reference.

23 What can you tell the Chamber as regards that increase in births  
24 as of 1977, and I would, of course, request that you include in  
25 your answer the elements discussed yesterday regarding the DK

1 policy to increase the population? Do you see a link here between  
2 the DK policy, the objective of Democratic Kampuchea to increase  
3 the population and the principle <six of> the moral principles  
4 that <sex out of wedlock was prohibited, so> people had to get  
5 married to have sexual intercourse?

6 And in some parts of the country in 1977, it was observed that  
7 there was an increase in births.

8 In the course of your research, readings and work, do you  
9 consider that you could establish a link between them<, or not>?

10 [09.52.35]

11 A. So, I traced the increase in communal structures. I tracked  
12 the function of those communes, or those communal sites where  
13 people were being married in groups and then staying in those  
14 regions to create a satellite, if you will.

15 I can't say in an unqualified way, but it seems to me as if purge  
16 first, get rid of all the enemies, find out who is trustworthy,  
17 create structures and systems by which people can live in these  
18 places and then create the next generation. That's -- but for me  
19 in terms of what I saw, the creation of the communal structures  
20 seemed to be a priority.

21 How one moved those structures forward wasn't always consistent.

22 So, I asked the question on the top of page 74 -- or maybe at the  
23 bottom of 73:

24 "Did the Khmer Rouge design communal structures to control  
25 sexuality and eradicate traditional gender roles and family

24

1 structures, or was it that the verbal command for sex after  
2 marriage led to communal structures that further disrupted  
3 traditional ways?"

4 If I'm staying true to my study of mapping the structure and  
5 function of the weddings and births across time and place and,  
6 for me, into 1979, what I saw, what I found was the structure  
7 came first. But at the beginning, the development of that  
8 structure was very chaotic, unpredictable, and I think by the end  
9 of '78, structures were beginning to formulate and systems of how  
10 the communal sites were going to be advanced.

11 [09.55.29]

12 People living together, making a commitment to each other and  
13 having the legitimacy -- because we are talking about a  
14 puritanical regime here -- having the legitimacy then to be  
15 recognized in the community as married people -- this is very  
16 important -- and then to move forward and have children.

17 Now, I do have one person in my sample -- I can go back on the  
18 break, for the year and the place because I don't have it right  
19 here -- who did say that -- I believe it was Angkar in this case.

20 "Angkar told us to make one child a year".

21 One case I have, so it's very difficult for me to form a  
22 conclusion based on a sole case study.

23 [09.56.26]

24 Q. Thank you. Let me point out to the Chamber that I still have  
25 about 15 minutes <worth of questions, which> corresponds to the

25

1 time that was allotted to me this morning.

2 You referred to mass marriages in late 1978, around major  
3 irrigation projects. <Were these marriages different --> we had  
4 an expert <here, who we discussed yesterday> -- before you  
5 started your testimony<, who really made a distinction in the  
6 conditions in which these marriages took place, and the rest of  
7 marriages during DK. Is this a conclusion you reached yourself,  
8 that these mass marriages at the end of the regime included  
9 particularities that> would enable you to make distinctions?

10 A. In terms of looking at the patterns of the larger numbers,  
11 many of them were utilitarian. We have a lot of people here on  
12 this one site, and we marry a lot of people on this site. Some  
13 people were married on the road.

14 Again, because I delved into the '79 weddings, late '78 into '79,  
15 the size of the weddings seemed to be -- can't conclude that --  
16 seemed to be decreasing in many locations, but I think it was  
17 just a matter of convenience in terms of the selection of  
18 numbers.

19 [09.58.09]

20 I know people have said that weddings started at two couples, but  
21 I have some scenarios where I had one couple being married, so it  
22 was because it was a very, very remote region. I can think of two  
23 couples in my '79, very, very remote regions in the north. Not  
24 many people around them. And then the commune leader decides to  
25 marry just one couple.

1 I think a lot of it was really just convenience and got a lot of  
2 people here, get the job done.

3 Q. Thank you.

4 Before talking of the impact of the loss of rituals, which you  
5 have been talking about since the beginning of your testimony  
6 this morning, regarding men and women who lived during Democratic  
7 Kampuchea and the aftermath of the DK regime, <because that is an  
8 important part of your book,> I would us like to talk about <this  
9 very loaded word, which is the term "forced". I would like to ask  
10 you about this and have you> react on this.

11 [09.59.36]

12 You devoted an entire chapter of your book to this question, and  
13 you <titled it> "Khmer Rouge weddings, forced or not?" And you  
14 stated, at the beginning of your testimony, that marriages during  
15 Democratic Kampuchea were not forced and that, <explaining during  
16 your testimony that> you wouldn't use a legal term. <So> this is  
17 a term that you talked about a lot.

18 And you said to Judge Fenz that you couldn't define it because it  
19 wasn't part of your study.

20 Don't you see a contradiction here <or> a problem that leads you  
21 to say that marriages were not forced during Democratic Kampuchea  
22 without being able to give your own definition of what is a  
23 forced marriage?

24 And once more, I'm not talking of a legal definition. I'm talking  
25 of a definition which enables you to consider in your book that

1 marriages were not forced.

2 I have the impression that, yesterday, the idea of coercion  
3 opened a new door, and you stated yesterday that you reflected on  
4 that idea of coercion. But I would like us to spend a few minutes  
5 to talk about this contradiction<, which seems obvious to me>:

6 How can we say that marriages were not forced if you cannot  
7 <even> define what is a forced marriage?

8 Do you understand my question? Can you tell the Chamber what I  
9 consider as a contradiction and a <sort of> weakness in your  
10 arguments?

11 [10.01.31]

12 A. Admittedly, I established the authenticity of the weddings  
13 based on people's perceptions. Having done that, because I also  
14 wanted to stay true to my questions and did not want to be media  
15 driven, I might say, my question was answered.

16 There's -- with regard to this reflection on coercion that you  
17 just raised which, I think, falls on a continuum of pressure,  
18 because it was interesting yesterday the Sierra Leone definition  
19 was called out. And I contemplated last night about the  
20 application of that within this context given that this is a  
21 context that I studied, and you know, again, my reflection was  
22 really on this continuum of pressure.

23 Coercion, I mean, even -- even coercion, if we have coercion and  
24 we have forced and we have something else over here, even in the  
25 concept of coercion there was a continuum of pressure.

1 [10.02.50]

2 Peer pressure is like coercion. Did your peer force you to drink  
3 that alcohol or not? Were you influenced by them because you were  
4 afraid you would be rejected if you didn't? These are very big  
5 questions.

6 However, in the context of the study that I did with the people  
7 that I spoke to, having not set out to select a sample based on  
8 someone claiming that they're a victim of sexual violence or  
9 otherwise, I did not set out to identify my population.

10 I don't see the contradiction between asking is this an authentic  
11 wedding, is this a recognized, a real wedding and the person says  
12 yes -- I don't see the logic that follows because I have to turn  
13 it around and say, were those people who came forward to disclose  
14 -- and again, as I said yesterday, the disclosures have been  
15 harrowing. But were they asked at any time about the authenticity  
16 of the wedding? They may have been.

17 [10.04.23]

18 But where did one start in terms of selecting a sample? What was  
19 the criteria or criterion by which the sample was first selected?  
20 I did not have the criterion that was looking for anything forced  
21 or not. I did an ethnographic immersion study into this  
22 phenomenon. The question was not appropriate given the method  
23 that I followed.

24 Q. So if I understood you well, what allowed you to conclude that  
25 marriages were not forced, <again>, within a context which is not

1 legal, is that the marriages were authentic, real and authorized.

2 <Are> those the criteria that you took into account to consider

3 that the marriages were not forced under the DK regime?

4 That's, I think, the answer that you provided to us, so I just

5 wanted to check that. <Is that it?>

6 [10.05.36]

7 A. That was not the only factor that led me to my conclusion.

8 There were many factors that led me to my conclusion.

9 Q. Well, of course, I would like to ask you for the other

10 factors, but then I would need two extra minutes so that I can

11 finish with my questions. I do not remember exactly how much time

12 was allotted to me.

13 JUDGE FENZ:

14 We have given extra time to both sets of parties or to both sides

15 here of roughly half an hour, so.

16 MS. GUIRAUD:

17 So this solves my problem.

18 JUDGE FENZ:

19 Until lunch time. I don't remember exactly how much is left for

20 the Nuon Chea team from the original allocated time. I think a

21 couple of minutes. Yes.

22 [10.06.50]

23 MR. KOPPE:

24 Yes, the Khieu Samphan team was very stingy, but I would believe

25 that we could do it in a half hour and then the rest of the time

30

1 is then for the Khieu Samphan team, hopefully.

2 JUDGE FENZ:

3 But you don't have that much time because the additional time is  
4 one session. That's why I'm asking -- that would make it  
5 basically 30 minutes each if from the old session you only have a  
6 couple of minutes. That's the calculation.

7 MR. KOPPE:

8 Well, she stopped at 10 o'clock, so I believe I have 10 minutes  
9 from the last session in any event, and then another 20 minutes I  
10 was hoping for.

11 [10.07.22]

12 JUDGE FENZ:

13 Okay. Is it clear?

14 BY MS. GUIRAUD:

15 Well, then, can I continue putting my questions now or should we  
16 take a break?

17 This is, of course, up to you, Mr. President. I can continue. I  
18 have maybe five minutes more.

19 <Very quickly, to> make sure that everything is <perfectly>  
20 clear, you say that the authentic, real and authorized nature of  
21 the weddings was not the only criteria that you took into account  
22 <to consider> that marriages were not forced under the DK regime.  
23 So therefore, what were the other criteria, <briefly>, if you can  
24 provide that to us?

25 [10.08.11]

1 MS. LEVINE:

2 A. An overriding factor was the dynamic relational factor, that  
3 people got confirmation from family members or other people that  
4 they had relationships with that they were in a wedding that  
5 allowed them to declare that they were a couple. And the response  
6 -- the overwhelming response of relief, again, keeping this in  
7 the context -- that's why, I know some things that have happened  
8 in Sierra Leone, it's a very different context.

9 Keeping it in this context, the relief factor was huge. It was --  
10 it was the representation of the meaning -- again, I said I was  
11 looking at the meaning of the wedding, so the meaning of the  
12 wedding for those in my cohort was relief, was a reduction in  
13 dread, was a reduction in fear, was a sense of continuity to  
14 something related to their ancestors.

15 And so the factor that was -- that was huge here was that factor.  
16 I believe that's probably why yesterday I reacted to the term  
17 "comfort woman" because it portrays the experience by women as  
18 being something that it was not.

19 [10.10.09]

20 So, it's really that dynamic relational material from, again, an  
21 ethnographic perspective that probably over-ridingly led me to  
22 make that conclusion on top of the fact that no one told me that  
23 people said they were afraid they could be harmed if they did not  
24 marry this person or they were -- they were afraid that they  
25 might be sent for labour. That was usually the case. It really

1 wasn't the death so much, though there was a lot of, "I heard  
2 that" or "Someone told me that" or "My mother said that".

3 But in terms of people having direct threats, they did not, in my  
4 cohort. I believe others probably have. I mean, how could they  
5 not when you're looking at a whole general population.

6 But in my cohort, no. But the point about the fear factor, I had  
7 to hold that subliminal Angkar fear that was omnipresent for them  
8 while I was trying to distil the level of fear that was coming  
9 from Angkar that could be present and so on. It was tricky.

10 Tricky.

11 Q. Well, I think it was useful for you to provide this  
12 clarification. It, in fact, makes it clearer what you mean by  
13 this notion of forced marriage.

14 Now I would like to put three or four last questions on the  
15 long-term impact of this by starting by what you describe as, on  
16 pages 32 and 33 of your book, what you describe as -- and I'll  
17 quote here in English again -- you speak about "development  
18 setbacks, development setbacks", so a long-term impact,  
19 therefore, that you noted.

20 [10.12.38]

21 And you say on pages 32 and 33 -- I apologize to the interpreters  
22 for this constant switching back between English and French:

23 "The Cambodians that I interviewed have survived physically, but  
24 many show signs of development setbacks or stuckness, quite  
25 different from clinical portraits of post-traumatic stress

1 disorder. For instance, the ways in which women and men spoke of  
2 their fears and how they related to roaming spirits often carried  
3 a quality of anxiety found in someone who has been stalked."

4 Can you, therefore, explain to the Chamber what you noted, and  
5 <are these> development setbacks<, as you call them in your book>  
6 something frequent among people who lived through the DK regime?  
7 [10.14.07]

8 A. Yes. Excuse me. Yes, whether someone married or not, this was  
9 profound.

10 Q. In your book, you also speak about a development setback in  
11 terms of intimacy and you explain how the DK regime had such an  
12 impact on intimacy<, the ability to develop intimacy>. So can you  
13 provide us with more information in that regard?

14 A. Yes. From early on, there were profound gaps in people being  
15 able to live a normal, in the Cambodian context, developmental  
16 life. And also, what's left out of a lot of literature in trauma  
17 is the experience of a sensual personhood, the sensuality of  
18 oneself and the sensual exchange between people.

19 So during the DK period, people spoke to me graphically. It drove  
20 me to sculpt, actually, they spoke so graphically to me, and  
21 cried, often, and would shake, often. And I would then consult  
22 with a psychiatrist to make sure there was a visit the next day  
23 because I knew that they would have dreams.

24 And the content of that material was usually around the  
25 grotesqueness of the human body. I'm not talking about the dead;

34

1 I'm talking about the living. So that one's capacity, one's  
2 right, if you will, human right to experience one's sensual  
3 personhood -- let's move sexuality over to the side here.  
4 To experience sensual pleasure of taste and touch and sound and  
5 smell, all of those things were robbed from people.

6 [10.16.43]

7 Q. Now a follow-up question, therefore, with regard to what you  
8 describe on page 35 of your book, and this is silence.

9 You said during your first day <of testimony> here that being  
10 silent was a way to survive. And on page 35, I'll read it out,  
11 you said:

12 "How did four years of silence have an impact on the people and  
13 on their notion of themselves and of their notion of time and  
14 space?"

15 So can you explain a little bit further the impact that silence  
16 had under the DK regime on the people who survived and whom you  
17 questioned and interviewed?

18 [10.17.53]

19 A. Yes, silence -- holding silence between me and another and  
20 holding silence within myself and holding my mind silent are  
21 three different dynamics of silence.

22 Now, I have to bring the weddings in here and the marriages  
23 because what I was told by couples, whether they -- by people who  
24 were married under DK whether they remained married or not --  
25 though the majority of my cohort remained married. Not that I

1 sought that, again, as a criterion.

2 Was that once people developed a relationship with the person  
3 that they were arranged to marry, for some it was the first time  
4 -- for some, it was the first time they felt safe to talk about  
5 things that they normally wouldn't talk about it. So that was one  
6 thing.

7 [10.18.52]

8 And secondly, the marriages -- the significance of the marriages,  
9 I found, again because I wasn't trying to create any balance,  
10 positive or negative. What I found, though, for people was the  
11 capacity to have, in my cohort, kind touch at the end of the day  
12 or even the touch of passing somebody something and having a  
13 momentary touch, that was -- that was important to people.

14 Q. Thank you. A last question to wrap things up. In your book,  
15 you speak about the fear expressed by some of the people you  
16 studied. You speak about the fear of seeing Angkar come back at  
17 any moment, and this is something that you describe on page 35 in  
18 your book.

19 So therefore, can you explain to the Chamber what this fear was  
20 among the people who experienced the DK regime, that is to say,  
21 the fear of seeing Angkar come back at any moment?

22 [10.20.15]

23 A. Yes, I have this -- I have this interview on film. This was  
24 quite a profound interview.

25 This was a couple who said that the reason that they are together

1 is because of "Ku Prean". That was the first time I heard that  
2 term. "Ku Prean", that the Buddha arranged our marriage before we  
3 were born as opposed to "Ku Kam", bad, bad meeting.  
4 But I have to give the framework of -- or excuse me, the context  
5 in which this interview happened because I think it's also  
6 significant to your former question, and that is that I was  
7 interviewing a couple that I'd interviewed before separately. I  
8 was interviewing a couple, and we had a long interview,  
9 especially around this "Ku Prean" and "Ku Kam" concept.  
10 And it was getting late, and it was getting dark. And for human  
11 diurnal animals, we become more afraid of the dark. This was my  
12 mistake, really, in terms of my duty of care to the person I was  
13 interviewing.  
14 The interviewing was going on so long and they wanted to tell me  
15 so many things that I let it go into the dark. And so the person  
16 was talking about -- mostly talking about his experience of his  
17 body when he was starving.  
18 I actually have a sculpture in my book of this particular person.  
19 I drew this gecko because he said he was -- he felt as if he was  
20 a lizard at times just dragging bones against the ground.  
21 So what happened in that interview was this whole time, place  
22 collapse happened and he started to shake. And of course, I moved  
23 the interview out of the formal interview stage to have more  
24 simple conversation, to have a cup of tea, to do those things  
25 that ground people.

37

1 [10.22.28]

2 But at the end of that interview, before I moved it forward, that  
3 is when he made the statement, and I think that's really  
4 important. The importance of that is when he's referencing that,  
5 "Angkar could come out of the ground at any time; we're not even  
6 safe today", I think what's so powerful here that is oftentimes  
7 missed in the trauma literature -- well, especially here, the  
8 intersection of the -- for lack of a better word, intersection  
9 between the animist realm and the concrete realm in which we  
10 live, I think that that -- from other interviews that I did, that  
11 there is a factor that is different than a vulnerability factor  
12 because the word "vulnerability" -- it's my understanding by  
13 talking to a linguist the word "vulnerability" doesn't exist here  
14 in Khmer language, though it's been introduced.

15 [10.23.48]

16 The experience of the potential for harm for a lot of people I  
17 still think is very great, so when things happen politically in  
18 the environment, it -- it has a disassociating impact on people  
19 where they can revisit that and wonder, you know, is Angkar going  
20 to come back at any time. It's profound.

21 MS. GUIRAUD:

22 Thank you for having answered my questions.

23 Thank you, Mr. President, for allowing me to finish without being  
24 interrupted. I am done with my questions.

25 JUDGE FENZ:

1 This is just a short organizational question because I want to  
2 save the Chamber possibly the exercise of counting minutes during  
3 the break.

4 Obviously, part of the additional time has now been used. Are  
5 there any additional questions from the Prosecution or the  
6 Co-Lead lawyers, or can we simply assign the remaining time to  
7 the -- which isn't very much, if you discount the break -- to the  
8 defence teams?

9 [10.25.00]

10 MR. KOUMJIAN:

11 Can we answer you after the break, or -- okay. We may have 10  
12 minutes.

13 JUDGE FENZ:

14 Okay.

15 MR. PRESIDENT:

16 In fact, based on the allotted times, the time for the  
17 Prosecutors and the Lead Co-Lawyers is all gone, because you had  
18 two sessions plus 15 minutes. And <> the Lead Co-Lawyer <has  
19 used> one session plus 15 minutes, so all the time has been used  
20 and no more time will be granted to your side.

21 The Chamber will take a short break now and resume at a quarter  
22 to 11.00 to continue our proceedings.

23 Court officer, please assist the expert at the waiting room  
24 reserved for experts and witnesses during the break time and  
25 invite her back into the courtroom at 15 to 11.00.

1 The Court is now in recess.

2 (Court recesses from 1025H to 1045H)

3 MR. PRESIDENT:

4 Please be seated. The Chamber is now back in session.

5 And I give the floor to the Defence Counsel to put questions to  
6 the Expert. You may now proceed, Mr. Victor Koppe.

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President. Good morning, Madam Expert. You've  
9 heard I only have very limited time, so let's see if I can cover  
10 as many subjects with you as possible.

11 Q. I would like to start with a follow-up question in relation to  
12 your PhD. In your PhD on the very first page, you write that it  
13 is in full completion of PhD requirements. You also mentioned  
14 David Chandler as your primary advisor. You also talked about him  
15 two days ago.

16 Was he involved in ultimately acknowledging that all your PhD  
17 requirements were met?

18 [10.47.00]

19 MS. LEVINE:

20 A. To clarify, I started my PhD at another university in New  
21 Zealand, completed probably half my study and then transferred to  
22 Monash University. I had two supervisors, though David --  
23 Professor Chandler was my primary supervisor. The other was  
24 Marika Vicziany, who was the Director of the Monash Asia  
25 Institute. So both of them would have had to have made sure

1 everything was in order before my thesis was sent to the  
2 committee for the recognition that it was in order before it was  
3 sent overseas to international examiners.

4 [10.47.42]

5 Q. I understand now. I'm not sure what the Australian academic  
6 tradition is, but is there at any -- was there at any point in  
7 time a necessity for you to defend your methodology towards your  
8 promoters, sponsors or whomever?

9 A. Yes. It's a little different than the American system that I  
10 went through the first time with the committee of five that you  
11 defend your thesis in front of.

12 In the Australian system, you have to defend it in a room with  
13 your supervisors and others who are unrelated to your thesis who  
14 are in that room for peer review and then you do a public  
15 presentation. It's an advertised presentation, and people  
16 throughout the university in different disciplines come to that  
17 presentation and then, finally, it moves forward to be ready to  
18 be sent out for its final review.

19 Q. And it --

20 A. And in that stage, yes, the methodology is essential to be  
21 cleared.

22 Q. At the very end of everything, has your methodology been  
23 accepted in all its entirety?

24 A. Yes, it has.

25 Q. I presume the same with the conclusions that you drew at the

1 end of your research.

2 [10.49.39]

3 A. Yes, because the international reviewers who read it and  
4 marked it and claimed that it was worthy of passing for a degree  
5 tracked the methodology as they were tracking the analysis  
6 throughout the thesis. That is their role.

7 Q. I understand, but I just want to have that on the record.  
8 Is there any discrepancy between what you have said and defended  
9 in terms of methodology and conclusions between, on the one hand,  
10 your dissertation and, on the other hand, the things that you  
11 have been saying here in Court for the past two and a half days?  
12 Is there any big contradiction or discrepancy or anything  
13 different in your views?

14 A. No.

15 [10.50.41]

16 Q. Thank you for this. Let me move to another topic now.  
17 I was -- I was struck by what you said on the very first day  
18 about the issue of marriage. You called it a very heated topic.  
19 You talked about the intensity of this topic. You said there was  
20 an agenda. You stayed very fairly general in this because of  
21 time. Would you be able to expand a bit more on what you meant  
22 with this?

23 A. Yes. During the course of the beginning of my study, there  
24 were people that were becoming interested in the topic, also  
25 people who have actually been in this courtroom before who had

1 conversations with me. More specifically, Silke Studzinsky had  
2 exchanges with me, asking me questions about my research. And  
3 during that time when I was offering trends rather than my  
4 conclusions -- I didn't have conclusions yet when I was in those  
5 conversations -- there were some meetings and then there were  
6 some email exchanges.

7 And in those email exchanges, what I noted was that there was a  
8 tendency to want to convince me of a particular way of looking at  
9 the weddings. And in those exchanges, I stood behind my research.  
10 I actually have one here, an email. I'll just read just one  
11 sentence, my side, because it's my -- I'll read my email that I  
12 sent because I don't have permission from this other person to  
13 read their email exchange to me.

14 I received your -- this is dated on -- this was later in the  
15 process, 8th of August 2008. Anthropologists save everything, by  
16 the way, documents.

17 "I received your press release and will send a response in the  
18 next day or two. I, of course, can only speak from the research  
19 study I did over the course of eight years, but think your 100  
20 per cent claims may be less than consistent with my findings. I  
21 could not make an argument against the way you have phrased your  
22 claims -- I could make an argument against the way you phrase  
23 your claims in paragraph 4. If you would like, I can write that.  
24 My concerns are so that your argument would hold up, perhaps."

25 [10.53.53]

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1 There was a trend that I documented regionally, and I wrote about  
2 those trends and said more about my own study.

3 It's an example of the kind of exchanges that I had that then  
4 moved me in some ways to go into seclusion with my work. And it's  
5 quite easy to see that when I've given interviews in the media,  
6 at times, if it's an opinion page, there will be a backlash  
7 opinion page.

8 So I do think it is an emotional topic. I think it needs to be an  
9 emotional topic. But emotion without -- without reliability may  
10 not actually be portraying what happened as it happened.

11 Q. A very short follow-up question in this regard. Have you read  
12 the newspapers this morning?

13 A. I have not.

14 Q. Then don't. Let me move on to my next subject, that is, the  
15 issue of a national policy.

16 We've only briefly touched upon the 12 revolutionary principles,  
17 and the way -- or the importance of these principles to the  
18 revolutionary cadres or the CPK. Yesterday, you were asked a  
19 question by the Prosecution about what Ieng Sary had said in, I  
20 believe, 1980.

21 There is, in fact, evidence of Pol Pot also speaking about  
22 marriage policy or marriage as such. Are you familiar with what  
23 Pol Pot said sometime in August, September '75, to a Belgian  
24 delegation?

25 A. If you can refresh my memory, please.

1 Q. Let me read to you what he said.

2 Mr. President, I will be referring to a FBIS report, E3/76. It's  
3 what he said on the 5th of August 1978. And English ERN, it is  
4 00170426; Khmer, 01327012; no French translation yet. And this is  
5 what he says:

6 [10.57.14]

7 "On building up a family, the young men and young women build up  
8 families on a voluntary basis. After marriage, should problems  
9 arise within the family, the masses give advice to the partners  
10 in order to sort out their problem. Should the parties concerned  
11 find it impossible to cohabit any longer, they have the choice of  
12 divorce. Neither of the parties concerned needs to go into  
13 court."

14 He goes on a bit further, but were you aware of this excerpt of  
15 his interview with the Belgian delegation?

16 A. I was.

17 [10.58.13]

18 Q. Now, taking what he says into account, taking also into  
19 consideration the revolutionary principles and its importance and  
20 its implementation already since the 60s, my question is about  
21 logic or common sense of any alleged policy.

22 If it is, indeed, true that one of the -- one of DK's objectives  
23 was to increase the population, then wouldn't it be illogical and  
24 contrary to common sense to force people to marry because if you  
25 force people to marry, procreation will, per definition or

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1 naturally, not come easy or will be much more difficult?

2 So my question is, isn't the policy as described by Pol Pot in  
3 August '78, and as established in the revolutionary principle, a  
4 logical policy which doesn't entail any force -- any forceful  
5 nature of weddings?

6 [10.59.50]

7 A. Firstly, I'm not sure if that's a policy. However, it was a  
8 public statement.

9 I mean, it's interesting. I've thought about the revolutionary  
10 codes, but I also have thought about the gender codes of conduct.  
11 I know primarily in the Courts, the female roles of conduct have  
12 been presented, but I -- there's a PhD student who finished his  
13 PhD in February 2014, Sok Soth, at Victoria University in  
14 Melbourne, and he did his PhD thesis on the topic of -- that  
15 included, among other things, the male gender codes of conduct.  
16 And those gender male codes, when I look at the female ones as  
17 well, a lot of those run right through some of the revolutionary  
18 principles, especially about warning against adultery.

19 So what I can say at this moment is what Pol Pot had said then  
20 would align with a potential policy to have people in exclusive  
21 relationships first before one thinks about consummation of that  
22 relationship. I'd have to ponder more your question about the  
23 logic.

24 [11.01.43]

25 Q. That -- I understand that. Let me move on to another topic,

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1 which was discussed extensively last days, and that is climate of  
2 fear or sort of general climate of coercion.

3 Would you agree with me that the -- that the existence, if at all  
4 -- the existence of a climate of fear or a lack thereof in the  
5 daily lives of the men and women you interviewed depended on the  
6 approach of the local authorities, people like the village  
7 chiefs, etc.?

8 It was they, who were by far the most responsible for any climate  
9 of fear. Would you agree with me on this?

10 MR. KOUMJIAN:

11 I would object. This is clearly beyond the witness' expertise.  
12 She's never claimed to know anything about security centres,  
13 arrests, the structure of the leadership of the Democratic  
14 Kampuchea.

15 JUDGE FENZ:

16 Perhaps a more open question would be more appropriate.  
17 Do you feel confident to tell us what you think was the reason or  
18 who was responsible in the wider sense, not necessarily legally,  
19 for this climate of fear, or does this go beyond the scope of  
20 your study?

21 [11.03.33]

22 You told us there was this climate of fear. That's how I  
23 understood you. Would you feel comfortable as an expert -- and  
24 don't -- you have occasionally said, and we are grateful for  
25 that, "I don't know; I'm assuming now". So I think what we want

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1 to know is do you know something about that.

2 Do you feel comfortable to say this climate of fear, coercion was  
3 brought about by? And we are talking people in this -- I think  
4 that's what Counsel is interested in, not philosophical concepts,  
5 but who, if anybody, was responsible for that.

6 Do you feel comfortable to give an answer to that on the basis of  
7 your research?

8 [11.04.20]

9 MS. LEVINE:

10 Yes. So my answer with regard to the locals and this fear is that  
11 the locals cushioned or exacerbated fear. To me, in my research,  
12 the -- well, first of all, let's start with a baseline of fear,  
13 okay. There was -- the baseline of fear was very high. Given the  
14 high baseline of fear, that was exacerbated and went above that  
15 baseline or perhaps went a bit below that baseline depending on  
16 the treatment that people received by those who were in charge of  
17 them, usually in local locales.

18 BY MR. KOPPE:

19 Q. Thank you. Let me follow up on this and ask you a bit more  
20 about the term Angkar.

21 Is there, in the interviews that you had with the respondents, a  
22 shift in perception of Angkar and what it was some time in 1977?

23 Is there -- or anywhere else, for that matter.

24 Is there a difference in perception in a certain period? As you  
25 said that all kinds of things depend on time and place, etc., was

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1 the same also applicable in relation to Angkar?

2 MS. LEVINE:

3 A. Yes.

4 [11.06.24]

5 Q. And when did that change start to take place?

6 A. It was around 1977.

7 Q. Let me ask you if you are familiar with a CPK Standing  
8 Committee directive on the use of the terms "Angkar" and "Party".

9 Mr. President, I'll be referring to E3/740; English, ERN  
10 00305412; Khmer, 00082731; French, 00983932. And it says, among  
11 other things, the following. It's Son Sen, actually, who is  
12 directing every division, regiment and office for implementing  
13 this directive.

14 "As observed in the past, some people in units have confusion --  
15 confusingly used the terms 'Angkar' and 'Party'. In some places,  
16 bad elements and elements of the internally hidden army -- hidden  
17 enemy, excuse me, have misleadingly used the term 'Angkar' to a  
18 larger extent to cheat and destroy the Party and the revolution."

19 [11.08.06]

20 And then a bit further:

21 "Therefore, the Party Central Committee would like to issue  
22 directive to every local base, Ministry, office and unit as  
23 follows. The term 'Angkar' or 'Party' is used only for the  
24 organization. It shall not be used for any individual."

25 Concretely, is this something that somehow corresponds with that

1 change that you also observed?

2 A. No.

3 Q. Can you explain what you meant, then, with the change that you  
4 were able to observe?

5 A. So 22 per cent of the people I interviewed claimed that Angkar  
6 was a leader; 48 per cent, a mythical, transforming force; 30 per  
7 cent didn't know. So that's one thing. So that information didn't  
8 get to 30 per cent, perhaps.

9 But this is a cultural artefact, and I claim in my thesis it's a  
10 cultural artefact that the Khmer Rouge did not and could not, I  
11 think, have accounted for. But there are factors, I believe, and  
12 I mapped them out starting in my book because it's easier to  
13 access that on page 159 where I mapped out the cult-based  
14 processes that were in place during the regime that heightened  
15 this cultural artefact that happened because of the culture in  
16 which this DK force was taking seed.

17 [11.10.24]

18 Q. I would love to follow up on this, but I don't have time, so  
19 let me move to, unfortunately, my last question, and that is the  
20 following.

21 You've talked about the evidence that you saw given here in this  
22 Court -- testimony in the courtroom from civil parties, and you  
23 said that you do not doubt the veracity of that evidence.

24 Now, having said that, I also recall at one point in time you  
25 used the words "anecdotal evidence". Not in this relation, but in

1 another respect.

2 My question to you is the following. How can we establish or what  
3 ways have -- should we proceed to be able to determine whether  
4 the evidence that has been given in this courtroom is anecdotal  
5 rather than reflecting structural phenomenon? It's a very  
6 difficult question, I understand, but I hope you'll be able to  
7 answer it.

8 [11.12.00]

9 A. I would hope someone would do a PhD thesis on the topic of how  
10 civil party members were selected, how the interviews were  
11 conducted, how the material in the interviews were cross-checked.  
12 I gave you an example of one transcript where something very  
13 important was left out, so I -- I don't question the integrity of  
14 civil party members and what they bring forward into this Court.  
15 I have listened to those testimonies. I don't question that.  
16 What I question, perhaps, is the judgment and the values and the  
17 driven-ness, perhaps, of some of the organizations that may have  
18 been involved in them getting to the point of being in this  
19 courtroom.

20 MR. KOPPE:

21 Thank you very much.

22 [11.13.22]

23 QUESTIONING BY MS. GUISSÉ RESUMES:

24 Thank you, Mr. President.

25 Q. Good morning, Ms. LeVine. During the few minutes that I have

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1 left, I will try to obtain some clarification on certain points.  
2 When the Co-Prosecutor questioned you, he used the notion of free  
3 will when he was speaking about marriage <under Democratic  
4 Kampuchea>. And this made me think about what you said at the  
5 start about your choice of methodology, that is to say, not to be  
6 judgmental on what marriage is, whether it be under DK or before,  
7 and not equate marriage with a Euro-centric vision. Maybe this is  
8 a bit schematic, but that's the idea.

9 [11.14.25]

10 Yesterday, when you were speaking about Moni, you said yes, that  
11 she did not want to get married but that, in any case, she would  
12 have gotten married because of her parents' decision.

13 I'm sorry. My question might be a bit lengthy.

14 And this refers me to an observation that Nakagawa made on 13  
15 September, at around <10.42.29> , and this is what she said. And  
16 she was speaking in particular about women <and> about a  
17 traditional Khmer marriage, and this is what she said:

18 "[...] In regard to the women's decision-making power, there was  
19 almost zero, so a daughter was given the instruction or order to  
20 marry with somebody by her parents. And mostly, the daughters  
21 were expecting their parents to make a decision for her.

22 On the other hand, the boys had more freedom, and boys could  
23 initiate their own marriages by proposing to his parents or  
24 guardians or relatives, who could approach to the parents of a  
25 girl that he wants to marry.

1 At any case, mostly the weddings were arranged by the parents and  
2 decided by the parents, so even though a boy wanted to marry with  
3 a girl that he loves, if parents disapproved, it could have been  
4 extremely difficult for him to proceed to seek for the approval  
5 from the marriage." End of quote.

6 [11.16.26]

7 The reason I'm putting this question to you, in connection with  
8 what you said yourself with regard to your approach and with  
9 regard to the way the people spoke about marriage, including  
10 under DK, is that I'd like to know if this way of organizing  
11 marriages or <the fact that> the will of both <future> spouses  
12 <was not central to arranging a marriage>, did this have an  
13 effect on the fact that you did not ask the question, which is,  
14 "Did you want to get married?" or <rather, your choice to use  
15 the> sentence, which is, "Was this a real marriage?"  
16 So was this free will aspect<, as the Co-Prosecutor said,> not at  
17 the heart of the issue of marriage <of two individuals>? <Was  
18 free will or the will of the individuals not at the heart of  
19 marriage?> Is this what led you to put your questions in a  
20 certain way, the fact that free will was not at the heart of the  
21 choice?  
22 I know that my question is a bit lengthy, but I wanted to put  
23 things back in context and to make sure that I understood things  
24 properly.

25 [11.18.18]

1 MS. LEVINE:

2 A. Firstly, I don't think it's inconsistent to ask about  
3 authenticity, but not forced. I want to state that. It's not  
4 inconsistent.

5 Secondly, there -- though I don't stand in full agreement of Ms.  
6 Nakagawa's reference -- and I am aware that in the studies that  
7 she's done, victims of violence have been identified before the  
8 studies begin. But putting that to the side, in the male gender  
9 codes of the PhD student I referenced earlier, obligation is  
10 very, very important, obligation to parents.

11 Parents have "kun" (phonetic) or hardship. A mother and father  
12 have a heavy load, and they're obliged -- it's the parents'  
13 obligation to find a person for their son in the code of -- in  
14 the code that was referenced to me, and daughter. So that's the  
15 first thing. And carrying on the family honour is very important  
16 in the male code of honour.

17 [11.19.34]

18 Having said that, there is a foundational cultural factor here  
19 that when weddings are arranged, historically, when weddings have  
20 been arranged -- and if I hold again -- I hold out the 1970,  
21 beginning period of the -- if I hold out the Lon Nol regime and  
22 the Khmer Rouge, foundational, cultural factor that people do  
23 what they're obliged to do.

24 Parents arrange the marriage. They do that through lots of  
25 discussion. Again, it's not a nuclear proceeding. And children --

1 youth, I should say, whether they want to or not, oblige -- it's  
2 an obligation.

3 [11.20.29]

4 So I can give you a contemporary example of a student at the  
5 Royal University of Phnom Penh, educated, educated parents.  
6 Parents arranged her to be married to another person they thought  
7 was a good choice, and she just went along with that.

8 However, in this period that I talked about that was missing  
9 under DK, this period of parents having time to decide if the  
10 person is worthy or not in that engagement period -- that's what  
11 got left out here, engagement. The parents decided that this  
12 young man was not suitable for this young woman.

13 This young woman came to me and said, "Could you please" -- as a  
14 go-between -- "Could you please talk to my parents and tell them  
15 that when they arrange my next marriage that they consider asking  
16 me if I would agree to marry this person?" This is five years  
17 ago.

18 MR. KOUMJIAN:

19 I don't believe the question was answered. It's probably -- I  
20 don't think it's the expert's fault. It was a 10-minute  
21 introduction. But the question that I understood from that speech  
22 of Defence Counsel was why was it you did not ask the respondents  
23 to her survey or have the students ask why -- whether they  
24 consented to the marriage.

25 That's what I understood Counsel's question to be, and she gave

1 various suggestions about why the expert may not have asked that  
2 question.

3 Although I think the time is up, I think it would be productive  
4 to have the witness answer the question that was asked.

5 [11.22.38]

6 BY MS. GUISSÉ:

7 Once again the Co-Prosecutor is intervening in my examination,  
8 and maybe the question was a bit lengthy and maybe the  
9 interpretation was a little bit off, but the question is not the  
10 question the Co-Prosecutor understood. So since I don't have much  
11 time, I will <move on.>

12 Q. You said yesterday that when the Co-Prosecutor was submitting  
13 to you certain examples of accounts that it was difficult for you  
14 to isolate some accounts in relation to the totality of your  
15 study in order to answer the questions.

16 [11.23.17]

17 A certain number of statistics were provided, or a certain number  
18 of examples were provided from the Prosecution, and I looked at  
19 your annex again with the detail of the different accounts, or  
20 the summaries of these different accounts. And from the analysis  
21 of this annex, which we can find as of page 216 of your  
22 dissertation, at <E3/1794>, that among the 192 people you  
23 interviewed, 29 said that the parents were at the origin of the  
24 choice of their spouse and 25 said that it was either one or the  
25 other spouses who had agreed before requesting Angkar's

1 permission. In total, this is 28 per cent of marriages, which  
2 were decided either by the parents or by one or the other of the  
3 spouses, or by both.

4 So my question is the following. When you spoke about the notion  
5 of conscripted marriage in your findings, are you also speaking  
6 about this 28 per cent or are you speaking about the general  
7 <trend> here?

8 [11.25.10]

9 MS. LEVINE:

10 A. In part I'm speaking about the general tendency, but in part  
11 my selection of that term -- well, let me step back.

12 Those weddings that were still arranged, the parents brought --  
13 the parents brought names to the leader to ask permission for  
14 their daughter or their son to marry. They still had to get  
15 permission, so it wasn't -- though one could see that as  
16 arranged, in -- in an arrangement the dynamics of the community  
17 are different.

18 Somebody doesn't go -- let's take this outside of the DK period.  
19 Somebody doesn't go to the village chief and say, "I want to get  
20 permission from you so that my son or daughter can marry". Now,  
21 that doesn't say that the village chief doesn't give his two  
22 cents' worth, but that's a little bit of a difference there.

23 [11.26.20]

24 But to answer your question, yes, I was looking at general  
25 patterns, at general themes. That's the way I could form some

1 semblance of conclusion.

2 And I also want to say that those weddings in which parents  
3 participated in arranging, if I can say that, they happened at  
4 certain times. There was a period that was very dire where that  
5 didn't happen for a while, where the parents had less voice. And  
6 that's the time I have selected as a time of real change of going  
7 from what, I guess I said earlier, is the flying by the seat of  
8 the pants trying to figure out we're doing here, what are we  
9 doing. We better speed it up and get it right.

10 And that was really around the '78. That's why my '79 cohort is  
11 so interesting for me to reflect on. I could see some changes,  
12 and also in patterns of communication.

13 How is it that weddings were happening in 1979? What was it about  
14 those locations? What was it about the power of that leader in  
15 that place?

16 JUDGE FENZ:

17 Sorry for interrupt, but in 1979 it was over.

18 [11.27.32]

19 MS. LEVINE:

20 I understand that. I'm just saying that for me as a researcher,  
21 for me to extend my study into '79 has been profoundly  
22 interesting.

23 JUDGE FENZ:

24 And I completely understand that, but in the context of numbers  
25 being provided, you refer to 1979. Now, I don't want to intervene

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1 and ask how many of these answers that said my parents were  
2 involved were of 1979 marriages, but while I understand your  
3 approach, for our purposes I think that needs to be clarified.  
4 [11.28.08]

5 BY MS. GUISSÉ:

6 Q. Well, therefore, I have a follow-up question. Now, regarding  
7 the 28 per cent, which I spoke about, the 28 per cent where the  
8 <proposal> was made by the parents or <a request was made> by one  
9 or the other of the spouses, where do you situate these 28 per  
10 cent in time?

11 Did things change over time? I have several examples here. In  
12 particular, I'm going to look at number 2, where we see that  
13 there's a person here who requested permission.

14 I see in '78 there's number 1 in the table, and this is a person  
15 in December '78 who made the request. And I see here November  
16 1978 for number 7. And I see August '78 for number 10. I see '77  
17 for number 12.

18 So, was there a pattern regarding this kind of marriage requested  
19 by the family or by one of the spouses in regard to the year or  
20 did this phenomenon spread out over time and over the <regions>?

21 Of course, I understood that there was a distinction according to  
22 time and according to the place, but did you see any kind of  
23 recurring pattern regarding these kinds of marriages?

24 [11.29.55]

25 MS. LEVINE:

1 A. I saw a shift in selection process depending on who was the  
2 leader in a region at a particular time. I did see that. And I  
3 also saw that in early '76, there were some weddings that had  
4 many traditional elements to them.

5 And I know it's outside the period of the Court, but in late '79,  
6 when those -- when some Khmer Rouge were arranged -- were giving  
7 approval for weddings, they were becoming more arranged and there  
8 were some traditional rituals coming back at that period.

9 MS. GUISSÉ:

10 Unfortunately, I have run out of time, and I will therefore end  
11 my examination.

12 Thank you, Mr. President, for these few additional minutes.

13 [11.30.56]

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 The hearing of testimony of <the> expert, Peg LeVine, is now  
17 concluded, and Ms. Peg LeVine, the Chamber is grateful of your  
18 valuable time, travelling from overseas to come and testify in  
19 this Court and that you also had to wait for one week before your  
20 testimony could begin due to the flood situation.

21 Your testimony as an expert during the last three days with  
22 patience, professionalism and virtue is greatly appreciated, and  
23 your testimony may contribute to the ascertainment of the truth  
24 in this case.

25 You are now excused from the Court, and you may therefore return

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1 to your accommodation or wherever you wish to return to. And the  
2 Chamber wishes you all the very best and success in your future  
3 endeavour, and bon voyage.

4 Court officer, please cooperate with WESU to make necessary  
5 transport arrangement for the expert to return to her  
6 destination.

7 You may now leave the courtroom, Ms. Expert.

8 (Expert leaves the courtroom)

9 [11.32.34]

10 MR. PRESIDENT:

11 Before we take a break, the Chamber has some announcement to  
12 make.

13 First, it is our oral ruling in relation to a request <by the  
14 Lead Co-Lawyers> for certain document related to 2-TCCP-298, who  
15 is going to testify this afternoon.

16 The Chamber is seized of a request by the Lead Co-Lawyers,  
17 document E446, to admit into evidence document E319/51.3.3,  
18 relevant to 2-TCCP-298, who is due to testify following 2-TCE-81.

19 The Chamber notes that the proposed document consists of  
20 2-TCCP-298's civil party application and two supplementary  
21 information forms, one dated 29 June 2010, and <another> one  
22 dated 29 June 2013.

23 The Chamber clarifies that the civil party application and the  
24 supplementary information form dated 29 June 2010, have already  
25 been admitted into evidence in Case 002/02 as separate documents,

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1 that is, E3/4779 and E3/6034A, respectively. The Lead Co-Lawyer's  
2 request as regards these documents is therefore moot.

3 [11.34.42]

4 The Chamber notes, however, that while the Khmer version of  
5 E319/51.3.3 appears to be identical to E3/4779, and <as for  
6 document> E3/6034A, the English versions contain some  
7 discrepancy. The Chamber has therefore requested ITU to verify  
8 the English versions of both the civil party application and the  
9 supplementary information form of 29 June 2010, for the purposes  
10 of ensuring that the translation in evidence is accurate.

11 As regards the supplementary information form dated 29 June 2013,  
12 E319/51.3.3; ERN 01049457 to 01049458; the Chamber notes that  
13 <the two pages document> of E319/51.3.3 has not previously been  
14 admitted into evidence. In this regard, the Chamber recalls its  
15 practice to admit into evidence all prior statements of civil  
16 parties <and> witnesses who appear before it pursuant to Internal  
17 Rule 87.3, and 87.4 and admits it into evidence. The document is  
18 assigned document number E3/6034B.

19 The Chamber now hands the floor to Judge Lavergne on a number of  
20 matters in relation to a request by parties before the hearing of  
21 2-TCW-960 for tomorrow afternoon schedule.

22 Judge Lavergne, you have the floor.

23 [11.37.09]

24 JUDGE LAVERGNE:

25 Yes, thank you, Mr. President.

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1 Indeed, I would like to make some clarifications regarding  
2 <tomorrow's hearing> of witness 2-TCW-960. The Chamber is  
3 informed that the International Co-Investigating Judge has  
4 granted his agreement to disclose to the parties in this case the  
5 audio recording of witness 2-TCW-960, with the investigators of  
6 the Co-Investigating Judges Office. The parties received, this  
7 morning, <an email> from the Chamber informing them that this  
8 audio recording is available under reference <E319/52.2.17R.  
9 There may be a slight delay for this document to be accessible, I  
10 think that it will be ready very soon.>

11 [11.38.16]

12 The Chamber is seized of a motion by the Khieu Samphan Defence in  
13 order to have admitted into evidence the audio recordings of  
14 persons who have been heard in Cases 003 and 004 and whose audio  
15 recordings have been declared admissible in Case Number 002.  
16 <We will not rule on the entirety of that motion now, but> I  
17 would like to, first of all, make sure that there are no  
18 objections from the parties to the admissibility of the audio  
19 recording of the witness 2-TCW-960.

20 I don't see any objections from the parties, so I think we can  
21 place that on the record.

22 MR. KOUMJIAN:

23 We have no objection, at this time, but I would like to -- I  
24 think there are a number of issues I'd like to discuss internally  
25 with our team about this. On this one, I will say no objection,

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1 but this may not be the policy of our office. I think it's going  
2 to -- there are a number of issues about the size of the case  
3 file and confidentiality of faces, etc. So for this particular  
4 witness, I have no objection.

5 THE INTERPRETER:

6 Correction by the interpreter: The document was E319/52.2R as the  
7 audio recording.

8 [11.39.48]

9 JUDGE LAVERGNE:

10 My request is limited to the audio recording of 2-TCW-960 and I  
11 understand that there are no objections from the parties  
12 <regarding this witness>. So having made these clarifications on  
13 this motion, I now turn to the Khieu Samphan team because I think  
14 they have expressed a wish to present submissions regarding this  
15 audio recording <issue>. Do you still intend to make your  
16 remarks?

17 MS. GUISSÉ:

18 No, Judge Lavergne, the purpose of those submissions was to find  
19 out what was the status of those audio recordings, so you have  
20 anticipated my question.

21 JUDGE LAVERGNE:

22 In that case, the Chamber declares admissible the audio recording  
23 that I mentioned a while ago, <E319/52.2.17R>.

24 MR. PRESIDENT:

25 Thank you, Judge Lavergne.

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1 It is now convenient time for lunch break. The Chamber will take  
2 a break from now until 1.30.

3 Security personnel are instructed to bring Khieu Samphan to the  
4 waiting room downstairs and bring him back to the courtroom at  
5 1.30.

6 The Court is now in recess.

7 (Court recesses from 1141H to 1332H)

8 MR. PRESIDENT:

9 Please be seated. The Chamber is back in session.

10 And we hear the testimony of civil party 2-TCCP-298.

11 Court officer, please usher the civil party into the courtroom.

12 (Civil party enters the courtroom)

13 [13.34.13]

14 QUESTIONING BY THE PRESIDENT:

15 Q. Good afternoon, Madam Civil Party. What is your name?

16 MS. PEN SOCHAN:

17 A. My name is Pen Sochan.

18 Q. Thank you. What <is> your date of birth?

19 A. I was born on the 10th of October 1962.

20 Q. Where <is> your place of birth? Please wait.

21 A. Previously, I lived in Kampong Kdei village, Rumlech commune,

22 Ou Ta Paong district of Pursat province.

23 [13.35.30]

24 Q. Please do not touch the tip of the microphone and please wait

25 until the tip of the microphone turns red and then you can

1 answer.

2 Could you please confirm your place of birth again?

3 A. I was born in Kampong Kdei village, Rumlech commune, Ou Ta  
4 Paong district of Pursat province.

5 [13.36.04]

6 Q. What about your current address?

7 A. My current address is Khnar Totueng commune, Bakan district of  
8 Pursat province.

9 Q. What is your current occupation?

10 A. I am a rice farmer and I raised my children.

11 Q. What <> are the names of your parents?

12 A. My father's name was Pen Mon and my mother's Uk <Yoan  
13 (phonetic)>, but my father used two names. In his official use  
14 was Pen Phon, but his alias was Pen Mon.

15 Q. What about the name of your husband and how many children do  
16 you have?

17 A. My husband's name is Ek Pha (phonetic). I have five daughters  
18 and including a son, the youngest one.

19 Q. Thank you, Madam Pen Sochan. In your capacity as a civil  
20 party, we would like to inform you <that you will have an  
21 opportunity to> make your victim's impact statement <in relation  
22 to the harms and suffering that were inflicted upon> you during  
23 the DK regime, <if you intend to do so>. Madam Pen Sochan, have  
24 you ever provided interview or testimony with the investigators  
25 from the OCIJ?

1 [13.38.07]

2 A. Yes, I provided my interview through my lawyers twice.

3 MR. PRESIDENT:

4 That was not considered a testimony in front of the investigators  
5 <from the OCIJ>.

6 Based on Internal Rule 91bis, the Chamber provided the floor to  
7 the <Lead Co-Lawyer for> civil party first to ask question to the  
8 civil party. The Lead Co-Lawyer for civil party, together with  
9 the Co-Prosecution have two sessions to put question to the civil  
10 party. You may now proceed, Lead Co-Lawyer for civil party.

11 [13.39.58]

12 QUESTIONING BY MR. PICH ANG:

13 Good afternoon, Mr. President and Your Honours and parties in the  
14 courtroom and good afternoon, Madam Civil Party. My name Pich  
15 Ang, the National Lead Co-Lawyer for civil party and my  
16 international colleague <Madam Marie Guiraud>; we represent  
17 civil parties.

18 I have a number of questions to put to you and I would like you  
19 to provide answers to those questions. And in case you could not  
20 hear the question, <> you can ask me to repeat the question.

21 Q. My first question to you is that before 17 April 1975, where  
22 did you live then?

23 MS. PEN SOCHAN:

24 A. I did not get your question. You asked about my place of birth  
25 or what?

1 Q. I wanted to know about the place where you lived before 17  
2 April 1975.

3 A. At that time, I lived in Pursat province and then I was  
4 evacuated to Khnar <Totueng> commune.

5 Q. Could you tell us again about the <village and> commune where  
6 you lived before your evacuation?

7 A. At that time, I lived in Pursat province with my parents. Then  
8 I was evacuated to Khnar Totueng commune of Bakan district,  
9 Pursat province.

10 [13.41.20]

11 Q. The province of Pursat that you just said earlier, are you  
12 referring to the provincial <town of Pursat>?

13 A. I referred to Pursat province.

14 Q. After your evacuation, you said that you came to live in Khnar  
15 Totueng commune of Bakan district, Pursat province and then where  
16 next that you lived?

17 A. When I was evacuated and my <father was arrested, my mother>  
18 took me to live in Rumlech commune.

19 Q. Were you required to get married during DK regime?

20 A. At that time, I was still young. I was required to get married  
21 <during the Khmer Rouge regime>. <At the time,> I was <still  
22 underage>.

23 [13.42.57]

24 Q. You said that you were <underage>; can you tell us <> how old  
25 were you at that time when you said that you were <underage>? <>

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1 I refer to the time when you were obliged to get married; how old  
2 were you?

3 A. I did not recall it well about the exact date. I was roughly  
4 15 or 16 years old at that time.

5 Q. Do you recall how many couples including you <> were arranged  
6 to get married on that day?

7 A. Altogether including my couple, there were 12 couples  
8 altogether.

9 Q. Among the 11 couples including you, together 12 couples, so  
10 among the 11 other couples, can you recall the names of those  
11 people?

12 A. At that time, I was very young and I was also scared. I cannot  
13 recall the names of them all, but what I remember was that there  
14 were 12 couples altogether.

15 Q. Do you recall the venue where the wedding took place?

16 A. It took place in Khnar Totueng commune of Roka village.

17 Q. The man who was assigned to get married to you -- now, let me  
18 backtrack a little bit; I would like to ask another question. Was  
19 your marriage <a> voluntary <one>?

20 [13.45.49]

21 A. On that day, <> after I finished my work at 5 p.m., I was told  
22 to go to the work site <because there was enough food> to eat. At  
23 that time, I was so hungry, so I walked to that place and while I  
24 was walking, the unit chief told me that I would be required to  
25 get married and when I saw clothes distributed to me, I refused.

1 I said that I came here to eat and they <asked> me <whether> I  
2 was mature enough to get married and then I asked, "What do you  
3 mean by <being> mature <enough> to get married? <I do not know  
4 what that means.>" And then they <forced me to do it, they said  
5 whether or not I was mature enough, I had to get married because>  
6 the party required me to <do so>. They told me that the others  
7 <already> agreed and why I alone refused to <do> this. <At the  
8 time, I did not know how to wear a skirt,> so they <> put on the  
9 skirt <for> me <by tying banana vine above it>.

10 Q. When you were called, did they tell you that you were called  
11 to go and get married?

12 [13.47.16]

13 A. No, at that time, they simply told me to go to eat and when I  
14 arrived at the venue, I saw people sitting in rows; female on one  
15 side and male on another side. And they told me I would be  
16 required to get married. I refused. But although I tried to  
17 refuse, the unit chief required me to do so.

18 MR. PICH ANG:

19 <Please limit your answer, I will ask you more.>

20 Mr. President, I would like your permission for AV Unit officer  
21 to display a <video clip>, E3/7233R and <it is among> the clips  
22 that I <provided> to AV Unit to project on the screen, <it> is  
23 clip 2 and the clip has the timing that I would give later on. I  
24 would like to seek the permission from Your Honour, from Mr.  
25 President <to display the clip>.

1 MR. PRESIDENT:

2 Your request is granted. AV Unit Officer, please project the clip  
3 according to the request by the Lead Co-Lawyer for civil party.

4 [13.48.57]

5 (Audio-visual presentation)

6 [13.50.01]

7 BY MR. PICH ANG:

8 The timing of the video clip is at 38 minutes and 05 second until  
9 40 minutes 21 second.

10 Q. Madam Civil Party, I would like to ask you a question  
11 regarding this video clip. <You were> in that video with the  
12 title, "<Red> Wedding <>." <Can you tell us> what was the name of  
13 <the woman you had conversation with> and what was the position  
14 that person held during Khmer Rouge regime?

15 MS. PEN SOCHAN:

16 A. She was the unit chief and she was working with me every day.

17 In that video clip, <I was sitting near her, but> I did not know  
18 much about the wedding process. The people who made the film  
19 asked me about the wedding process, but I told them that I did  
20 not know much and I recommended them that they <could ask> the  
21 unit chief <at Krouch Saeuch village> for more details about the  
22 wedding. <So I led them there.>

23 Q. <Who was the person you had the> conversation <with>,  
24 <regarding the time> you were <required> to get married,  
25 especially about your maturity to get married? <Was it this woman

1 or who was it?>

2 [13.51.50]

3 A. <> It was with my unit chief whom I objected my marriage  
4 proposal.

5 Q. Could you recall the exact words that she used to you when she  
6 <asked whether> you reach puberty or mature enough to get  
7 married? <And how did you respond?>

8 A. At that time, I replied to her that, "Comrade Bong, I do not  
9 want to get married yet because I do not love the man and I'm not  
10 mature enough." And then she said to me, "Are you mature <enough  
11 to get married>?" And then I replied that "What do you mean by  
12 <being> mature <enough to get married>? I do not understand." And  
13 then she told me that "Although you <do not understand the  
14 meaning of it or you do not love the man>, you have to oblige by  
15 the order because Comrade Oeun already put <your> name in the  
16 list."

17 Q. So when you said that <> although you <did not want to get  
18 married>, you had to get married because your name had already  
19 been listed by Comrade Oeun. <Maybe I did not quote you  
20 correctly.> So my question to you is that who said this <>; was  
21 it you or Comrade Om?

22 [13.53.28]

23 A. The voice was hers. She said that "<Whether> you want <to get  
24 married> or not, you have to because Comrade Oeun obliged <you>  
25 to do so." The wheel of history had to move forward <not

1 backward>. If you objected, you would be refashioned. So when I  
2 heard the word "refashioned," I <> walked to <them and let them  
3 put on the skirt for me, they used banana vine to tie it, and  
4 then I went to> sit down <in a row>.

5 Q. At that time, did you attempt to run away from the wedding  
6 venue?

7 A. I tried to run away. I tried to beg <the unit chief and Bong  
8 Om> for mercy, but <they> said to me that I could not object  
9 because the wheel of history had to move forward. <They said that  
10 again and again.>

11 Q. My apologies; there was <a technical> error with the video  
12 clip. In fact, it was from 40 minute 20 second to 40 minute <55>  
13 second, just for the record.

14 Madam Civil Party, did she also talk <more> about other couples  
15 who had already agreed to get married <and you refused>; did she  
16 raised that matter to you?

17 [13.55.20]

18 A. Yes, she did. She said that the other 11 couples had already  
19 agreed except me. <She asked why I was so stubborn,> and she said  
20 that <we> had to follow Angkar's order <to get married regardless  
21 of how old we were>. <They also followed Comrade Oeun's  
22 instruction. I was told that if I wanted to know clearly about  
23 the matter,> I had to <ask> Comrade Oeun<>.

24 Q. What about the other 11 couples? When they agreed to get  
25 married, on their facial expression; did it tell something

1 whether they were happy or sad or were under force, just like  
2 you?

3 A. At that time, after we finished work and we were required to  
4 sit down <in rows>, none of us were happy because we were tired  
5 and hungry and worse, we were forced to get married. <We did not  
6 get to talk to each other, nor did we recognise who was who at  
7 the time.>

8 Q. When you arrived at the wedding venue, were you distributed  
9 materials or clothes?

10 A. On that day, I was given a scarf, a shirt, and a black skirt.  
11 I did not know how to wear that skirt and they <used banana vine  
12 to> help me put on that skirt. <There was no meal distributed.>

13 Q. Was the wedding conducted based on tradition and custom, for  
14 example, with the participation of your relatives and elder  
15 people?

16 A. That's the point that made me suffered. That wedding took  
17 place without the participation of my siblings and relatives.  
18 None of my relatives was aware of the marriage. We were required  
19 to <hold each other's hand and> commit to each other. <We did not  
20 even get to eat rice.>

21 [13.58.03]

22 Q. Were any of your relatives participated in your wedding?

23 A. No, no one of my relatives, including my uncles and aunt, were  
24 aware of my marriage. It was an authoritarian regime.

25 Q. Were they informed about your marriage; I mean your parents

1 and your relatives?

2 A. I do not know whether they were informed about my marriage  
3 because I did not ask them whether they had informed my parents.  
4 I simply refused to get married on that day. I did not see the  
5 participation of my parents.

6 Q. Now, I would like to ask you about cadres or unit chiefs. Did  
7 they participate in your wedding?

8 [13.59.35]

9 A. On the day that <the 12 couples> were required to sit in rows,  
10 none of our friends and relatives <was> aware of our marriage;  
11 only Comrade Oeun, <Comrade Om> and <> 5 militiamen were there.

12 Q. As for Comrade Oeun or Comrade Om, did they make a speech  
13 during the ceremony?

14 A. Both read a piece of paper and I did not know where they  
15 obtained the paper. They required the 12 couples to stand up and  
16 hold hand -- hold each other's hand. <They had a microphone.> So  
17 it started from the first couple and then the first couple would  
18 walk from the row. So the two made a speech and there were 5  
19 militiamen present during the ceremony.

20 Q. Can you elaborate a bit further; was it Oeun or Om who made  
21 the speech and do you recall the content of that speech, whether  
22 it was an instruction to the couples during the wedding or  
23 whether it's the future instruction for the couples?

24 A. At that time, they made a speech that even if we did not like  
25 each other, we had to like each other and that we had to commit

1 ourselves to Angkar. After Om finished her speech, Uncle Oeun  
2 made a speech that despite some of our protest, we had no choice  
3 because it was Angkar's instructions that we had to get married  
4 and produce children for Angkar. We were then required to stand  
5 up and hold each other's hand.

6 [14.02.08]

7 Q. At that time, was there any couple or even your own couple was  
8 required to make a speech?

9 A. None of the 12 couples made any speech. <> Actually, the male  
10 side made a commitment that they would take us, the female side,  
11 for their whole life.

12 MR. PICH ANG:

13 Thank you. And Mr. President, with your permission, I'd like to  
14 play another video clip. It is the same ERN number for the video  
15 clip; however, it was at a different timing; it's at 44 minutes  
16 43 seconds to 47 minutes 02 seconds and the video clip is number  
17 5 of that full video clip.

18 [14.03.35]

19 JUDGE FENZ:

20 Counsel, may I suggest that for the benefit of the public, you  
21 shortly tell us what this video shows and when it was filmed; the  
22 whole video, I mean, not the clip.

23 MR. PICH ANG:

24 Madam Judge, I provided the timing of the clip that I would like  
25 the AV Unit to play. That is from <44> minutes 43 <seconds> to 47

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1 minutes 02 seconds and I do not know what you want me to do.

2 JUDGE FENZ:

3 Well, okay, let me try again. For the benefit of the public, can  
4 you explain in two words what this film is about? And my second  
5 question is: When was it filmed? Not long, just two sentences.

6 [14.04.58]

7 MR. PICH ANG:

8 Yes, thank you, Madam Judge. I understand your point.

9 The video was about the conversation that took place between the  
10 civil party and Madam (sic) Oeun and another woman on the topic  
11 of marriage. And another woman spoke about the marriage and <from  
12 which level she got> the instruction from <>. That was the whole  
13 purpose of this video.

14 And I'd like to seek permission from Mr. President.

15 MR. PRESIDENT:

16 Yes, you may proceed with the clip. AV Unit, please play the clip  
17 as requested by the National Lead Co-Lawyer for civil parties.

18 [14.05.59]

19 (Audio-visual presentation)

20 [14.08.22]

21 BY MR. PICH ANG:

22 Thank you, the AV Unit, for playing that clip and I'd like to add  
23 to what I just said in my response to Judge Fenz.

24 The clip is from the same video that I requested earlier  
25 entitled, "Red Wedding" and the video was produced in 2012, and

1 the producer is Lida Chan and Guillaume Suon.

2 And let me return to questioning the civil party.

3 Q. Madam Civil Party, you have just seen the video clip. It shows  
4 a man whom you speak to; can you tell the Chamber his name and  
5 the position he held when you got married?

6 MS. PEN SOCHAN:

7 A. The two people are<> Oeun, <the man> who was chief of a big  
8 unit, and the woman was a deputy chief of the big unit at the  
9 place where I worked.

10 Q. The woman is the same woman that we saw in the previous clip;  
11 is that correct?

12 A. Yes, it's the same woman who mistreated me and who forced me  
13 to get married. <It was the two of them.>

14 Q. The man; that is, Oeun said that he received orders from the  
15 upper echelon and that he did not do anything by himself. During  
16 the course of your conversation with him, did he tell you from  
17 which level he received the instructions to force you to marry?

18 [14.10.59]

19 A. Yes, he said that if I really wanted to know, I should go and  
20 ask the district chief since now transportation <was> available  
21 since he also received order from that level. <> And he referred  
22 to <Bong> Roem (phonetic) who was the district chief during the  
23 Khmer Rouge regime.

24 Q. Now, you refer to <Bong> Roem (phonetic), the district chief,  
25 can you tell whether Roem (phonetic) is male or female and was

1 Roem (phonetic) the district chief during the time that you got  
2 married?

3 A. At that time, Roem (phonetic) controlled 10 co-operatives and  
4 Roem (phonetic) was a district chief during the Khmer Rouge  
5 regime.

6 Q. Can you specify the names of that district and the province?  
7 [14.12.14]

8 A. I did not know which communes Roem (phonetic) controlled;  
9 however, I knew that Roem (phonetic) was a district chief and <>  
10 Roem (phonetic) had four messengers who had four horses and my  
11 co-operative in Khnar Totueng was under Roem's (phonetic) control  
12 as well.

13 Q. And do you know the name of that district where Khnar Totueng  
14 commune was under?

15 A. It was in Bakan district, Pursat province.

16 Q. Did you actually go to see Roem (phonetic), the Bakan District  
17 Chief; that is, after you took part in that video filming?

18 A. I took part in the video filming and then I went to see <her>.  
19 I greeted <her> and <she responded with>, "Where <do you all  
20 come> from? <Why are you here to interview and film me?>",  
21 cursedly. And I <asked her> that during the Khmer Rouge, we were  
22 forced to get married and <> what were the reasons for that. And  
23 <she> said < that she> was not the <only> big person, so there  
24 was no need to interview <, nor film her> and that <she actually>  
25 went to the Khmer Rouge Tribunal and that I should seek

1 information from for the upper level <because she did not know  
2 the reason>. And I said since we were the victims, we wanted to  
3 hear from <her,> from whom <she> received instructions on that  
4 issue. And <she> actually prohibited us from filming <or  
5 interviewing her>.

6 [14.14.43]

7 Q. Regarding this former Bakan district chief, did <she> give you  
8 information as to from whom <she> received such orders or  
9 instructions?

10 A. <She> did. <She> said that <she> received orders from Ta Mok  
11 and that if I wanted to know more, I should exhume Ta Mok's body  
12 and ask him. That's what <she> said.

13 Q. Beside Ta Mok, did <she> refer to other individuals?

14 A. No, <she> did not; that's all <she> said. Then we said goodbye  
15 to <her> and we left. And then <she> said that we should watch  
16 out while we made our trip back home. I went there with a  
17 foreigner. In fact, there were a number of foreigners.

18 Q. You said that <she> said <she> received instructions from  
19 upper level or from Ta Mok, and did <she> tell on which issues  
20 <she> received those orders?

21 [14.16.26]

22 A. <She> said that if we wanted to know clearly about the force  
23 marriage under the Khmer Rouge regime -- <she> said that <she>  
24 did not organize that and <she> received instructions from other  
25 people. And we said that we came to ask <her> frankly; since we

1 were victims, we only wanted to know the truth. And <she> said  
2 that if we wanted to know the truth, then we should go to ask the  
3 dead body of Ta Mok because the wedding was how it was organized  
4 back then. That's what <she> said <and we did not know how to  
5 continue with our questions>.

6 Q. Did <she> say that there was a requirement for people, that  
7 is, male and female, to get married or did <she> say that they  
8 forced <her> to force people to get married?

9 A. When I <went to meet her> and when we asked <her> the  
10 question, <she> said that the upper echelon ordered <her> to  
11 organize the marriage so that people could produce children for  
12 Angkar. But as a result, no children was produced and many people  
13 died.

14 Q. I move on to another sub-topic, still under the main topic of  
15 marriage, that is, on your living arrangement with the man whom  
16 you were required to get married.

17 You were matched to that man and did you know whether that man  
18 selected you as his wife or was it Angkar who match you and him  
19 at the time?

20 [14.18.47]

21 A. At that time, they did not say whether we should love each  
22 other first and I did not know him in person. In the video  
23 filming, I said that I spoke to his elder <sister> that I did not  
24 love him and how come <he married me>. And his elder <sister>  
25 also said <that she> did not know; it was Om and Oeun who

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1 organized the marriage. <Even the male side did not know about it  
2 beforehand.>

3 MR. PICH ANG:

4 Mr. President, again, I'd like to seek your permission to play  
5 clip 1, which is the first part of the same video; that is, the  
6 video entitle, "Red Wedding" and clip number 1. In clip number 1,  
7 she spoke about the living arrangement with that man, that is,  
8 the man whom she married to. And this clip is labelled number 1.  
9 I already gave it to the AV Unit and the timing is from 32  
10 minutes 56 seconds to 33 minutes 44 seconds.

11 [14.20.10]

12 MR. PRESIDENT:

13 Yes, you may proceed and AV Unit, please play the relevant clip  
14 as requested by the Lead Co-Lawyer for civil parties.

15 [14.20.20]

16 (Audio-visual presentation)

17 [14.21.23]

18 BY MR. PICH ANG:

19 Q. Madam Civil Party, in that clip, you spoke about the living  
20 arrangement with your husband and you spoke to this woman; can  
21 you tell the Chamber who the woman is?

22 MS. PEN SOCHAN:

23 A. In this video clip, I spoke to my elder sister-in-law about  
24 the living arrangement under the Khmer Rouge.

25 Q. You said that your husband listened to the militia and can you

1 please tell the Chamber the name of your husband and what you  
2 mean when you said that your husband listened to the militia?

3 [14.22.27]

4 A. When we came from our work site and saw each other, he  
5 listened to the militiamen and that he had to mistreat me and  
6 since I wore layers of trousers and the militia knew and the  
7 militia told him whatever he had to do, he had to rape me is what  
8 I meant by he listened to the militia.

9 Q. And I could not get your husband's name and please repeat it  
10 and what did he do to you at that time?

11 A. My husband, at the time, named Tak Sat. He listened to the  
12 militiamen and at night time he beat me during the very first  
13 night. I begged him and I wore two layers of pants and I begged  
14 him to stop mistreating me. So that night, he slapped me; he beat  
15 me up, but he didn't do anything else since I begged him. I wept  
16 and after that, since he was also exhausted; then he slept and  
17 then by 2 a.m., the unit chief blew the whistle and we had to  
18 wake up and go to work.

19 [14.24.17]

20 Q. You were instructed to sleep together and can you tell the  
21 Chamber where were you instructed to sleep together?

22 A. It was in Daeum Roka village. They built a long building with  
23 partition and they built a floor from bamboo trees and <they tied  
24 a few buddle of thatch for each room.> We had to lie down on that  
25 bamboo floor. He forced me and mistreated me that night.

1 Q. Regarding the other 11 couples, can you tell the Chamber <>  
2 where they slept during that very first night?

3 A. The first night, that is, the night of our marriage, as I  
4 said, we had to sleep in that long building; however, they  
5 partitioned those building into 12 rooms and all the 12 couples  
6 had to sleep into each of the divided room and some couples were  
7 called for refashioned that night. <Sometimes, it rained. It was  
8 difficult there.>

9 Q. A while ago, you said that you refused to consummate your  
10 marriage with that man and in the video filming, where you took  
11 part, did you ask your unit chief Om, what would happen if they  
12 knew that you refused to consummate your marriage that night and  
13 if you did ask that unit chief, what was her response?

14 [14.26.42]

15 A. Yes, I did and the response was that after the marriage and  
16 after I was refashioned for one time, that is, for the first  
17 night and for the second night and if I still refused, then I  
18 would be killed during the third night. And the unit's chief  
19 actually made mention of that point during the filming process.

20 MR. PICH ANG:

21 Mr. President, I'd like to play that relevant clip of the same  
22 video entitle, "Red Wedding" and this is clip number 3 and the  
23 timing is 38 minutes 05 seconds to 40 minutes 21 seconds.

24 This clip is about the conversation between the civil party and  
25 Ms. Om who ordered her marriage. If she refused then what would

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1 happened and that is the content of this clip. And I seek your  
2 instruction for the AV Unit to play clip number 3.

3 MR. PRESIDENT:

4 Yes, you may proceed and AV Unit, please play the relevant clip.

5 [14.28.18]

6 (Audio-visual presentation)

7 [14.30.45]

8 BY MR. PICH ANG:

9 Q. During the last part of Mrs. Om's conversation, since you have  
10 heard it as well, she said that if we did not love each other,  
11 then we would be forced and we would die because we did not like  
12 it, so that things should end. Do you wish to react to the last  
13 comment by Mrs. Om?

14 MS. PEN SOCHAN:

15 A. The phrases used at the time were what she just said, "If we  
16 did not love each other, <we did not consummate the marriage,>  
17 then we would be tortured and killed." As in my case, during the  
18 first night, I was re-educated. Then for the second night, <I  
19 got> my uncle <to help me> and during the third night that I knew  
20 that since I was separated from my parents, <I thought I would  
21 die. I was trembling but>, I had to stay <in the room> that  
22 night. And my husband forced me during the third night; he tied  
23 <my hands> up; he tore away my pants.

24 [14.32.06]

25 Q. Was your husband instructed by other people about how to

1 consummate the marriage, especially on the first night of your  
2 marriage?

3 A. During the first night, they instructed my husband to  
4 <mistreat me> as I told you earlier.

5 Q. Did your husband cause harm to you on your first night and  
6 what <did he do to> you?

7 A. I was <> beaten and <he> tore apart my clothes, but on that  
8 day, I wore two trousers and <my shirt was all> torn up. <That  
9 was the first night.>

10 Q. Was the consummating of marriage successful on the first  
11 night?

12 [14.33.38]

13 A. No, <not on the first night>.

14 Q. Why?

15 A. I implored; <I sit up and> I begged for mercy and then <he>  
16 slept and at 2 a.m., when I heard the whistle blown, I came to  
17 stand in line with other people.

18 Q. After the first night, on the <next> day, what happened to  
19 you?

20 A. On the second night, I was mistreated again.

21 Q. I do not want to ask about the second night yet. I want to ask  
22 about what happened <to you> during daytime of the second day  
23 after your marriage.

24 A. Yes, Comrade Om refashioned me, but I tried to beg for mercy  
25 from <her> and that happened during daytime. <She> told me that

1 there were militiamen monitoring on me and the militiamen told  
2 <her> that I did not consummate the marriage on that night and <I  
3 said I was sorry and I was allowed to continue working>.

4 Q. <> Apart from what she said, did Comrade Om tell you about  
5 consummating the marriage?

6 [14.35.42]

7 A. Yes, she told me that I could refuse on the first night and  
8 the second night, but if it happened again on the third night, I  
9 would be <dead>. It was just like what she said in the video  
10 clip.

11 Q. Beside female Comrade Om, were there any other cadres who  
12 instructed you on that day?

13 A. Yes, there were. Correction, no, there weren't; there <was>  
14 only Comrade Om. The female cadre would advise the female side  
15 and the male cadre would advise the male side.

16 Q. <Did you know whether your husband was advised? If so,> what  
17 were their advice?

18 A. I did not know about the male side because at that time, we  
19 were banned from <walking near each other during that regime>.

20 Q. Thank you. Now, my question is about the second night. What  
21 happened on that night?

22 [14.37.22]

23 A. On the second night, it happened again to me; I was badly  
24 mistreated. I was beaten and my clothes were torn up. <Although I  
25 begged for mercy, he would not listen. I had an uncle who was

1 married during that time as well. He was nearby.>

2 My uncle came to implore to my husband not to cause harm to me

3 <because I was so small and he said I would die if my husband

4 beat me like that every night>. He tried to beg for mercy from my

5 husband not to mistreat me <because I was Khmer like him>. On

6 that night, I could escape again, <I went to sleep near my

7 uncle,> but <maybe> my husband reported <to the militiamen, that

8 was why he mistreated me on the third night>.

9 Q. You said that your <uncle> also got married and he was nearby  
10 you, so could you tell the names of your <uncle and his partner>?

11 A. His name is Pou Khom and his wife's name is An.

12 Q. Are they survived until <nowadays>?

13 A. Yes, they are. His wife died last month. The husband is still  
14 <alive>.

15 Q. Now, my question is about the third night. What happened on  
16 that night? I mean what happened to you and your husband named  
17 Sat?

18 [14.39.32]

19 A. On the third night, I remember that from the words of Comrade  
20 Om that if I continued to refuse, I would die. On that <night, I  
21 went to in sleep there, but I still did not want to do it.> I  
22 wore two trousers and there were three militiamen came to tie <my  
23 hands to a pillar> and they took off my clothes and I was raped  
24 successfully. I was bleeding for more than one month <> as a  
25 result of that incident.

1 Q. How many militiamen were there? And who were they? Were they  
2 the same people among the five militiamen who attended your  
3 marriage?

4 A. Yes, it was the same <five> militiamen. They were mobilized at  
5 night time to keep monitoring on the newlywed couples, whether  
6 they consummated the marriage or not. <It was a game to them.>

7 Q. Did anyone tell you that there would be militiamen coming to  
8 monitor you <and your husband> on your first night, second night?

9 [14.41.30]

10 A. No one told me, but the wall of the shelter we slept was not  
11 <close>, there were cracks and holes which we could see to the  
12 outside area. <On the third night that they mistreated me, all  
13 five of them were standing there watching us and they instructed  
14 him to do that. Had I refused that night, I would have died that  
15 day. On the fourth night>, I went to my mother for help.

16 Q. Besides standing nearby, did those militiamen talk anything?

17 A. They <used profane words>. They <said what we did was good,  
18 that we were producing children for the Party.> They were joking  
19 with each other <and they walked away>.

20 MR. PRESIDENT:

21 Thank you, Madam Civil Party. It is now convenient time for a  
22 break. We will take a break from now until 3 p.m.

23 Court officer, please arrange the civil party to the waiting room  
24 during the break time and please bring her back into the  
25 courtroom at 3 p.m.

1 The Court is now in recess.

2 (Court recesses from 1443H to 1502H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now back in session and again the  
5 floor is given to the Lead Co-Lawyers for civil parties to  
6 continue putting further questions to the civil party.

7 BY MR. PICH ANG:

8 Again, good afternoon, Mr. President, Judges, and the parties, as  
9 well as Madam Civil Party. I'd like to continue my questioning to  
10 the civil party.

11 Q. Before the break, Madam Civil Party, you said that one of the  
12 <five> militiamen spoke before they left your sleeping quarter  
13 and you stated the following: "That is good; that is, you had to  
14 produce children for Angkar." When <they> said that you had to  
15 produce children for Angkar, what did you understand <by that>?

16 MS. PEN SOCHAN:

17 A. The militiamen spoke of similar phrases during the wedding  
18 ceremony and during the time that they spied upon us, they said  
19 the same thing; they said it's good that we produced children for  
20 Angkar. However, in my mind, I did not see any children producing  
21 children for Angkar because subsequently, couples disappeared and  
22 I did not see any children born as a result <> of the marriage of  
23 those couples. <I did not know where they were having children.>

24 [15.05.01]

25 Q. Can you tell the Chamber what your husband did to you during

1 the third night; can you elaborate a bit further in detail?

2 A. Yes, I can do that. During the third night, he tore my pants  
3 <and shirt> away while the militiamen were standing there and  
4 watching and I could not do anything because my hands were tied.  
5 He then raped me. I bled after the rape and the bleeding  
6 continued for a period of two months. And those militiamen who  
7 were watching us said that it was good that we could produce  
8 children for Angkar. That's what I heard. After they said that,  
9 they laughed and <all five of them> walked away.

10 Q. Did you resist or did you fight back against anyone?

11 A. When I did not see the militiamen, I resisted my husband's  
12 attempt. He tried to tie me up <> and I resisted. He slapped me  
13 and then I saw militiamen and then I stopped resisting and he  
14 could tie <my hands to a pillar>.

15 [15.06.39]

16 A. You said that you saw the militiamen and upon seeing them then  
17 you stopped resisting. Why did you have to do that?

18 A. Because I had been refashioned for the first and second night  
19 and I feared that the third night, if I resisted, I would be  
20 dead. I resisted when I did not see the militiamen <and then he  
21 slapped me. Then> he tried to tie <my hands> to a pole in the  
22 house and he stripped the clothes off me and, later on, he raped  
23 me while under watch of the militiamen.

24 Q. Were you scared when the militiamen came to watch over what  
25 happened to you or what your husband did to you?

1 [15.07.42]

2 A. I was very scared at the time. I was young and I did not know  
3 where I could run and ask for help. <I was mistreated on the  
4 third night, and> I was thinking how I would be mistreated <> on  
5 the <fourth> night, <I was trembling> and on the fourth night I  
6 did not sleep there, I did not eat my meal, I ran to my mother.  
7 During the <> second night, I was rescued by my uncle. I was  
8 raped during the third night and the fourth night I ran to my  
9 mother's for help.

10 And my mother told me that she could not help me because she did  
11 not even know that I had married and that <as I could see> my  
12 siblings <were hungry and there was nothing to eat> and that I  
13 should leave because if they came and caught me there then <the  
14 whole family> would also be killed. I told her that I was hungry.  
15 I did not have any food to eat and I just came from work and the  
16 bleeding did not stop <since the night before>. <My mother said  
17 that there was nothing to eat there.>

18 So my mother went to cut the <young leaves of a pumpkin, then  
19 boiled it> and mix it with salt and gave it to me to <eat>. <It  
20 was very yummy. I was full after> I ate it and then I went with  
21 my friend who also appeared in the video. I didn't dare to stay  
22 there because I was afraid that <all> my family members would be  
23 killed. <So I left. My life was very bitter.>

24 Q. Until the third night that you were mistreated and you made  
25 mention that you was very young at the time, and my apology if my

1 word is rather rude. Can I ask whether you had your period yet  
2 before you got married?

3 [15.10.05]

4 A. I was very young. I did not know what period even meant or  
5 whether I was mature.

6 I did not have period <yet at the time.> After I was raped, but I  
7 bled for over a month. I drank some herbal medicine that my  
8 mother found for me. <And the bleeding stopped and then I left  
9 her.>

10 Q. How long did you live with your mother until you left her?

11 A. I ran to my mother and I stayed with her for only about two  
12 hours. After she cooked the leaves of a pumpkin, she gave it to  
13 me, I drank it, then I had to leave because I was afraid that  
14 <militiamen> would caught me there and then my parents and  
15 siblings would be killed. <So I stayed there for two to three  
16 hours and then I left.>

17 Q. Did you know that militia followed you before or after you met  
18 your mother?

19 [15.11.35]

20 A. I did not know whether the militiamen went to my mother's  
21 house after I had left since I had no contact with my mother at  
22 all after that. I was not allowed to live with my mother  
23 <because> my mother was fearful of her life <>.

24 Q. What about after the fall of the Khmer Rouge Regime; did your  
25 mother tell you if militiamen came to look for you at her house?

1 A. I did not meet her from the day that I left until the time the  
2 regime fell.

3 Q. So after the fall of the regime and you said that you met your  
4 mother, did your mother ever mention that militiamen followed you  
5 to her house?

6 A. Yes, there was, but I did not want to talk about what happened  
7 during the regime. She said that after I got married and <a>  
8 militiaman came to <take> someone <away to be killed>, however,  
9 that person had a knife then killed that militiaman <named Kho  
10 (phonetic)>. And she said that if <had that person> not killed  
11 that militiaman then my mother would <have> died.

12 <> Comrade Kho (phonetic) died, <but I did not know where he  
13 died. I only heard from my mother that Comrade Sat (phonetic)  
14 stabbed that militiaman to death> because when the militiaman  
15 came to look for me, <he took someone away to be killed> then  
16 there was a fight between the militiaman and that man and then  
17 the militiaman was stabbed <on his chest and on> the side of his  
18 rib and, as a result, he died.

19 [15.13.50]

20 Q. You spoke about someone named Sat (phonetic). Are you  
21 referring to your husband because I heard you say that someone  
22 who <fought> back the militiaman, named Sat (phonetic). Do I  
23 understand you correct?

24 A. He was at the <commerce> section. I only knew his name and my  
25 mother mentioned his name and that he stabbed Kho (phonetic) to

1 death; otherwise, my mother would <have> died. That's what my  
2 mother told me in person.

3 Q. Can you tell the Chamber when you were forced to get married,  
4 because I did not ask you earlier? That is, how long was it  
5 before the regime fell?

6 A. I do not understand your question. Please rephrase it.

7 [15.15.09]

8 Q. Until the arrival of the Vietnamese, that is, after the fall  
9 of the Khmer Rouge regime in 1979, how long had you been married?  
10 That is how many months you had been married, before 7 January  
11 1979?

12 A. I got married in the later part of the year where the  
13 Vietnamese entered the country, <had it been in the beginning of  
14 the year, I would have died,> and I did not know how many months  
15 exactly because I did not have a calendar or a watch or a clock  
16 to refer to. I could say that it happened five or six months  
17 before the arrival of the Vietnamese.

18 Q. Thank you. I will spend about five more minutes and then I  
19 would cede the floor to the Co-Prosecutors.

20 Madam Civil Party, can you tell the Chamber what you did during  
21 the Khmer Rouge regime?

22 A. During the Khmer Rouge regime, after I left my mother, I was  
23 placed in a children's unit. Then they said that I was mature  
24 enough, so I was transferred to a mobile unit and two or three  
25 months after I was in the mobile unit -- and here it is an

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1 estimate only that I was in a mobile unit for about three months  
2 -- I was required to mix <excrement fertilizer and> cow dung  
3 with water in order to make fertilizer. <I did not follow the  
4 instruction because it was too dirty, the excrement was full of>  
5 worms in there and I did not want to use my hands to stir to mix  
6 it with water, and they scolded me that why I used a piece of  
7 wood to stir the cow dung with water. <They said how dared I  
8 refuse to do what the Party instructed me to do.> And <Comrade  
9 Om> actually hit me with the head of a hoe on my head and there  
10 is still a scar here. <My legs were rotten as the effect of the  
11 excrement fertilizer.>

12 [15.18.00]

13 <> Sometimes I fell while I walked. Comrade Oeun had a horse and  
14 he was on a horseback and sometimes he whipped me <when I walked  
15 slowly as my legs were hurting> and I fell onto the ground at the  
16 rice field <and he rode the horse away>. And I asked why I was  
17 whipped and he said that it just pleased <him>.

18 <> I have a scar on my head and scars on my leg as well.

19 Q. I'd like now to move to another topic, that is in relation to  
20 your uncle and your grandfather.

21 Can you tell the Chamber what happened to them, that is, your  
22 grandfather, your uncle and your father?

23 [15.19.10]

24 A. My father was a former soldier. As for my grandfather, he  
25 worked in the royal palace and his house was at Chbar Ampov. My

1 father was a former soldier. He was sent to fight from Prey Khmer  
2 area to Pursat province.

3 Q. What happened to them? Did they survive?

4 A. No, I don't see them anymore. They were evacuated to Pursat  
5 and then to Khnar Totueng commune. They used a motor-driven  
6 loudspeaker to make an announcement that former soldiers and rank  
7 soldiers should wear their uniforms and they would be driven to  
8 Pursat in order to have their positions re-instated. Other former  
9 officers, including people who worked in the royal palace, should  
10 say so and they would be sent to return to their previous work.

11 <My grandfather was the first to raise his hand. I was pretty  
12 young at the time.>

13 And that's what my father did. My father also wore his military  
14 uniform and I wanted to go along with him as well, but my mother  
15 <pulled> me <back>. <My uncle knew what was happening.> So he was  
16 taken away. He was put on a truck heading to the south direction  
17 <while my grandfather was heading north,> and I did not know  
18 where <they> was taken to.

19 [15.20.59]

20 MR. PICH ANG:

21 I don't have any further questions for you, Madam Civil Party,  
22 and I thank you for answering my questions.

23 And, Mr. President, I don't have any further question for this  
24 civil party.

25 MR. PRESIDENT:

1 I thank you, and I'd like now to give the floor to the Deputy  
2 Co-Prosecutor to put the questions to the civil party.

3 [15.21.22]

4 QUESTIONING BY MR. BOYLE:

5 Thank you, Mr. President. Good afternoon, Your Honours. Good  
6 afternoon, Counsel, and good afternoon, Madam Civil Party. My  
7 name is Andrew Boyle and I'm going to be asking you some  
8 questions on behalf of the Co-Prosecutors this afternoon.

9 Q. I will probably be asking you one or two questions about some  
10 of the video clips that we saw. I'm going to try not to play  
11 those clips again in the interests of time.

12 But could you please tell the Court how you got involved with the  
13 making of the film, "The Red Wedding"?

14 MS. PEN SOCHAN:

15 A. Before I participated in the filming process, I was  
16 interviewed by a civil party lawyer about my marriage while I was  
17 young under the Khmer Rouge regime.

18 Q. And was it your civil party lawyer that introduced you to the  
19 documentary makers that made the film?

20 A. No. I lodged my victim information form and maybe because the  
21 information that I mentioned, that I was young when I was  
22 married, then they came to engage me in the filming process. <I  
23 lodged my victim application before I was filmed.>

24 Q. And what made you want to participate in that documentary  
25 film?

1 [15.23.35]

2 A. It was my wish that I wanted to do so and that's due also to  
3 the deaths of my siblings, my grandfather and my father. I lodged  
4 my complaint through my civil party lawyer, Soworn, and later on,  
5 people came to seek my permission to take part in the documentary  
6 filming; <I agreed to it> and that's what happened.

7 Q. Thank you. You mentioned that you were 15 or 16 years-old when  
8 you were married. Do you know how old the person that you were  
9 married to, Tak Sat, was at that time?

10 A. I know that he was 25 years-old and I was, myself, around 15  
11 or 16 years-old.

12 Q. And did you know your husband before you met him on the day of  
13 your marriage?

14 [15.25.10]

15 A. No, I did not. I never saw him and I did not know where he  
16 worked.

17 During the regime, men and women were not allowed to stay  
18 together or work together. In fact, he worked about three  
19 kilometres away from where I worked.

20 Q. And can you explain to the Court -- you've touched upon this a  
21 bit already -- but explain to the Court why it was that you got  
22 married to a man that you didn't know on that day?

23 A. I made my protest but I was told that it was the decision by  
24 Angkar. Despite the fact that I did not want to get married, I  
25 had to.

1 Q. In your earlier testimony to the civil parties, you mentioned  
2 that you would be -- that you had been threatened with  
3 re-fashioning, if you did not participate in the marriage.

4 I'd like to read to you a portion of a statement in the civil  
5 party application you made. This is E3/6034B, English, ERN  
6 01143732; Khmer, 01049458. You stated:

7 "I was forced to get married. If I refused, I would be taken to  
8 be killed. Om and Oeun forced me to get married."

9 Can you clarify for the Court, were you threatened with being  
10 re-fashioned, being killed, or both?

11 A. At that time, Om said to me that the historical wheel moved  
12 forward and that I could not stop it, otherwise I would be a bad  
13 example. For that reason, I had to get married otherwise I would  
14 be dead.

15 [15.27.54]

16 Q. Do you know of others who were threatened with punishment or  
17 who were actually punished for refusing to -- or indicating that  
18 they would refuse a marriage that had been arranged for them?

19 A. A day after we got married, all the 12 couples slept in the  
20 same long building and I noticed that one woman named Kom  
21 (phonetic) whose husband names Muth (phonetic) were called. When  
22 they were called, she wept and hugged me, <she said> that they  
23 did not consummate the marriage and that they would be killed.  
24 She slept next to me and she left while leaving her clothing  
25 behind and I never saw her coming to pick up her belonging. And

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1 that's what happened to that couple.

2 And about three days later, <another> couple disappeared and,  
3 subsequently, every three or four days a couple disappeared and I  
4 did not know what happened to them. Rumour says they were sent to  
5 be re-fashioned at <Veal> Kuang (phonetic) and that's what <Om>  
6 also mentioned in the video clip.

7 [15.29.28]

8 Q. And how about anyone else? You just talked about an example of  
9 someone being taken away for failing to consummate the marriage.  
10 Do you know of anyone else?

11 You indicated earlier, that you initially refused the marriage  
12 and were threatened, do you know of anyone else who initially  
13 refused a marriage and was threatened or actually had some action  
14 taken against them?

15 A. During the Khmer Rouge regime, the punishment that I saw was  
16 that I saw people being beaten <and killed>. People were being  
17 dragged behind horse cart. <I saw that.> I was young and I did  
18 not dare to <ask and> say anything.

19 And during the meeting, we were reminded that anyone who was  
20 stubborn or who interrupted the moving forward of the historical  
21 wheel would <face the same fate like those who were made as  
22 examples>. And we did not dare to ask the reason behind such a  
23 warning. We did not have any rights to ask them any question.

24 [15.30.50]

25 Q. I understand. You have discussed a few individuals and we've

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1 seen some of those individuals in the video tapes. I just want to  
2 clarify, in part because there might have been some confusion  
3 with the male and female pronouns that were used in the English  
4 translation, at least.

5 My understanding is that the unit chief of your unit was the  
6 woman who we saw in the video and her name is Om. Is that  
7 correct?

8 A. Yes, Om was a woman.

9 Q. And she was your unit chief. Is that correct?

10 A. Yes.

11 Q. And the man that we saw in the video clip that was played was  
12 Oeun and Oeun was above Om. Is that correct?

13 [15.32.15]

14 A. Yes, he was above Om.

15 Q. And you also gave testimony earlier that you received  
16 information from Oeun that you should talk with Roem (phonetic)  
17 about the orders that were received regarding marriages. And my  
18 understanding that Roem (phonetic) was the Bakan district chief  
19 and was a woman. Is that correct?

20 A. Yes, she was in charge of a number of cooperatives. She was  
21 the chief of the district. She was perhaps in charge of four or  
22 five cooperatives.

23 At that time, I was still young, <I did not know what she did.> I  
24 <was told> that I should ask Comrade Roem (phonetic). <So I knew  
25 her.> I went to ask her at her house.

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1 Q. And it was Comrade Roem (phonetic) who indicated to you that  
2 she received orders from Ta Mok. Is that correct?

3 A. Yes. She said that if I wanted to know in details, I should go  
4 to ask Ta Mok, <that I should exhume his body and ask for the  
5 reason behind it because it was his order>.

6 Q. Did she indicate to you that she received instructions from Ta  
7 Mok regarding marriages in Bakan district?

8 [15.34.38]

9 A. She did not speak good words with me and she did not admit her  
10 wrongdoing. She said that she also came to testify in this Khmer  
11 Rouge Tribunal <as a civil party>. <Her statement can be found in  
12 the video clip.>

13 Q. Do you know of any other names that Yeay Roem (phonetic) -- or  
14 Yay Rim (phonetic) goes by?

15 A. I do not know because at that time I did not pay attention to  
16 it.

17 Q. In one of your civil party forms, this is E3/6034A, English,  
18 ERN 00873734; French, 01140085; and Khmer, 00579598; you state:

19 "Those who forcibly ordered us were Ny, Oeun, At and Om."

20 I'm interested in the individual who you identify as At and who  
21 is identified in the application as female. Is it -- does that  
22 reference to a woman named Sek Sam At (phonetic) alias Yeay Rim  
23 (phonetic), chief of Bakan district?

24 [15.36.34]

25 A. At was her messenger. At was Roem's (phonetic) messenger. I

1 took the messenger along with me and she said that she did not  
2 know that person named At.

3 Q. Did you know whether any of the other 11 couples who were  
4 married on the same day as you, knew each other before the day of  
5 the marriage?

6 A. As I said earlier, that we did not know each other because the  
7 <female> unit was about three kilometres away <from> the male  
8 unit, <it> was distant <from each other>. <We did not know each  
9 other, nor did we like each other, and> we were not informed  
10 about whom we were to marry to. <They did not tell me that,  
11 "Comrade Chan, you are to marry Tak Sat. Are you okay with  
12 that?"> We simply put to sit down, <> pair-up with each other  
13 <and we were supposed to eat rice, porridge together>. <At 5  
14 o'clock,> for <> those who did not get married, they ate the  
15 porridge, but for those who were pair up to married, we did not  
16 <get> to eat the porridge. <We were given 25 cans of rice to eat  
17 for the whole unit, and there were 42 people in my unit. In a  
18 large pan, we cooked only two cans of rice. On the day we had to  
19 get married, we did not even know. And after the marriage, we did  
20 not even get to eat rice.>

21 Q. You've told us this afternoon that you have -- you initially  
22 refused the marriage and were threatened; that at the time you  
23 were young and scared and that you had no feelings for the  
24 individual who you got married to.

25 Can you describe for the Court your feelings at the time of the

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1 marriage? How did you feel about the marriage?

2 [15.39.05]

3 A. On that day because I was still young, I was easily

4 intimidated. I was told that <if> I went there, <I would get

5 enough rice> to eat <and I would get clothes as well. My hands

6 and legs were rotten, I went there because> I wanted <> clothes.

7 But <when I went there,> they did not distribute <> clothes <>,

8 <I saw people were standing in rows already. I did not know who

9 were matched with whom. Both the male and the female side wept.>

10 Every one of <the 12 couples including me> who were paired-up to

11 get married on that day were not informed beforehand. <If someone

12 had known it beforehand, I would have known about it because we

13 were working together, we would have talked about it.>

14 And among the people at the wedding venue, <at 5 o'clock,> those

15 who did not get married had the time to eat porridge, but for

16 those of us who were paired-up to get married did not <get to>

17 eat the porridge <because we were required to get married first>.

18 <So we did not get to eat anything. After the marriage, we were

19 required to go to sleep. I went to ask for porridge -- in the

20 video clip, there's a scene where Bong Om said, "Where do I get

21 it from when they did not give it?" I said,> "I <am> so hungry,

22 <I did the> work, <why am I not given any rice to eat?" I was

23 told that, "It's already gone, where can I get it for you?" So, I

24 did not have any right to object to it.>

25 [15.40.30]

1 Q. And what were your emotions regarding the marriage itself? For  
2 example, were you happy, sad, excited, scared, any types of  
3 emotions that you remember feeling at that time?

4 A. At that time, they did not use the word "marriage". They used  
5 the words "arranged family". <Whichever row you were sitting in,  
6 you were matched with whoever was sitting in the same row as you.  
7 I did say that I did not want to go, I did not want a husband and  
8 that> I was <too> young. <Comrade Om said, "So what if you are  
9 young. Are you mature to get married yet?" I responded to her -->  
10 and as I told you earlier about our conversation with her <-->, I  
11 asked her "What do you mean by <being> mature enough to get  
12 married? <I do not know what that means.>"

13 Q. I believe you said earlier that on the first night when you  
14 were made to stay with your husband, you were tied up and beaten.  
15 Is that correct?

16 A. On the first night I was not tied up, I was only beaten and  
17 <he> tore my clothes <off>. <I said that already. Like I said, my  
18 clothes were torn off and I sit up and begged him.> I tried to  
19 <resist him. It was a long night,> and then at 2 a.m., the  
20 whistle was blown as the signal to people to gather up to go to  
21 work. <So I went to stand in line. That day, I did not get to  
22 eat, nor sleep.>

23 Q. And you mentioned earlier that your husband received  
24 instructions to forcibly consummate the marriage. Did that occur  
25 on the first night?

1 [15.43.09]

2 A. Yes, it happened from the first night.

3 Q. And who gave him these instructions?

4 A. It was the militiamen. The five militiamen.

5 Q. And you overheard them giving these instructions?

6 A. At that time because I was too terrified, I could hear only  
7 some of what they said.

8 Q. Can you tell the Court what they -- what you were able to  
9 overhear them saying?

10 A. I <>heard that if couple held each other's hand, <they did not  
11 use the word marriage, they said if we got to held each other's  
12 hand, we were considered> husband and wife, <and that my husband  
13 had to successfully rape me. That was all I heard>, I was  
14 <already trembling like a mouse>. <I was rather young at the  
15 time. I could not recall the exact time it happened.>

16 [15.44.41]

17 Q. You mentioned earlier that part of the reason on the first  
18 night you knew that militiamen were listening and spying on you  
19 was that you could see through the walls of your hut. Am I to  
20 understand that you were able to see the militiamen standing  
21 underneath or near the hut where you were staying with your  
22 husband?

23 A. Yes, the hut was built lowly, <so they were not standing below  
24 it. They were standing near the wall> and the wall had holes, <we  
25 did not care to cover it properly,> so we could see from the

1 inside to the outside.

2 Q. And did I understand your testimony correctly earlier that on  
3 the following day, Om talked to you, your unit chief, and told  
4 you that the militiamen had informed her that you had not  
5 consummated the marriage?

6 A. Yes, the militiamen went to tell Comrade Om to have me  
7 re-fashioned.

8 Q. You mention that you were also beaten and your clothes were  
9 torn on the second night? I think that also happened in relation  
10 to attempting to get you to consummate the marriage?

11 [15.46.35]

12 A. Yes. <He> beat me for the purpose of forcing me to consummate  
13 the marriage, but <his> attempt was not successful, <even on the  
14 second night,> because my <> uncle begged for mercy from <him>,  
15 that I had worked hard during daytime and if at nighttime, I was  
16 <beaten like this>, I would not survive. <Tak Sat actually  
17 listened to him and he slept near my uncle that night while I  
18 came to sleep near my uncle's wife. So I was spared the second  
19 night as well.>

20 Q. Was your husband -- or were you aware of your husband being  
21 called to any sort of meeting before you spent the second night  
22 together?

23 A. In the morning, the men went to work at the men's work site  
24 and the women they went to work with their respective <female>  
25 unit. <I did not know whether he was re-fashioned or whether he

1 was mistreated> because <our working> places were about two or  
2 three kilometres away.

3 [15.47.54]

4 Q. Perhaps my question was unclear. Allow me to read you a quote  
5 from one of your civil party documents. This is E3/6034B,  
6 English, ERN 01143726; Khmer, 01049450; this is what you stated,  
7 Madam Civil Party:

8 "But on the second day, they called my husband to a meeting. Upon  
9 his return, he forced me. When I refused, he slapped my face and  
10 tried to force me. I tried to run to my uncle." Etc., etc.

11 Does that refresh your memory about your husband being called to  
12 a meeting and that it was after this meeting that he returned and  
13 slapped you and attempted to force you to consummate the  
14 marriage?

15 A. At that time, I said so but I covered two points in my talk. I  
16 did not say that I witness him being <re-educated or advised  
17 about anything because our work places were not close to each  
18 other, but when he came back, he mistreated me>. So that was what  
19 I said in my application. As I said earlier, that I was not aware  
20 whether he was mistreated or not.

21 Q. Thank you for that clarification. You mention that on the  
22 third night after you -- that during your rape, the militiamen  
23 were watching you. You also stated that they said something to  
24 you to the effect that you could now produce children for Angkar  
25 and they laughed.

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1 My question is whether -- and this might seem a strange question  
2 -- but did any of the militiamen at any point attempt to take any  
3 action to protect you while you were being raped or after you had  
4 been raped?

5 [15.50.30]

6 A. No, they did not. They stood and watched as the incident  
7 unfolded and they laughed and then they walked away. And they  
8 said before they left that that was the way things should go,  
9 that <we were producing> children for Angkar, <they laughed and  
10 then they walked away>.

11 Q. You said that after you ran to your mother's house, she told  
12 you to return because if not your siblings and parents would be  
13 killed. Did she also indicate that she thought you would be  
14 killed if you did not return to your husband?

15 [15.51.30]

16 A. At that time, I said so, <because I ran to my mother> --

17 MR. PRESIDENT:

18 Madam Civil Party, please hold on. Defence Counsel for Khieu  
19 Samphan.

20 MR. KONG SAM ONN:

21 I would like to object this question because this question is  
22 hypothetical question.

23 MR. BOYLE:

24 I believe there must have been some sort of translation error in  
25 Khmer.

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1 I'm not asking any hypothetical -- I was referring to the civil  
2 party's prior testimony that she gave that her mother indicated  
3 that her -- if she did not return to her husband, that her -- the  
4 civil party siblings and parents would be killed. And I was  
5 asking whether at that time the mother also said that she, the  
6 civil party, would be killed. I'm not asking any sort of  
7 hypothetical question.

8 JUDGE FENZ:

9 Yes, in English it's clear. There is no hypothetical involved and  
10 I additionally believe that the question has already been  
11 answered before the objection was raised.

12 BY MR. BOYLE:

13 Q. Madam Civil Party, at the time that your mother indicated that  
14 you should return to your husband, after you had been raped, did  
15 she indicate that your own life was also in danger if you did not  
16 return to your husband?

17 [15.53.18]

18 MS. PEN SOCHAN:

19 A. Yes, she told me that. I told her that I had not eaten rice  
20 yet and she <boiled pumpkin leaves with salt> for me to eat. I  
21 finished that soup and I saw my siblings were sleeping. I felt  
22 pity for them so I <had to leave> the house <that night to go to  
23 my friend>. <She did tell me to leave.> I did not make any  
24 hypothetical statement.

25 Q. And do you know why your mother feared that you, your

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1 siblings, and your parents would be killed if you didn't return  
2 to your husband?

3 A. <Yes, she knew that because her husband had been gone. She  
4 said she and my siblings were still there and since no one else  
5 knew about me being there, I should leave for the moment. She  
6 said she did not even know about my marriage. She told me to  
7 leave and I did.>

8 [15.54.34]

9 MR. BOYLE:

10 I'm sorry, I didn't -- I didn't receive any translation.

11 JUDGE FENZ:

12 We didn't have a translation in English. Is the mic on?

13 MR. BOYLE:

14 I can try -- the microphone was on, it just didn't translate.

15 (Short pause)

16 [15.55.27]

17 JUDGE FENZ:

18 I don't think that's the problem. She has talked but we didn't  
19 get an English translation.

20 Civil Party, can you hear me? Civil Party, do you hear me? Still  
21 no translation. I know she said--

22 MS. PEN SOCHAN:

23 <There's no> error. Everything is clear.

24 BY MR. BOYLE:

25 Q. Thank you, Judge Fenz. So I'll ask my last question again

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1 because I didn't hear the answer.

2 You -- I was asking why -- if you knew why your mother was  
3 fearful that members of your family would killed, including  
4 yourself, if you did not return to your husband?

5 [15.56.35]

6 MS. PEN SOCHAN:

7 A. She was scared because she had lost her husband and her  
8 <elder> siblings. Those people disappeared and never returned, so  
9 she advised me that I should not bring trouble to the family  
10 because the family had lost <some> members <including the father>  
11 already.

12 I told her that I was hungry, <I would just like something to eat  
13 then>, so she went to cut some <pumpkin leaves that night> and  
14 <boiled it with salt>, but she <had to> make sure that there  
15 would be no smoke coming out and seen by other people. <So before  
16 she cooked it, she went to find a piece of corrugated tin to  
17 cover the fire. She was afraid the militiamen were coming after  
18 me.>

19 And after she had finished the cooking, she gave the soup to me  
20 to eat, <there was no porridge or rice to eat the soup with.

21 After I ate it,> I told her that the soup was very delicious. And  
22 after I finished the soup, <I drank some water and then> I left.

23 I did not know where I would go. I went to meet some of my  
24 friends. <My friends were actually in the video clip.>

25 Q. You mentioned in the clip, the third clip, sorry clip number

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1 3, that was played by the civil party lawyer, quote, you stated:  
2 "The third night if you didn't get along, they arrested you and  
3 hurt you. You were tortured at Phum Veal or Veal Thvang, for  
4 example."

5 You also mentioned one of those locations in regards to a threat  
6 that you received concerning getting married, just a few moments  
7 ago.

8 First want to ask you, had you heard of those locations before  
9 when you heard them in the context of that threat?

10 A. At that time, I was young. I was in the children unit and  
11 later on in the <mobile> unit. I did not <hear about> that  
12 location <before>, but during the video filming, <I asked the  
13 person about the disappearance, I was told of Veal Kuang  
14 (phonetic)> and Phum Veal <>. <However, I never saw it before.> I  
15 only knew during the video filming, and then the two locations,  
16 <where people were killed,> were mentioned in that video clip. <I  
17 heard> it was from Comrade Om.

18 [15.59.42]

19 Q. I'd like to read to you a statement, a record of interview,  
20 this is E3/9832. It's an OCIJ statement of a former militiaman  
21 from Bakan district, and he states at answer 46 that:

22 "The district's educational office was located at Thvang".

23 And at Answer 291, that:

24 "Veal Thvang was located located in Bak Chenhchien village."

25 Do you recall, or does that refresh your memory, about hearing

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1 about a district educational office during the Khmer Rouge  
2 period?

3 A. During Khmer Rouge regime, I did not hear about the name Veal  
4 Kuang (phonetic) at that time. I only knew that when I was  
5 accused of committing wrongdoing, I was punished by carrying 12  
6 cubic metres of <soil>. <But because I was so young, I could not  
7 complete that quota.>

8 [16.01.09]

9 Q. I'd like to read to you another quote. This is an excerpt of  
10 an interview with Kol Set who was a Khmer Rouge commune  
11 militiaman from Bakan district who was based in Bakan village.  
12 And he described in his OCIJ interview, E3/9821 in answer 114, he  
13 stated as follows:

14 "They ordered me to go around and listen and investigate the new  
15 married couples and then I had to report to them. They wanted to  
16 know who talked about Angkar and who refused to sleep together  
17 after their marriage."

18 Do you know of this district, Damnak Kansaeng, where this  
19 militiaman was located? I apologize. It was a commune, Damnak  
20 Kansaeng.

21 A. Yes, there were a place called Damnak Kansaeng, but it was not  
22 a commune, it was a village, Damnak Kansaeng village.

23 Q. Do you--

24 A. During Khmer Rouge regime, I don't know whether it was a  
25 commune, but at the present time it was not a commune, it was

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1 Damnak Kansaeng Village. I did not have any idea of whether it  
2 was a commune or village during DK regime.

3 [16.03.02]

4 MR. BOYLE:

5 Thank you, Madam Civil Party. I appreciate you answering my  
6 questions today. I see that my time is up. Thank you, Mr.  
7 President.

8 MR. PRESIDENT:

9 Thank you. It is now convenient time for the adjournment.  
10 The Chamber will resume its hearing tomorrow, Thursday, 13  
11 October 2016, at 9 o'clock.

12 The hearing tomorrow, the Chamber will conclude the hearing of  
13 the testimony of this civil party and the Chamber will also hear  
14 the testimony of 2-TCW-960.

15 [16.03.53]

16 Madam Sochan, the hearing of your testimony as a civil party has  
17 not yet concluded. You are therefore invited to come back  
18 tomorrow at 9 a.m.

19 Court officer, in collaboration with WESU, please make transport  
20 arrangements to send Madam Sochan to where she is staying and  
21 bring her back to the courtroom tomorrow at nine.

22 Security personnel are instructed to bring Khieu Samphan and Nuon  
23 Chea back to the detention facility and have them return to the  
24 courtroom tomorrow morning before nine.

25 The Court is now adjourned.

1 (Court adjourns at 1604H)

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