



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

11 October 2016  
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**ឯកសារដើម**  
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ថ្ងៃ ខែ ឆ្នាំ (Date): 09-Dec-2016, 14:22  
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Before the Judges: NIL Nonn, Presiding  
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I N D E X

Ms. Peggy LEVINE (2-TCE-81)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Ms. LEVINE (2-TCE-81)	English
The President (NIL Nonn)	Khmer
Mr. SENG Leang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of the expert, Ms.

6 Peg LeVine.

7 Mr. Em Hoy, please report the attendance of the parties and other

8 individuals to today's proceedings.

9 [09.02.44]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case

12 are present.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has

14 waived his rights to be present in the courtroom. The waiver has

15 been delivered to the greffier.

16 The expert who is to continue her testimony today, Ms. Peg

17 LeVine, is present in the courtroom.

18 Today, we have a reserve civil party, that is, 2-TCCP-298.

19 Thank you.

20 [09.03.33]

21 MR. PRESIDENT:

22 Thank you, Mr. Em Hoy. The Chamber now decides on the request by

23 Nuon Chea.

24 The Chamber has received a waiver from Nuon Chea, dated 12

25 October 2016 (sic), which states that, due to his health, that

2

1 is, headache, back pain, he cannot sit or concentrate for long.  
2 And in order to effectively participate in future hearings, he  
3 requests to waive his right to be present at the 12 October 2016  
4 (sic) hearing.

5 Having seen the medical report of Nuon Chea by the duty doctor  
6 for the accused at the ECCC, dated 12 -- let me <correct> it. It  
7 should be 11 October 2016, which states that Nuon Chea has a  
8 constant lower back pain and it becomes severe when he sits for  
9 long and recommends that the Chamber shall grant him his request  
10 so that he can follow the proceedings remotely from the holding  
11 cell downstairs.

12 Based on the above information and pursuant to Rule 81.5 of the  
13 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
14 follow today's proceedings remotely from the holding cell  
15 downstairs via an audio-visual means.

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

19 And before I hand the floor to the defence counsel for Khieu  
20 Samphan, I'd like to hand the floor to the expert first to make a  
21 short observation. If you wish to do so, madam, you may have the  
22 floor.

23 [09.05.36]

24 MS. LEVINE

25 Thank you, Mr. President.

3

1 I just wanted to clarify my status for the records. It came to my  
2 attention this morning that my status was listed as Mrs. Peggy  
3 LeVine. I don't hold the status of Mrs. I'm not a married person,  
4 so I wanted to clarify that and please ask that that change be  
5 corrected, and also that a capital V be added into my name.  
6 That's less important to me than my first request.

7 MR. PRESIDENT:

8 Thank you for the information.

9 And again, I hand the floor to the defence counsel to continue  
10 questioning the expert.

11 And please, inform the Chamber how you coordinate the time  
12 between <Khiev Samphan Defence> and the defence team for Nuon  
13 Chea.

14 And can you also tell the Chamber, that is, Nuon Chea defence,  
15 when you wish to question the expert?

16 [09.06.58]

17 QUESTIONING BY MS. GUISSÉ RESUMES:

18 Thank you, Mr. President. As I pointed out yesterday, we are  
19 working as we do usually. <Which is to say,> when the witness is  
20 called by the Defence, we will start and the Nuon Chea team will  
21 examine the witness at the end <once> all the parties <have>  
22 examined their witness, so we'll have 20 to 30 minutes more  
23 <depending on how I move along.> So <this morning I will try to  
24 finish>, at the very most, in 40 minutes <or less if that's  
25 possible> in the time allotted to us.

1 Q. Good morning, Ms. Peg LeVine. As you've understood, we don't  
2 have much time to put questions to you before the others take the  
3 floor. There are many things I would like to discuss with you and  
4 I will not be able to do so. In any case, I would like you to  
5 make some clarifications.

6 I've understood that in the scientific approach you followed <--  
7 that's the term I'll use for it>, you made it a point of duty not  
8 to proceed with a bias on forced marriage since you had already  
9 heard about it before your study. And you made it a point of duty  
10 to make sure that those interviewed used their own words in  
11 characterizing their marriages.

12 [09.08.26]

13 So my first question to you is as follows. Can you tell us, as  
14 part of your study, how many people and what percentage of your  
15 sample told you that they were victims of forced marriage?

16 That is my first question, and I'll have some follow-up questions  
17 for you.

18 And was that term used <spontaneously> at any point in time by  
19 the persons concerned?

20 MS. LEVINE

21 A. In my entire sample, the word "forced" was never used.

22 [09.09.16]

23 Q. I would like to follow up on something you said yesterday in  
24 passing, and I saw it as I looked at my notes.

25 Yesterday, you stated that people felt shame in using the word

5

1 "forced marriage". My question is as follows. Does it mean that  
2 it was some kind of defence mechanism, and that is why they  
3 didn't use that term? <Or that,> quite honestly and  
4 intrinsically, they did not consider their marriages as forced  
5 marriages? <I'm not sure if you understand the nuance.>

6 In other words, is it something they heard from others outside  
7 and they rejected it <completely> because they considered that  
8 they were not victims of forced marriage? <Or because they did  
9 not like that label?>

10 A. I'll just clarify a little bit more finely about my statement  
11 about the word "shame".

12 It was not until after the word "forced" became an agenda at the  
13 ECCC -- let me state that differently.

14 It was after the word "forced" became an agenda item to be  
15 evaluated at the ECCC that people began to feel as if they were  
16 ashamed to tell their children about where and how they were  
17 married. That's the first part of my answer to your question.

18 And secondly, they did not change their interpretation of their  
19 weddings as being authentic, but they were concerned about how  
20 public they could be given the context of media representation of  
21 their weddings.

22 [09.11.43]

23 Q. Very well. If I understand you correctly, it was the image  
24 projected of their marriages that posed a problem, and not the  
25 circumstances under which their marriages had been organized.

6

1 Have I properly understood your testimony?

2 A. Yes, that the shame factor became an artefact of the  
3 representation of their weddings in the media, particularly  
4 probably 2004 onwards. Again, I tracked my respondents,  
5 especially in that first very dense sample, for a very long  
6 period of time, some for five years, so I could track their shift  
7 in their orientation and perceptions of the definition of their  
8 weddings.

9 [09.12.47]

10 Q. I have a question which is related to what you may have heard  
11 regarding arranged marriages before 1970. When you interviewed  
12 those persons before the notion of forced marriage was in the  
13 public domain, were the persons you interviewed who were married  
14 <during> Democratic Kampuchea, aside from the ritual elements --  
15 <an important element,> and I'm sure people will deal with that  
16 later. Did people make any distinction between the fact that it  
17 was Angkar <or their parents> that had made the decision or  
18 chosen their spouse? Was that something that emerged from your  
19 interviews?

20 Was there a significant distinction in the manner in which people  
21 spoke of their marriages, the fact that it was rather a village  
22 chief who chose their spouse for them or someone from their  
23 family? Since you pointed out at the outset that marriages, in  
24 any case, were not just product of a choice by two persons, <but  
25 of> two families, or even a community.

7

1 Did you make any distinction in what the people felt regarding  
2 the fact that it was a village authority or someone else or the  
3 family that arranged the marriage in the way you felt vis-à-vis  
4 what people told you during those interviews?

5 [09.14.31]

6 A. Just to clarify because I may have understood the very  
7 beginning of your statement, you're wanting me to comment on  
8 those who I interviewed who were part of my formal sample set who  
9 were wed under DK; is that correct?

10 Q. Yes. Let us start with that. I put a lot of things in my  
11 questions, I do agree, but let us start with that.

12 A. What unfolded in my research in a way that was quite startling  
13 for me because I hadn't anticipated it was that the longer I was  
14 immersed in interviews and travel with my respondents, the more  
15 the way in which people talked about Angkar changed. And that  
16 seemed to be -- that seemed to be a significant factor in how  
17 they, themselves, experienced the arrangement of their weddings.

18 [09.15.44]

19 So I think what you're doing right now is introducing the role of  
20 Angkar in the weddings, and what I found as introduction to your  
21 question was that the way in which Angkar was being presented as  
22 an organization shifted in meaning the longer I spent time with  
23 people who talked about their weddings under Angkar. And Angkar  
24 became less an organizational feature and more of a mythological  
25 or metaphysical feature of their experiences.

8

1 Q. Indeed, in your thesis, you dwell at length on the different  
2 meanings of Angkar that emerged during the interviews of the  
3 various persons you interviewed. I'm referring here to pages 170  
4 to 178. That is document E3/1794, and the ERN in English is  
5 000482602(sic) to 000482610(sic). I will not have the time to  
6 quote all of the different meanings of Angkar that are given  
7 here, but this is what you say on page 175 of your thesis, <ERN>  
8 <00482607>, that is in English.

9 And you state that, decreasingly, Angkar was viewed in the  
10 <statements> of the persons you interviewed as an organization<,  
11 a party,> and that it <increasingly> was outside of the  
12 ideological framework. It was more of an entity that had power  
13 and <was identified with> a particular leader. <Sometimes,> it  
14 was something quite diffuse.

15 [09.18.21]

16 Can you tell the Chamber the definition of Angkar that came up  
17 most frequently in the -- in what emerged from the interviews of  
18 the persons you did interview?

19 A. Yes. I would like to digress for a brief moment just to  
20 explain the method by how I came to some of my conclusions.  
21 So the form that I submitted this morning that was requested  
22 yesterday for submission, I want to clarify, that was a data  
23 survey form. So how I came to that form, which has one question  
24 on it that all 192 of my respondents responded to, and the  
25 question was, "What is Angkar?" Not "who is" or "where is", but

1 "What is Angkar?"

2 I came to ask that question after analyzing for nearly five years  
3 all of those in-depth interviews and travels and film material  
4 from my ethnography. So that question emerged because I -- I  
5 didn't set out to -- I didn't set out to look for that; I  
6 discovered it. And then I decided to get more data and  
7 information on that, so I want to state that up front.

8 [09.19.53]

9 So this term I investigated across all of the respondents, I  
10 state on page 175 that 22 per cent of my respondents considered  
11 Angkar to be a leader in the sense that we see written in many  
12 historical texts, the leader of the organization or the  
13 organization, whereas from those 192 respondents, 48 per cent of  
14 them gave Angkar a metaphysical orientation.  
15 Now, as an anthropologist, I needed to understand that, so again,  
16 I didn't only look for content-based data. I had to look into the  
17 context and processes by which people came to tell me what they  
18 told me, again, that triangulation I used in my methodology.  
19 And so I went back into the literature to learn more about --  
20 while I was gathering evidence from respondents, about  
21 transformational spirits and the significance of a spirit-based  
22 Buddhist culture and how spirits protect people, how spirits  
23 transform and how spirits destroy.

24 [09.21.24]

25 I did a lot of -- a lot of in-depth research into that topic

10

1 because what was coming forward from the respondents was  
2 referring to Angkar as if it was a transformational force, that  
3 at any time Angkar could appear and destroy.

4 In fact, I had one couple in my first sample of 22 that began my  
5 investigation into Angkar. I went to their wedding site and then,  
6 afterwards, they wanted to take me to the woman's mother village  
7 because after they were married, they were told they could walk  
8 to the woman's mother's village and stay there for three nights.  
9 And when we were driving to the mother's village, I said to them  
10 -- because they walked for five hours that night after they got  
11 married to the mother's home. I said, "What did you talk about  
12 while you were walking to your mother's home?"

13 [09.22.29]

14 And they said, "We, we didn't talk about anything". And I said,  
15 "Because?" "Because Angkar could hear us."

16 And then I asked, "What did you think about?" "We did not think  
17 because Angkar could hear what we were thinking."

18 That was my moment of discovery in my first data set that led me  
19 to then investigate how people experienced and perceived -- this  
20 is a perception we're talking about; it's not a belief. How they  
21 perceived Angkar in their lives over time during DK and the --  
22 then I was -- of course, because I was investigating  
23 ethnographically the meaning of the weddings, I wanted to  
24 understand, well, what meaning did Angkar have for people during  
25 their wedding times.

11

1 So that is how I began to investigate this very interesting topic  
2 that still requires a lot more research.

3 [09.23.37]

4 Q. And that notion of Angkar leads me to logically ask questions  
5 on your research as regards the policies that you investigated on  
6 the issue of marriage, that is, the official policy of the <CPK>.  
7 They speak of Angkar as this almost metaphysical entity that  
8 emerged from the interviews you conducted.

9 My question is as follows. Apart from what you heard from those  
10 you interviewed, did you carry out any particular research on  
11 documents or any interviews of former leaders in order to know  
12 what the policy of Democratic Kampuchea on the issue of marriage  
13 was, <if there was one>?

14 And did you obtain any information in that regard and, if yes,  
15 what information did you gather?

16 A. Because it sat outside the domain of my methodology and I was  
17 quite a purist in conducting my research, I did not go into  
18 extensive investigation in that area. However, I did look to  
19 investigate, because of what came out of my study, the potency  
20 factor of Angkar.

21 And in doing that, I went -- I went to the Documentation Centre  
22 of Cambodia and spoke with members of staff there and was able to  
23 look at a collection of sayings by Angkar.

24 [09.25.25]

25 I spoke to Henri Locard, who was doing research in that area, and

12

1 I did a survey, if you will, of how Angkar was being presented by  
2 the regime publicly. And that just assisted in informing me all  
3 that -- all the contradictory experiences and perceptions and  
4 cognitive understanding of Angkar that people were carrying with  
5 them during the regime.

6 It was a very confusing time, a very confusing, if I can use the  
7 word, entity because no one knew where Angkar was. Was there a  
8 headquarters? If it was, where was Angkar? What did Angkar look  
9 like?

10 So at a time with so much chaos and so much upheaval and so much  
11 compromise to people's imaginations and so much fear, it's really  
12 quite reasonable to see how people would start then experiencing  
13 a particular kind of anxiety around this Angkar that had a  
14 particular force in and over their lives.

15 [09.26.50]

16 MR. KOUMJIAN:

17 Excuse me, Mr. President. I appreciate the answer of the witness.  
18 However, the question was whether she reviewed documents or spoke  
19 to leaders about the policy of the regime toward forced marriage,  
20 and it would be helpful to the examination if the witness answers  
21 the question asked.

22 Thank you.

23 BY MS. GUISSÉ:

24 Thank you, Mr. Prosecutor, for your intervention. I am examining  
25 the expert, and if she doesn't answer any of my questions, I

13

1 would myself ask her to answer the question. <I would rather not  
2 be interrupted during my interrogation.> And if there's anything  
3 to be clarified, I would be the right person to ask her to do so.

4 Q. Ms. LeVine, on the notion of Angkar and what you gathered in  
5 your research in that regard, I have understood that this was not  
6 part of your methodology. But in light of the <statements> you  
7 heard <or> the interviews you conducted <with people who may have  
8 mentioned> local authorities, did you have any interviews with  
9 persons who were in authority at the time of Democratic  
10 Kampuchea?

11 Did you have access to documents or instructions that may have  
12 been received on the issue of marriage in general?

13 [09.28.26]

14 MS. LEVINE

15 A. Thank you. And I apologize for not answering fully the  
16 question that you posed to me before.

17 I did not speak to leaders. I had access to leaders' names. I  
18 still have access to those names. But that -- to move in that  
19 pathway, given the parameters of the research and the purpose of  
20 my research around investigating the phenomenon underlying  
21 weddings had me stay within the boundaries of the methods that I  
22 set and the ethics and ethical board ruling that I had that I  
23 need to stay within the domain of. That -- to have done that  
24 would have fallen outside of the purpose of this particular --  
25 this particular study.

14

1 However, there's scope for someone to move that study forward. I  
2 think it would be a brilliant study for someone to do.

3 [09.29.31]

4 Q. Fine. So I understand from your answer that because this was  
5 not the topic -- <well, the way you approached the subject, that>  
6 you did not try to obtain official documents from the CPK.

7 So without any particular form of research, did you get wind of,  
8 through your research of the 12 moral commandments of the CPK and  
9 in particular, of commandment number 6 that refers to marriage?  
10 Is this something that you studied or is this something that  
11 someone spoke to you about during your interviews?

12 A. Of course I considered all of those principles because it was  
13 part of my literature review. Did people in my sample -- samples  
14 -- did my respondents refer specifically to any of those  
15 principles? No, they did not.

16 [09.30.38]

17 Q. I'm telling you this because the question is how the marriages  
18 were organized, <by whom> and how this was applied on the field  
19 and what were the instructions <from above> - if there were any--  
20 related to marriages. That is the central question in this trial,  
21 and <to attempt to> maybe have you react.

22 I don't know if you read other studies on that subject or heard  
23 other people speak about this, but when <expert> Nakagawa came to  
24 testify before this Court on 13 September, this is what she said.

25 A little bit before 3.06.47 in the afternoon, she said:

15

1 "I believe that there was a policy that was established in the  
2 upper ranks to organize collective marriages, but I do not have  
3 enough evidence to assert that there was a pre-established policy  
4 in order to organize forced marriages." End of quote.

5 So reacting to what the other expert said, based on your research  
6 and -- did you also note that there was a policy or <at least a  
7 movement> of organization of collective marriages?

8 That's my first question, and then I'll put my second question to  
9 you after that.

10 A. Because I mapped as much as I could my data across time and  
11 place -- one second, please. I just want to get a map that I have  
12 here.

13 [09.32.35]

14 Q. I believe that it's on page 8, Roman numeral VIII of your  
15 <thesis>, which we spoke about yesterday.

16 A. It's a different map that I brought in today. I'm sorry. I  
17 don't mean to be shuffling papers here.

18 I'll return to give you hard data on your question in a couple of  
19 moments.

20 Because I wanted to, yes, understand how the weddings happened  
21 over time and place, I noticed that in areas where weddings were  
22 not occurring, there were more purges being done by the Khmer  
23 Rouge. I even hesitate to give an interpretation about what that  
24 meant in its relationship to the weddings. But I think there was  
25 a relationship between the places in which there were purges and

16

1 the ways in which weddings were formulated more -- in a more  
2 sequenced way in certain regions, and then that sequencing seemed  
3 to have moved into the regions, particularly in the west,  
4 following purges that had happened. And they became -- again,  
5 because I tracked rituals, the rituals that were being  
6 reconstituted later on in the regime, '78 and '79, were much more  
7 reified than they were at the very beginning of the regime.

8 [09.34.21]

9 Now, having said that, the way in which those reified rituals  
10 were being enacted seemed to very much be correlated with the  
11 presiding commune leader, usually village leader, at the  
12 particular sites.

13 So in other words, some people had liberty in certain areas to go  
14 to a parent's house after a wedding; some did not. But there was  
15 still a period of time that they were given after the wedding to  
16 be together, albeit in some places, they were together for the  
17 rest of the regime, and in other places, they were together for a  
18 number of days and then they were sent to different places.

19 I think that depended on whether they came from mobile teams.

20 So it's very hard for me to answer your question as adequately as  
21 I would like because I was always trying to make things fit into  
22 a pattern to see if there was a policy from the top that was  
23 coming down.

24 What I think is, there was a general consensus at the top that we  
25 have a plan to do something here and the weddings are part of

17

1 that. How that was enacted seemed to vary so much across time and  
2 place initially at the beginning of the regime that it's hard to  
3 say that a policy had been established at the beginning of the  
4 regime.

5 [09.36.02]

6 It could be, and I hypothesized this -- I've been hypothesizing  
7 it more because I've been carrying on my research since this  
8 period, especially since I've had access to testimonial work at  
9 the Shoah Foundation in L.A. It seems to me as if a policy was  
10 being developed, but at the beginning of the regime, there was a  
11 flying by the seat of your pants policy. And there's a big word  
12 of mouth that happens in Cambodia. In Australia aboriginal terms,  
13 we call that song lines, where there are informal networks of  
14 communication about how things happen.

15 I think that informal song line process fed the development over  
16 time of the beginnings of a policy, but I can't say that I was  
17 able to discover one in my research.

18 [09.36.58]

19 JUDGE FENZ:

20 Sorry for interrupting. I hate to do this, but this is too  
21 unclear for me.

22 MS. LEVINE

23 I'm sorry.

24 JUDGE FENZ:

25 What kind of policy are you now referring to; policy for what?

18

1 MS. LEVINE

2 A policy for weddings.

3 JUDGE FENZ:

4 Generally, weddings. Without qualification, arranged, forced,  
5 nothing. Just weddings.

6 Thank you.

7 MS. LEVINE

8 (Microphone not activated)

9 [09.37.19]

10 MS. GUISSÉ:

11 The microphone was not on, so we didn't hear the expert's answer.

12 JUDGE FENZ:

13 My question is on record. Yes. Then please repeat the answer.

14 MS. LEVINE

15 Thank you for your question.

16 Because I did not do my research on forced weddings, I did my  
17 research on weddings, so I was interested in whether there was a  
18 policy about weddings.

19 [09.37.58]

20 BY MS. GUISSÉ:

21 Q. Well, I have the impression that I didn't get the full answer.

22 But now, regarding the existence of a policy for weddings, you  
23 said yes, there must have been one or, in any case, this is what  
24 you gathered from your research, apparently. Is that what you're  
25 telling us?

1 MS. LEVINE

2 A. Yes. I apologize for thinking out loud in my response to your  
3 question.

4 That at the beginning -- my data seems to show, strongly, that at  
5 the beginning of the regime there was a general understanding  
6 that weddings were going to happen. However, it was so chaotic at  
7 the beginning in how the weddings happened because people had so  
8 much access to traditional weddings in the early stages of group  
9 weddings, particularly in '75 and '76, that it was not until '77  
10 that weddings seemed to have appeared to be more consistent.

11 So I think in the beginning of the regime, there was not a  
12 quantifiable policy on weddings. I think after areas were purged  
13 and people were moved around to different locations, then  
14 weddings started to come into some of those purged regions, and  
15 by 1978, certainly, there were some rituals that were  
16 reintroduced because I think rituals are important to looking at  
17 the weddings under DK.

18 [09.39.50]

19 And by 1978, I think a policy in some ways organically happened,  
20 but I have no evidence of there being a written policy that was  
21 passed down or a written policy that was talked about between  
22 people in villages when weddings were being arranged.

23 I think it -- the policy was, in some ways, an organic one that  
24 everybody seemed to know about by end of 1978.

25 MR. KOUMJIAN:

20

1 Excuse me again, Your Honour. I know counsel is conducting the  
2 interview, but when we ask -- when we object or do not object to  
3 questions, it's based on the question.

4 The question was about commandment number 6, and the witness did  
5 not object -- did not address that in her answer, is she familiar  
6 with commandment number 6.

7 [09.40.55]

8 BY MS. GUISSÉ:

9 Well, the International Co-Prosecutor will have all of the time  
10 necessary to put questions to the expert.

11 <In> an exchange with an expert, I just react to her answers, so  
12 since I don't have much time, I'm going to focus on the points  
13 that interest me and the Co-Prosecutor will have all of the time  
14 to cover all of the points that he wishes <during his>  
15 examination.

16 Q. A question -- because I don't have much time. In your  
17 testimony, you provided spontaneously a certain number of  
18 documents to the Chamber, in particular, a document entitled --  
19 or in which, rather, you refer to an interview you looked at from  
20 DC-Cam, an interview you reviewed of a person who was questioned  
21 in the United States. And in your work at the Shoah Foundation,  
22 you reviewed and read this interview.

23 [09.42.07]

24 And I'm referring, therefore, to the little synopsis that you  
25 sent to the Chamber, which is indexed E3/10676; ERNs 01330847 and

21

1 01330848. I'm not sure that you have it before you, so can the  
2 Court officer please provide the document to the expert so that  
3 she may know which document I'm referring to here.

4 And in this document -- I believe the President nodded yes,  
5 agrees to that.

6 In this document, you speak about the fact that you understood  
7 when you were verifying translations of the elements that you  
8 obtained in Khmer that there was a part that had been omitted in  
9 this statement that was taken by DC-Cam and that one of the  
10 questions that was <omitted> was: "Were you a victim of a forced  
11 marriage or were you married forcefully?" I don't remember  
12 exactly how it was worded. And the person who was questioned  
13 answered no.

14 [09.43.36]

15 And this excerpt is not in the DC-Cam interview that was provided  
16 to you, and it is upon watching the film of that interview you  
17 noticed that that segment was missing.

18 So let me get back to my general question. You can see already<,  
19 even from the statements by the Court, the parties, and - I  
20 assume that in the statements you received through your work, it  
21 is always difficult to> speak about marriages under DK when we do  
22 not refer to them as forced marriages.

23 So can you elaborate on this, and this will, unfortunately, be my  
24 last question. And I would like to specify that you indicated in  
25 the conclusion of your <thesis> that you did not use the

1 <expression> "forced marriages" <-- the term "forced",> and you  
2 decided to analyze the marriages the way you had studied them and  
3 that you compared this to some kind of military service.

4 So can you explain what your findings are in that regards and how  
5 you came up with that conclusion?

6 I know it's a rather convoluted question, and I <unfortunately>  
7 only have <just under> five minutes <left> to have you elaborate  
8 on this, but I'm sure that when the parties will put their  
9 questions to you, we will be getting back to that topic. But  
10 however, can you provide us with a <summary> vision of what you  
11 described in that regard?

12 [09.45.23]

13 A. I just want to clarify because I have two very big questions  
14 before me, one that's related to the submission of transcripts  
15 for Court review that I had submitted. When I was at the Shoah  
16 Foundation, I had the honour of being the inaugural Fellow. I was  
17 brought there to help create the first database for Cambodian  
18 survivors for the Shoah Foundation.

19 So do you want me to reply to that, or to the latter question  
20 about my use of the term "conscription", or to divide it in half?

21 Q. Well, you can divide it in half if you want to.

22 [09.46.05]

23 A. So then I'd like to clarify about the role of DC-Cam in this  
24 particular submission that I submitted because the clarification  
25 is very, very important.

1 Before I arrived at the Shoah Foundation as the inaugural Fellow,  
2 the Shoah Foundation, as a way of just trying to begin building a  
3 new index for Cambodian survivors -- excuse me. Sorry about that.  
4 They had brought in some DC-Cam staff to help them begin that  
5 process. And the DC-Cam staff did two things.  
6 They wrote the interview protocol that they were going to be  
7 using, and they also interviewed two Long Beach Cambodian former  
8 refugee survivors. Because I was doing research still on the  
9 wedding period, I looked first at the questions that were being  
10 written because I was then going to be expected to take  
11 testimonials based on those written questions. And I questioned  
12 the integrity of the questions that were being put before the  
13 survivors, and that document was changed.  
14 Then I had access to the filmed -- the Shoah Foundation owns the  
15 film. I had access to the transcripts and the film that was done  
16 by two DC-Cam members. And in reviewing that, it seemed as if  
17 something was missing, to me.  
18 [09.47.50]  
19 And so I encouraged the Shoah Foundation., we had many  
20 discussions, and they decided to get a second translator.  
21 Now, in the first -- in the first testimonial, the DC-Cam staff  
22 had interviewed the person and a DC-Cam staff member, Mr. -- or  
23 Dr. Kosal Phat. He was the translator of those transcripts.  
24 So his translation was sent to DC -- was sent to the Shoah  
25 Foundation, and they were going to use that for sub-titling. But

1 I encouraged them to get a second translation, an independent  
2 translation.

3 The independent translator went through the original tapes, and  
4 what he did was he put in blue font things that had been changed  
5 from the original interview and things that were omitted from the  
6 original interview.

7 [09.48.51]

8 It was then that I realized that there was a question in that  
9 interview about weddings, but the question about the weddings and  
10 the response was dropped out.

11 If I might read, Mr. R. was asked: "How old were you then?", the  
12 interviewer -- DC-Cam interviewer.

13 "I was about 23 to 24 years old when I was evacuated from Phnom  
14 Penh."

15 The interviewer: "Did they force you to get married during that  
16 time?"

17 Respondent: "No, they did not."

18 "So we are finishing another tape."

19 "I know by giving testimonials at the Shoah Foundation that I, as  
20 the interviewer, determined, because it's digital film, when I  
21 stop the tape." So, the tape was stopped there.

22 When the transcript was translated by the DC-Cam member, the  
23 transcript came back and said:

24 "How old were you then?"

25 "I was about 23 to 24 years old when I was evacuated from Phnom

1 Penh.

2 "So we are finishing another tape."

3 As a researcher, I would not have had access to that response  
4 about the weddings had I not been in that position that I had at  
5 the Shoah Foundation.

6 [09.50.06]

7 And the reason I submit this -- it may have just been an  
8 oversight on the part of the person who did the translation, but  
9 the reason I submit it is because it has been so difficult to  
10 access research that's been done on this period that I think has  
11 been research that has been neutral and unbiased in sampling and  
12 questioning, and so that is why I submitted this document because  
13 I was surprised to have found this omission as a researcher on  
14 this topic. That's the answer to my first question I was asked.  
15 The second, more briefly, that there may be time to come back to  
16 later, yes, I came to the conclusion in my study that the  
17 weddings were, I use the term, "conscripted".

18 I use that term in a very etiological way. When one looks at the  
19 term "conscription", it was a legal term in 1798. It has Latin  
20 roots. Sorry.

21 [09.51.16]

22 Q. I apologize. I apologize.

23 Please let me interrupt you because in French I heard the word  
24 "forced" in the translation, and I don't believe that's the word  
25 that you used.

1 So can you use again the English term to make sure that we have  
2 an accurate translation in French?

3 A. In terms of the word I have assigned to the weddings, the word  
4 I have assigned to the weddings is "conscription".

5 Q. And this word "conscription", can we tell you that this might  
6 be another way of saying that it was forced or that it was  
7 against people's will?

8 What's the difference you make between "conscription" and  
9 "forced"?

10 [09.52.20]

11 A. Returning to the Latin roots of the word, if we look at the  
12 etiology of the term, it means "write down together". It was  
13 first used in Britain when they were gathering troops by writing  
14 down orders to put people's names on lists for service.

15 In Australia, the term means "national service". In the United  
16 States, it means "selected service". The US government has the  
17 right to conscript property in states of emergency. It's often  
18 compulsory in armed forces. People are released by the government  
19 if they are deemed to be conscientious objectors, but they must  
20 do civil assigned duty. That's mandatory if they're released as a  
21 conscientious objector.

22 Evasion is a criminal offence in most countries. Resistance is  
23 usually an offence, at least my understanding is, in 44 states in  
24 the United States. There are penalties of jail, community service  
25 if one fails to obey conscription.

1 [09.53.40]

2 Globally, nine countries in the world conscript women. In Asia,  
3 the country is Malaysia.

4 I say in my thesis on page 14 the national selection of young men  
5 and women for group weddings and related prescriptions for sex  
6 and the systems designed to accommodate the pregnancies,  
7 abortions and births that came next. In many ways, I see that  
8 process, the original process of marriage, as people doing a  
9 national service, is how I ended up interpreting that term.

10 I can talk about it more at length later.

11 Q. Well, I'm really up with my time, so I have to, of course,  
12 share my time with the Nuon Chea defence.

13 But one point regarding this issue of conscription -- well, in  
14 French I heard the word "forced" again, so I don't know if this  
15 is a word that you also used in English. In any case, that's what  
16 I heard in French, so I'd like to draw this to your attention for  
17 the record.

18 In any case, what difference do you make -- and this is my last  
19 question because I don't have more time. What difference do you  
20 make between a choice that was <made> traditionally with regard  
21 to marriages <before>, <when people were told "it is time to get  
22 married", and when the family decided that you had to marry this  
23 or that person, it was> a choice that was <not> made <by the  
24 spouses themselves,> and with what happened in DK or, in any  
25 case, in certain places, where people were told that this is the

1 time to get married and the choice was either made in agreement  
2 with the family or upon a decision <or suggestion> of the village  
3 leader, or upon the decision of the unit leader?

4 [09.55.46]

5 So what's the difference you make? Because, <if I understand  
6 correctly,> in both cases, the spouses <could> not have the  
7 choice <of whom they'd marry>. And this is my last question, and  
8 then I will give the floor to the other parties.

9 A. In many ways, your question brings me around in a circle to  
10 your earlier question about Angkar.

11 From the study I did because I included perceptions of Angkar,  
12 being conscripted in many ways was being called up by Angkar for  
13 service.

14 I mean, that is my short answer to your question at this time. I  
15 will give it more contemplation.

16 But there is a relationship between the way the term "Angkar" was  
17 being used in the weddings and people's experiences of loyalty  
18 which is part of some of the principles that I'm sure we'll talk  
19 about later, and service.

20 [09.57.05]

21 Q. Well, a very last point of clarification. You speak about  
22 loyalty vis-à-vis Angkar. When we spoke with Nakagawa, she was  
23 speaking about the fact that children who had to get married  
24 would marry as an expression of loyalty towards their parents.  
25 So can you draw a parallel with this sense of loyalty towards

1 Angkar, or <does> this <have> nothing in common?  
2 Maybe to give me a full answer, in the interviews you conducted,  
3 did people speak about their families and about Angkar <in terms>  
4 of loyalty when they <thought about getting> married or when  
5 these marriages were proposed <to> Angkar <by> the family?

6 A. I think to say -- if I were to say yes, that I agree with Ms.  
7 Nakagawa's statement would be a surface agreement because what  
8 I'm talking about here is very dimensional and very complex.  
9 This issue of loyalty at a time when people were displaced and  
10 then their loyalty to families was displaced and then replaced on  
11 Angkar is a threat that is part of my answer to your question.

12 [09.58.50]

13 But again, it's very complex, and the seduction -- there is a  
14 seduction about how Angkar was represented to people in a way  
15 that was very, very disturbing, I must say. But there is  
16 something quite seductive about being loyal to Angkar for people  
17 in my study.

18 MS. GUISSÉ:

19 It is with regret, Mr. President, that I put an end to my  
20 examination of the witness. I have exceeded the time that had  
21 been granted to me by my colleague, and I hope you won't take  
22 <him> to task for that given the complexities that I had to deal  
23 with, and I do acknowledge that it is my fault. It is my fault.

24 MR. KOUMJIAN:

25 Your Honours, given the importance of the testimony and the fact

30

1 that I think we didn't get very far and the witness has said  
2 quite a bit that she'll get to expand her answers later when,  
3 actually, that will depend on the questions she's asked, I would  
4 propose that both sides be given an extra session, that the  
5 witness be extended to two days.

6 [10.00.21]

7 JUDGE FENZ:

8 I just wish to add the Bench has a couple of questions, too, so.  
9 The easiest thing, perhaps, to do is because I might need some  
10 time and some of the things you want to address will probably be  
11 addressed by me, perhaps we can make a decision on how much we  
12 will -- additional time, if any, we give to the parties after  
13 I've finished my questions.

14 MR. KOUMJIAN:

15 And I admit, I'm not sure how much time we'll need. Of course, we  
16 don't know till we actually do it. I would say that I wouldn't  
17 like to do my examination until I see the schedule, which  
18 hopefully will be distributed soon.

19 [10.01.06]

20 JUDGE FENZ:

21 The questionnaire hasn't been distributed?

22 MR. KOUMJIAN:

23 Sorry. The questionnaire, I haven't gotten it, and I don't see it  
24 on email yet.

25 JUDGE FENZ:

31

1 Really? Because I want to use it -- or I want to put it before  
2 the Chamber and use it for questioning.

3 Legal officer, can we please give a paper copy to the parties?

4 (Short pause)

5 [10.01.48]

6 JUDGE FENZ:

7 Do defence counsel have it?

8 MS. GUISSÉ:

9 We have it.

10 JUDGE FENZ:

11 It's short, so easy to digest, but still (Microphone not  
12 activated).

13 (Short pause)

14 [10.02.48]

15 JUDGE FENZ:

16 Can I just ask an additional question to the expert as a  
17 pre-condition for the decision on potentially extending the time?

18 How long are you available?

19 MS. LEVINE

20 Currently, my flight -- my rearranged flight is due to depart  
21 tomorrow night.

22 JUDGE FENZ:

23 Thank you.

24 Okay, then, I will go next.

25 The first thing I want to do is a procedural issue. The Chamber

1 wishes to put -- to admit the questionnaire any -- into evidence.

2 It has already been referred to.

3 Are there any objections to that from any of the parties?

4 For the record, no objections are registered. The Chamber

5 therefore puts the two pages of questionnaire on the case file

6 admitted into evidence.

7 [10.04.04]

8 QUESTIONING BY JUDGE FENZ:

9 Q. And I'm reading into the case file the confidentiality

10 agreement because it's only available in handwriting, and I would

11 ask you to confirm that this is actually really the agreement. So

12 the confidentiality agreement reads as follows:

13 "1. I give permission for my interview to be used in research,

14 and

15 "2. I understand my name will be kept confidential,

16 alternatively, secret."

17 Is that correct?

18 [10.04.44]

19 MS. LEVINE

20 A. Yes, that's correct. I would like to add that people did not

21 sign this document because signing a document could have had --

22 could have had implications for people, so they gave a verbal

23 agreement, and that verbal agreement was recorded.

24 JUDGE LAVERGNE:

25 I wanted to intervene because in the French version, I heard that

1 it was in an agreement with the Chamber. The Chamber has nothing  
2 to do with it. It is a <type of> confidentiality agreement  
3 related to the research <conducted by the expert>.

4 BY JUDGE FENZ:

5 Thank you.

6 Q. Now, this is obviously a topic of great interest for the  
7 public, and not all of the public might have read your book, so  
8 please understand many of my questions against this background. I  
9 think it's really essential that not only the Chamber, but also  
10 the public, understands what exactly your findings are and how  
11 you reached them in the end.

12 [10.05.58]

13 Now, let me start where, basically, Defence ended, which is  
14 another try to clarify terms because, obviously, in the public  
15 debate and in the debate in these courtrooms, among others, the  
16 terms "arranged marriage", "forced marriage", the notion of  
17 loving marriage have been debated, and occasionally the lines  
18 have been blurred. Now, you have just introduced a new term,  
19 which is "conscripted marriage", and I'll come to that.

20 Obviously -- so this is one thing.

21 [10.06.42]

22 The second thing that struck me is that your questionnaire  
23 doesn't deal with forced marriage. And you have mentioned that a  
24 couple of times.

25 The only two questions that can be seen as having a relation to

34

1 that is the one question on page 1 which says, "Were you told to  
2 have sexual relations?" and in an even wider sense, "What did you  
3 think Angkar was?"

4 So did I understand you correctly that the purpose of the study  
5 was not to establish whether or to what extent forced marriage  
6 had happened in Cambodia during the Khmer Rouge period?

7 MS. LEVINE

8 A. Yes, that's correct.

9 Q. Can you remind us, what was the purpose of the study? Very  
10 short.

11 A. The purpose was to be able to map, to the best of my ability,  
12 the function and structure of the weddings across time and place  
13 under Democratic Kampuchea and to assist a better historical and  
14 socio-cultural understanding of that phenomenon.

15 [10.08.20]

16 Q. Now, I want to go back to this -- before I actually ask you,  
17 so you know where my initial question is going, what findings,  
18 exactly, you feel confident to make when it comes to existence,  
19 frequency, policy of forced marriage in the Khmer Rouge period.

20 Before I ask this question, I have two questions before that.

21 My first one is I'll try again to clarify terms. You are  
22 reluctant to use the term "forced marriage". You used the word  
23 "conscripted marriage".

24 Now, as I said, what you said about the roots, Latin roots, etc.,  
25 is very interesting, but I think specifically, for the benefit of

1 the public, we should try and clarify exactly what that means.  
2 What, if any, is the difference, in your opinion -- in your  
3 opinion, how you use the words, between a forced marriage and a  
4 conscripted marriage?

5 [10.09.40]

6 A. Firstly, in the methods that I used, it was important that I  
7 only represent the perceptions, beliefs, opinions, experiences of  
8 the respondents in my study. And in doing that, no one in my  
9 study told me that their weddings were forced. That's the first  
10 statement that I'd like to make.

11 So it was difficult for me then to track something that wasn't  
12 part of my database, so I did not do that. But again, I continued  
13 to try to understand how they came to understand their  
14 experiences of their weddings.

15 And in doing that, I started to hear about people's loyalty to  
16 Angkar, and I began to explore how the loyalty from family was  
17 transferred to Angkar. I began to get hints of and then tracked  
18 for very long periods what people really meant by their  
19 experience of Angkar and, in doing that, there seemed to be --  
20 especially since I was trying to get consensus in couples as  
21 well, there seemed to be many people -- maybe "seemed to be"  
22 isn't the right word.

23 Many people referred to their weddings as if they were providing  
24 a service to the future of the country. And it is because of that  
25 that I started to think about where, historically -- again, I'm

1 looking at historical ramifications for what happened under DK.  
2 Where, historically, have there been times, have there been  
3 governments, have there been regimes who have called people up  
4 for national service?

5 [10.11.46]

6 Q. Can I interrupt you there because I think I followed you when  
7 you said -- when you described conscription.

8 Now, you described conscription as being called up to arms and,  
9 if you didn't come up, you might be imprisoned. Now, my question  
10 is, is this -- do we understand it correctly? Is this how you  
11 describe conscription?

12 A. (Microphone not activated)

13 Q. Because my follow-up question would obviously be, would, in  
14 your opinion, this prospect of being imprisoned if I don't follow  
15 the call to conscription -- would you call that forced for your  
16 definition, or the threat of force?

17 [10.12.47]

18 A. If I might disclose -- self-disclose for a moment because  
19 given my age and my generation, I was a member of the Vietnam war  
20 culture in the United States when my friends who did not have the  
21 right to vote -- they were 18 and the right to vote was 21 --  
22 were being called up for the draft in the United States and went  
23 to serve or did not and went to jail or prison.

24 So what has been difficult for me has been to hold the  
25 geo-historical places in the world where conscription is not a

1 crime, for a government to conscript people into service is not a  
2 crime, so I am holding right now that same right in my use of the  
3 term "conscript" for people in the weddings under DK.

4 [10.13.45]

5 Q. So if I understand you correctly, you are saying even if these  
6 marriages came about under the potential threat of a sanction,  
7 they wouldn't be a crime because conscription isn't a crime in  
8 certain countries? Did I understand this equation correctly?

9 A. I'm concerned that I may have made a leap that I didn't mean  
10 to make.

11 So in that -- let me clarify a little bit more finely.

12 There were people in my sample who were conscientious objectors  
13 to marrying the choice that Angkar put before them. Some of them  
14 had no consequence. Some of them did labour that was forced. That  
15 was the consequence.

16 Some of them -- one of them was sent to a prison. That was the  
17 consequence.

18 [10.15.05]

19 Q. You would consider that forced if non-compliance of an order  
20 leads to prison or forced labour or so. I try to -- because the  
21 word "forced", as we have said very often, is so heavily  
22 burdened, I try to exactly figure out where we are when it comes  
23 to using this term and when you are using this term.

24 A. I know that what I'm presenting is very challenging, and it's  
25 challenging to me as well to put my head around it, so I

1 appreciate this debate.

2 The crux of how I came to determine that word "conscripted" is  
3 related to the topic that we reviewed this morning, the role of  
4 Angkar in people's lives and the loyalty that people gave to  
5 Angkar when they were being asked to marry someone that was being  
6 selected for them or arranged for them, and it's from that  
7 database that I tried to find a term that best fit how I could  
8 describe -- again, looking at the function and structure of the  
9 weddings -- what could best describe the function the weddings  
10 held under Democratic Kampuchea. And I think the function it held  
11 was people doing national service.

12 [10.17.00]

13 Q. I think we are in a situation which we get frequently with, on  
14 one hand, lawyers who want very -- who need to deal with the  
15 specifics of the crime, which is the reason why I'm coming back  
16 to certain questions, and you are obviously coming from a  
17 different professional standpoint.

18 So please bear with me, and if it seems that I'm insisting on  
19 something which might not be very relevant for you, but these --  
20 or for the purposes of your study, but this is actually the  
21 reason why you are here, or why you were called here. And that's  
22 the issue, basically, of forced marriage.

23 So I think, we have got a bit of an idea what "conscripted" and  
24 "forced" marriage means for you.

25 Now, I'll therefore not ask you for your definition of forced

1 marriage because I understood you don't really like the term.

2 Well, would you feel -- would you feel comfortable to define

3 "forced marriage" here in this courtroom for us, the way you use

4 it?

5 A. I can't define it because it wasn't part of my findings.

6 [10.18.20]

7 Q. Thank you. Yes.

8 Now, that brings me, actually, to the findings.

9 Yes. I've just been reminded on the break time so I'll tell you

10 which questions I'll ask because you may want to think a bit

11 about it during the break.

12 I'll ask you to give a comparatively short answer, as I said,

13 something which is understandable for people out there.

14 Today, no matter what you wrote into your thesis, what findings,

15 if any, can you make on the existence, frequency, policy of

16 forced marriage in the Khmer Rouge period?

17 That's the question I'll ask you. I'll give you time to think

18 about it during the break.

19 And as I said, I would appreciate -- I'm happy to allow you to

20 elaborate later, but perhaps a clear and concise answer, "Yes, I

21 can make findings", "No, I cannot make findings", "Yes, I can

22 make findings to this, but no, I cannot make findings on that"

23 and then we can take it from there.

24 A. Okay.

25 MR. PRESIDENT:

40

1 The Chamber will take a break now and resume at 25 to 11.00 to  
2 continue our proceedings.

3 (Court recesses from 1019H to 1038H)

4 MR. PRESIDENT:

5 Please be seated. The Court is now back in session.

6 And the floor is given back to Judge Fenz to resume the  
7 questioning. You may now proceed.

8 BY JUDGE FENZ:

9 Thank you, President.

10 Q. Well, I'm picking up where I stopped before the break. We are  
11 coming to the question -- there will be further questions  
12 afterwards -- what findings you think you can confidently make  
13 today in this courtroom on the existence, frequency and policy of  
14 forced marriage in the Khmer Rouge period.

15 In order to make the answer -- to structure the answers a bit,  
16 let's start with what findings do you think you can make on the  
17 existence of forced marriage in this period? If any, obviously.

18 [10.40.14]

19 MS. LEVINE

20 A. Yes. So I want to make sure I understand your question.  
21 You are asking me to respond directly to the forcedness -- that  
22 forced adjective for weddings, the existence of "forced  
23 weddings".

24 Q. Let me -- for the purpose of this question, let me define what  
25 I understand on the forced marriage for the purpose of this

1 question; a marriage that comes about because violence is used or  
2 the threat of violence is used.

3 So a marriage that comes about between two people not with their  
4 free will.

5 [10.41.02]

6 A. If I am to take that definition, none of my respondents  
7 experienced violence. Secondly, with regard to the interpretation  
8 of threat of violence, what I can say is that in few cases,  
9 certainly under 10 per cent, but I can find that figure for you,  
10 people gave anecdotal statements.

11 "An elder in my community told me if I didn't marry him, I could  
12 be killed" or "My father told me if I didn't marry him, he would  
13 be killed".

14 Those are the only few references I had that I could put in that  
15 category, but it was not a significant part of my sample.

16 Q. You have been very professional in the answer by exclusively  
17 referring to your study, but to a degree, you have dodged my  
18 question, which was "Do you feel comfortable to make a general  
19 finding on the basis of your study on the existence of forced  
20 marriage in the Khmer Rouge period?"

21 A. Yes, I do.

22 Q. And the finding would be?

23 A. That the weddings were not forced.

24 Q. Are you saying there were no forced weddings or -- in the  
25 Khmer Rouge period because none of my 96 couples mentioned forced

1 marriage? Do I understand you correctly?

2 A. (Microphone not activated)

3 [10.43.04]

4 Q. I see. But -- so you're saying, just to clarify, that you  
5 haven't come across one forced marriage. And you feel confident  
6 today to say there have not been forced marriages in the Khmer  
7 Rouge period.

8 A. I want to clarify. It's important for me to clarify again  
9 because of the demographics that lie behind your question.

10 I have no hesitation in believing that what civil party members  
11 have put forward as their experiences, I believe they are true  
12 what they put forward as their experiences when they describe  
13 their particular weddings as being forced.

14 However, as a trend -- as a trend, as a conclusion, were the  
15 weddings forced across time and place under DK, my answer is no.

16 [10.44.07]

17 Q. So to help me understand, what you are saying is there might  
18 have been some forced marriages. Is that correct? Because  
19 otherwise, I see a contradiction between your finding there were  
20 no forced marriages and yes, the civil parties who say there were  
21 forced marriages are right.

22 A. If I can clarify, if I can turn, actually, to a footnote. I  
23 believe it's on page 26 in my book, "Love and Dread in Cambodia",  
24 26. Press release states:

25 "Four victims of forced marriage under the Khmer Rouge regime

43

1 filed their complaint to the ECCC on October 14th, 2008, four  
2 victims from one village in Kampot province had the courage to  
3 file complaints arising from forced marriage with the Victims'  
4 Unit in order to become civil parties. Among them are one couple  
5 and two women", meaning three women and one man.

6 [10.45.16]

7 This was a sample from one village in Kampot, and that village, I  
8 don't have the date of when their marriage happened. I could find  
9 that in my database.

10 That region was known as a harsh region, so it's -- if there are  
11 some people that experienced their weddings were -- had been  
12 threatened or experienced violence from that region, they would  
13 have been more at risk in that region in 1978.

14 So I see your confusion. I just -- I'm going to make my final  
15 statement about that that hopefully gives an answer.

16 You're asking me to make a statement yes or no, were weddings  
17 forced. And -- and because I mapped my data, I can show regions  
18 in 1978 where people were more at risk for being threatened, and  
19 the sample of the civil party members seemed to come from those  
20 harsh regions. But generally, nationally, that was not the case.

21 [10.46.37]

22 Q. So you're saying -- I try to simplify it very much, as I said,  
23 also for the benefit of the public.

24 You're saying there might have been, in some regions, forced  
25 marriages, but that's -- but that's the only thing when it comes

1 to existence of forced marriage. I'll ask the frequency question  
2 later.

3 When it comes to the question did forced marriage exist, your  
4 answer is, "Might have been in some regions. I didn't come across  
5 it in my survey". Is that correct?

6 A. (Microphone not activated)

7 Q. Now, that leads to the next question, the question of --

8 MR. KOPPE:

9 The answer "yes" was not recorded.

10 BY JUDGE FENZ:

11 Q. Could you repeat the answer for us?

12 MS. LEVINE

13 A. Given how the question was phrased to me, my answer is yes.

14 [10.47.37]

15 Q. That leads us to the next question: Can you make or do you  
16 feel comfortable to make any finding on the frequency of forced  
17 marriages?

18 A. I can only talk about my study in that regard.

19 Q. Okay. I think the last question I'll actually summarize  
20 because I think you have given the answer. When it comes to the  
21 policy of forced marriage, I think you said you said you couldn't  
22 say anything. You were generally talking about the policy of  
23 marriage.

24 Did I get that correct, or would you feel comfortable to make a  
25 finding on a policy existence or non-existence of forced marriage

1 during the Khmer Rouge period?

2 A. I can give you the data my response if you would like it, but  
3 the short answer is I found that function had a higher role than  
4 structure when it came to the weddings, the purpose of the  
5 weddings, and that because function was more important than  
6 structure initially, a structure for a policy seemed to be  
7 developing in 1978.

8 [10.49.22]

9 Q. And what was the structure of this policy? Could you describe  
10 it?

11 A. The structure was around more consistency in how weddings  
12 happened by the end of '78.

13 Q. How happened is a very far wide term. What aspect of the  
14 wedding are you referring to?

15 A. A policy for the elements that were expected to be part of the  
16 wedding ceremony and wedding proceedings and how people were  
17 called up.

18 Q. Okay. I'll now go into the foundation for these -- for these  
19 findings you have just made.

20 And in this context, I have first a couple of questions when it  
21 comes to the methodology. The first one is for clarification.

22 Did I understand correctly that your sample consisted exclusively  
23 of couples that were still together, who had married in the Khmer  
24 Rouge period and were still together?

25 A. That criterion was only specified for the first 11 couples, 22

1 people. That was my first sample.

2 [10.51.36]

3 Q. So the other people were -- you also interviewed people who  
4 were no longer together with their partner.

5 A. It wasn't specified, but most people were.

6 Q. Could you give me -- I think you -- all together, you  
7 questioned, I think, 96 or so couples. The reason I'm using the  
8 word "couples" is because you used it all the time, so that's why  
9 I came up with this, this was all about couples. And I think you  
10 also said at the time you preferred couples because then you had  
11 the male and female perspective.

12 Now I understand that we are not only talking about couples,  
13 again, couples who are still together with the partner they  
14 married in the Khmer Rouge period, but that you also questioned  
15 people who were no longer together with this partner.

16 Can you give me an idea how many of the 190 -- I'm not quite sure  
17 now -- four or so people were no longer together with the -- with  
18 their original partner at the time when you interviewed?

19 [10.52.50]

20 A. Again, one -- sorry. I want to make one qualifying statement  
21 about my sampling. Those first 11 couples were interviewed for  
22 extensive period of time, over a three-year period, looking for a  
23 gender consensus and also trying to formulate what the questions  
24 were going to be for the next large, more random sample where it  
25 was not specified whether someone was together or not. Just that

1 they had been married in the DK period. That was the only  
2 specification for the larger sample.

3 But in answer to your question about how many are -- I have that  
4 in a chart here. Excuse me.

5 So in order to be fair to my sample because the first 22 were  
6 people who were together, I had to hold that separate from the  
7 other people in my sample. So the total that were not together  
8 due to death of a spouse was 24. And the total who were not  
9 together due to separation or what people call permanent  
10 separation was 39.

11 And just one more figure. The number that remarried was two.

12 [10.54.55]

13 Q. Thank you.

14 No, the reason I was asking is obviously because while this was  
15 not the main objective of your study but when it comes to forced  
16 marriage, if you have a majority of people who are still  
17 together, it's obviously slightly lopsided because you could  
18 argue that people who have had very bad experiences by being  
19 forced would have separated in between. That was the reason  
20 behind the questions.

21 Another question when it comes to the sampling, you, yourself,  
22 mentioned that, over time, the policies changed and the practices  
23 changed.

24 Now, in your sample, did you have a representative number of  
25 marriages that were actually made at each year, meaning 20 from

1 '75, 20 from '76, etc., or is there -- some were more than  
2 others?

3 [10.56.05]

4 A. Behind your question is what led me to believe, in part, that  
5 function preceded structure under DK.

6 So in terms of the total number of weddings, I had .02 per cent  
7 in 1975, .06 per cent in 1976, 29 per cent in 1977, 54 per cent  
8 in '78 and 79 per cent -- sorry, excuse me, 15 per cent in 1979.

9 Again, I do want to account for the fact that I had a larger  
10 sample from Kandal, and I needed to account for that, that  
11 figure, as well.

12 Q. But 1979 we are talking the Khmer Rouge period because that  
13 was short in '79; 15 per cent sounds a lot.

14 A. (Microphone not activated)

15 Sorry. I was looking at my data.

16 People in remote regions were still being married in arranged  
17 marriages after the collapse of the regime and at the end of the  
18 regime in my sample.

19 [10.57.26]

20 Q. Yes, I understand. It's just we have a temporal jurisdiction  
21 which ends with the beginning of '79, so I just wanted to ensure  
22 that we don't get too many data from people who actually married  
23 outside this period.

24 A. So then three people in the outer lying regions in my study  
25 from -- in the north in particular were married right on that

1 cusp.

2 Q. The next question is related to your questionnaire.

3 As I've mentioned before, the one question which is obviously  
4 directly -- or at least partly related to our subject is, "Were  
5 you told to have sexual relations?"

6 And I believe you have provided the answers to that. Can you  
7 remind us on the answers?

8 A. Yes, I can, if you give me one second, please.

9 Sorry. I think I took my sticker out of that section.

10 [10.59.18]

11 MR. KOUMJIAN:

12 I believe it's page 88 of the book. If that might help.

13 MS. LEVINE

14 Thank you.

15 MR. KOUMJIAN:

16 Starting at the bottom paragraph, page 88.

17 MS. LEVINE

18 Thank you for that. I had a chart that I was trying to find in my  
19 thesis.

20 If you just give me a minute, I'd rather refer to my chart

21 because my data is a bit more conclusive there. Apologies.

22 Seventy-six out of 192 reported that sex was prescribed. That's

23 39 per cent. Of these, 19 had stated, .09 per cent, that they

24 consummated their marriage.

25 [11.00.18]

1 BY JUDGE FENZ:

2 Q. Were there any follow-up questions asked to those people who  
3 had answered in the affirmative to these questions, meaning was  
4 -- were sexual -- "Were you told to have sexual relations?", or  
5 was that the end of it?

6 MS. LEVINE:

7 A. These were in-depth interviews, and when someone would make  
8 that statement, of course I was interested in how they  
9 interpreted that, what they thought about that. And most people  
10 -- most people thought that this is what was normal at that time,  
11 in some ways. And other people thought that it was expected when  
12 you got married that you would then eventually have children.  
13 And at the same time, most people said they had no energy. They  
14 felt ugly and untouchable, that they couldn't imagine being in a  
15 sexual relationship with someone under those circumstances of  
16 feeling emaciated and not having any libido at all.  
17 So the issue of starvation is huge here. It was a huge topic in  
18 my sample.

19 Q. I think we have heard evidence to this --

20 [11.02.05]

21 MR. KOUMJIAN:

22 Is it possible just to clarify one thing?

23 The answer before, what I heard -- what I thought I heard is the  
24 witness indicated that there were 19 respondents who confirmed  
25 consummating the wedding, and she said it was .09 per cent.

1 Nineteen out of 192, of course, would be just below 10 per cent.

2 Is that what she meant, or did I misunderstand?

3 BY JUDGE FENZ:

4 Q. Can you perhaps clarify?

5 MS. LEVINE

6 A. Yes, that's what I meant, just under 10 per cent.

7 [11.02.33]

8 Q. In your answer to me, actually, you said, "Well, some people  
9 thought it was normal at the time". What was normal, or what was  
10 considered normal?

11 A. To follow orders.

12 Q. Okay. Let me see what else I have.

13 Yes, I have one question on my list. I understand you -- or I  
14 might not have understood you correctly. Did you follow these  
15 proceedings? Some experts have done it on the stream, etc., live  
16 stream. These proceedings at the Court, I mean.

17 A. Yes, I have followed not all the proceedings; some. I actually  
18 was here in the room behind me two times when David Chandler gave  
19 testimony and when Dr. Sotheara gave his expert witness.

20 [11.03.48]

21 Q. Did anything you heard in the Court, which was obviously new  
22 and after your study, change your overall perception of what has  
23 happened or challenged it? If so, in what way?

24 A. In many ways, what I have heard has confirmed the dire  
25 circumstances under which people lived during that time. And as

1 you may know from reading my work, I coined the concept  
2 "ritualcide" because I was able to, while I was doing my study,  
3 map the breakdown of traditional rituals over time and the impact  
4 that had on an entire population.

5 And so in listening with that hat, of course, I've had more  
6 confirming evidence of that violation to people's safety.

7 Q. Could you expand on that last part, the violation of people's  
8 safety part?

9 A. When one thinks through the implications of the meaning of  
10 Angkar that I found in my study and then one lives in a place  
11 where fear is part of one's everyday existence and one has no  
12 access to protective rituals that protect themselves, that  
13 protect their deceased ancestors that will be roaming, that have  
14 the potential in that roaming to create more harm,  
15 psychologically -- I don't use the word "spiritual" because I  
16 think it's a Western term. Psychologically and from a  
17 spirit-based perspective, the ruthless tracking that I did of the  
18 breakdown of rituals was a violation of not just people living,  
19 but people who were no longer living.

20 [11.06.48]

21 Q. And perhaps my very last question is a rather technical one  
22 again. It goes back to your questionnaire.

23 The question, "What did you think Angkar was?", did that ever  
24 come up in connection with marriage, with the marriage issue, and  
25 if so, how?

1 You have, to a degree, talked about it, but perhaps you can  
2 summarize that a bit.

3 A. Yes, people attributed transforming powers to Angkar, and in  
4 that regard, Angkar was very unpredictable. And so when someone  
5 was told that Angkar was asking them to be married, it was  
6 essential that they comply.

7 [11.07.48]

8 Q. Why?

9 A. When I gave that sketch of the woman that -- and husband that  
10 were returning to their wedding place on that night and they  
11 didn't speak for fear that Angkar might even hear their thoughts,  
12 I will bracket that because I was at the Shoah Foundation, I  
13 listened to many testimonials with regard to the Holocaust. I  
14 never heard anyone say in those testimonies that they were afraid  
15 to think.

16 To be afraid to think. It was the only place that people in the  
17 Holocaust had freedom, was in their mind, but if you add this  
18 possessing, transforming force that could hear what you're  
19 thinking, better not speak and better not act.

20 Q. But if I summarize you correctly, and please me interrupt me  
21 immediately if I'm wrong, you're saying after you've watched the  
22 proceedings and probably on the basis of your findings there was  
23 this all-pervasive fear of Angkar. Is this correct, or do I  
24 mis-state it?

25 A. Yes. However, the quality of that fear, I think, is determined

1 by whether one believed Angkar was an organization or whether  
2 Angkar was a possessing force.

3 [11.09.31]

4 Q. Okay. And the majority of the people whom you talked to saw  
5 Angkar how?

6 A. For those who had been indoctrinated into the Khmer Rouge as  
7 soldiers, they often saw Angkar as the organization, firstly.  
8 There were gender differences in people's perceptions of Angkar.  
9 Men usually were much more utilitarian about their perception of  
10 Angkar.

11 Q. Can you expand on that a bit in easier language, perhaps?

12 A. Yes. Men usually considered Angkar to be a person who was  
13 associated with the Khmer Rouge, whereas women -- and again, I  
14 think this factor is very, very important when you think about  
15 fear in women and how many women have come forward as civil party  
16 members. For women, oftentimes, especially when there was no  
17 access to protective rituals, their experience of Angkar being a  
18 transformational force was greater.

19 [11.10.57]

20 Q. Now, as you probably know, there is -- a part of the  
21 Indictment is the allegation that the regime also went against  
22 the Buddhist religion and tried to get rid of this.

23 So if I understand you correctly, this would mean in getting rid  
24 of the protective force, which would still be here -- which would  
25 be considered beneficial by people. Is that correct, or not?

1 A. I think it's very important to make the distinction in  
2 Buddhism that we have syncretic Buddhism, which is more animist  
3 based Buddhism. So in a way, if I -- if I can separate out the  
4 animistic perceptions that accompany some of the Buddhist  
5 practices, the animistic practices would hold more -- hold more  
6 power, if you will, or more valence, is the word I was searching  
7 for. The animist region holds a bit more valence in terms of  
8 instigating a particular kind of fear.

9 Q. Perhaps one additional question to the perception of Angkar.  
10 You said no matter from which philosophical angle it was coming  
11 from, but it was considered -- or am I incorrect -- the ruling  
12 force, the force to be obeyed, or is this incorrect?

13 No matter whether this comes from a -- from a spiritual  
14 understanding or from a more political understanding, would you  
15 agree with this, or did I get that wrong?

16 [11.12.55]

17 A. There's a distinction between a political force and a  
18 transformational animist force. And I think when people  
19 interpreted the force as being organizational and connected to  
20 the leadership of the Khmer Rouge, there was a different response  
21 in compliance than when the force was an animist force.

22 Q. I don't want to go far into that, but perhaps two additional  
23 questions. An interesting subject.

24 In your research, how many per cent came from the animist angle,  
25 to simplify it very much -- I know I'm simplifying -- and how

1 many came from the political understanding of what Angkar is?

2 A. There was a progression of disclosure in my research, so

3 initially -- of course, I'm a foreigner. Though people, when they

4 first heard about my topic, they gave me textbook responses,

5 Angkar, you know, the organization, but when I started travelling

6 with them and I started -- I started gathering not just

7 content-based data, but I watched them in certain areas walking

8 through past places and heard them reference Angkar in a

9 qualitatively different way, then I began to explore that. And

10 from that, I found a very high prevalence of an association with

11 Angkar being an animist force.

12 Regardless of education, regardless of base or -- many people

13 called themselves New Base, in my sample. Base, New Base, monk,

14 regardless of demographics.

15 [11.15.04]

16 Q. And I know it's very difficult with numbers, but again, I'm a

17 lawyer. Would you feel comfortable to put numbers on that?

18 You said a high percentage.

19 A. I would like to, on the lunch break, go back to my data and

20 give you that response as concretely as I can.

21 Q. And you said there was a difference in compliance depending on

22 how people viewed Angkar. Can you elaborate on that a bit? What

23 was the difference?

24 A. The more someone perceived Angkar to be a transforming,

25 destructive force that could come at any time, unpredictably, the

1 more they were mute, the more they complied, the more they said  
2 yes.

3 JUDGE FENZ:

4 Thank you. I have no further question at the moment.

5 Perhaps we should make the decision now or deliberate the  
6 decision on the remaining time.

7 (Judges deliberate)

8 [11.19.06]

9 MR. PRESIDENT:

10 The Chamber decides to give extra time to all parties, that is,  
11 one additional trial session.

12 And I'd like now to hand the floor to the Co-Prosecutors to put  
13 questions to the expert. You have the floor.

14 MR. SENG LEANG:

15 Good morning, Mr. President. I would like to seek permission from  
16 the Chamber to allow the defence counsel for Khieu Samphan, Anta  
17 Guisse, to conclude her time.

18 MR. PRESIDENT:

19 You shall proceed, as the Defence usually would put questions  
20 last to the expert.

21 [11.20.12]

22 QUESTIONING BY MR. SENG LEANG:

23 Thank you.

24 Q. Good morning, Madam Expert. My name is Seng Leang. I am the  
25 National Deputy Co-Prosecutor, and I have some questions to put

1 to you. And later, my colleague, the International Co-Prosecutor,  
2 will put further questions to you.

3 Please respond briefly and precisely to my questions since time  
4 is not on our side.

5 Yesterday, you testified that you were a medical psychologist and  
6 a professor. Besides these careers, have you ever practised as a  
7 lawyer? If so, have you ever received any legal training?

8 MS. LEVINE

9 A. No, I have never practised as a lawyer. And with regard to  
10 legal training, because I'm a clinical psychologist, at times I'm  
11 briefed in court if I'm representing a client.

12 [11.21.31]

13 Q. Thank you.

14 And the terminology that you used in your thesis, were they used  
15 based on their legal context or based on your own field? <If you  
16 do not know, you can just say no.>

17 A. Because my study was done within the discipline of Asian  
18 studies and anthropology, it was those disciplines that informed  
19 my research.

20 Q. I don't fully understand your response. I'd like to check with  
21 you whether the terminology that you used based on the legal  
22 context, that is, in your thesis, or whether you don't think of  
23 its legal context when you use it.

24 A. I considered the legal debate, but it was not a legal termed  
25 led research project.

1 [11.23.08]

2 Q. I'm clear now. Thank you.

3 Yesterday at around 2.29 you talked about the translation of your  
4 questionnaire. Can you tell the Chamber whether you can speak  
5 Khmer and, if so, to what degree?

6 A. No, I do not speak Khmer. I'm polite, but I do not speak  
7 Khmer. That's why I used two translators, a first translator and  
8 an independent translator, in any work that I did, and sometimes  
9 French because some of my respondents spoke French as a first  
10 language.

11 Q. Thank you.

12 Regarding people who assisted you in your research, namely, those  
13 Year 4 students, how many of them did actually assist you and  
14 please tell us their gender, how many male and female students  
15 all together?

16 A. I believe I have that in the holding room, that data. It was  
17 approximately 50 per cent male and female, but I will make a  
18 notation to get that accurately to you.

19 [11.24.52]

20 Q. Thank you. And I'll return to that question later.

21 Regarding your translators, are they male or female?

22 A. They were both.

23 Q. Does it mean that for those who assisted you in your research  
24 into <sexual contexts,> wedding, did you ever consider the gender  
25 issue?

1 A. On a regular basis.

2 Q. Thank you.

3 And yesterday, at around 1.47 in the afternoon, you met a  
4 <patient of yours> who is a Khmer migrant to the United States.

5 And my question to you is, for your sampling of the group why you  
6 did not include those who lived in the camps or those who  
7 migrated to other countries into your sampling or maybe is it  
8 your vision that those who fled Cambodia <have had worse  
9 experiences with> the Khmer Rouge <than those who never left>?

10 [11.26.30]

11 A. Firstly, I wanted to place my research inside Cambodia, and --  
12 because part of my new research in Long Beach is looking at  
13 generational practice -- ritual practices across three  
14 generations.

15 I wanted to make sure that the sample that I chose was not  
16 resocialized into another spirit practice or way of thinking  
17 about their past based on migration experiences. The camp  
18 experiences were very dense for people. There was a whole other  
19 chapter of traumatic experiences that impacted them as well as  
20 the challenge of living in and finding a place in a host country,  
21 so I wanted to minimize those extended trauma chapters on top of  
22 the chapters that already existed, so I stayed within this  
23 country.

24 Q. Thank you.

25 I'd like to now refer to your book. Throughout your research, you

61

1 mentioned about an interview where you went to interview the  
2 person at his or her house. That is at E3/1794 at <English> ERN  
3 <00482528>.

4 THE KHMER INTERPRETER:

5 Please repeat the ERN number.

6 [11.28.47]

7 BY MR. SENG LEANG:

8 Allow me to repeat the ERN number again; 004825228 (sic). And  
9 allow me to quote it:

10 "When I showed up, there would be siblings, parents, children,  
11 neighbours, or others perched nearby -- often floating in and out  
12 of view during the course of interview."

13 And a while ago, at 10.51, you testified that you interviewed the  
14 couple together, at least those 11 couples.

15 And yesterday, at around 2.08 in the afternoon, you testified  
16 that interviewees felt shy during the process.

17 Do you agree that, in the presence of others, namely, the  
18 husbands, <the wives or> their children, made <those whom you  
19 interviewed> not want to reveal about the partner <> that they  
20 married to or about their consummation or about the fact that  
21 they did not want to have children with their <partners>? What is  
22 your reaction to that?

23 [11.30.25]

24 A. I'd like to say a couple of things about your example.

25 Firstly, in my interviews, they were sequenced. And yes, when I

1 was interviewing people in their homes, very different than  
2 travelling with a couple and then travelling with an individual.  
3 I want to clarify the difference between a Western view of  
4 confidentiality and a Cambodian view of confidentiality, and also  
5 in that clarification, make the point that I do work in clinical  
6 practice in Cambodia at times, and when I interview patients,  
7 oftentimes people are there listening. So I just wanted to make  
8 that point.

9 In terms of this gender issue of disclosure, that actually has  
10 been a theme a bit in some of the Court proceedings I've watched  
11 with regard to women and boys. What I discovered in my long-term  
12 study with couples was that, oftentimes, women would initially be  
13 quiet and men would speak first. Any time a man was not accurate  
14 in what he was reporting, his wife would step in to make a  
15 clarification and then they would come to consensus on that.

16 [11.31.59]

17 I was interested in -- I was interested in that. It was important  
18 to me to watch that process and to watch how and when women, when  
19 they were interviewed, were more silent and when they were more  
20 assertive. And I found oftentimes it was a matter of timing.  
21 But I did interview couples together. I interviewed them looking  
22 at the role of consensus, how they came to consensus about things  
23 that happened, and I interviewed them separately as well.  
24 That's important. In the first sample, that's why it took me so  
25 many years to do that.

1 Q. Thank you, Madam Expert.

2 However, my question to you is that whether the presence of other  
3 people, in particular the husbands or the wives or their  
4 children, could influence the attitude or the responses of the  
5 interviewee? For example, <> could the wife say honestly about  
6 not wanting to marry the husband and later producing the children  
7 <in front of her spouse>?

8 [11.33.27]

9 A. Again because I sequenced my interviews, I had many  
10 permutations of how I met with people; as a couple; alone; as a  
11 couple with other people who were naturally in the environment in  
12 their home that were roaming in and out, and as individuals so  
13 that sequencing really assisted me in being able to evaluate the  
14 reliability of what was being told to me.

15 MR. SENG LEANG:

16 Mr. President, <can I> continue <my questioning>? <It seems like  
17 the time is up.>

18 MR. PRESIDENT:

19 Thank you.

20 Allow me to clarify the matters to the parties that all parties,  
21 that is, the four parties, would have an additional time, that  
22 is, one session. That's one session for all, not for one party.  
23 And the Chamber will calculate the time for each party. And of  
24 course, we will not allow the times to exceed the morning session  
25 tomorrow so that the expert can fly back home.

1 [11.34.55]

2 The Chamber will adjourn now for lunch and resume at 1.30 this  
3 afternoon.

4 Court officer, please assist the expert at the waiting room  
5 reserved for experts and witnesses during the break time and  
6 invite her back into the courtroom at 1.30 this afternoon.

7 Security personnel, you are instructed to take Khieu Samphan to  
8 the waiting room downstairs and have him returned to attend the  
9 proceedings this afternoon before 1.30.

10 The Court is now in recess.

11 (Court recesses from 1135H to 1330H)

12 MR. PRESIDENT:

13 Please be seated.

14 The Court is now in session and the Chamber gives the floor to  
15 the Deputy Co-Prosecutor to put question to <the> expert<>. You  
16 may now proceed.

17 BY MR. SENG LEANG:

18 Thank you, Mr. President. Good afternoon, the Chamber.

19 Q. Good afternoon, the expert. I would like to resume my  
20 questioning. I am now moving to another topic.

21 Yesterday, at around 2.13 p.m., you read the questionnaire  
22 prepared by you, and I am so interested in point number 4 of the  
23 questionnaire regarding the question that "Was it a real  
24 marriage?"

25 I would like you to make a clarification for the Chamber when you

1 asked such a question, what was the <words> used by the <>  
2 interpreter <in Khmer toward the interviewee> at the time?

3 [13.32.22]

4 MS. LEVINE

5 A. If I can just take a moment before I respond to that question  
6 just to respond to the two dangling questions that were posed to  
7 me in the last session for completion purposes.

8 One question was about the number of references to Angkar in  
9 terms of respondents being -- telling me that Angkar arranged  
10 their wedding or chose their partner. There were 50 direct  
11 references to Angkar. Of those 50, which is 26 per cent of my  
12 sample, all but four had referenced their weddings from 1978 when  
13 using that term Angkar. So I wanted to clarify that first.

14 [13.33.12]

15 Secondly, with regard to the inquiry about my attention to  
16 gender, I started with university students, 11. I had six young  
17 women and five men. One of those students, after the first  
18 training session, left because of work, and I had five males and  
19 five females.

20 And I would like to also add that, in my study, I had 88 men and  
21 104 women, which is 45 per cent men and 54 per cent women.

22 Thank you.

23 In regard to the second question, I'm sorry to do this again, but  
24 I have to, tonight, return to my auditory transcripts and get  
25 that response for you, and I will do my best to do that and give

1 you my answer tomorrow.

2 [13.34.22]

3 Q. Thank you, the expert.

4 The word "real", what is the actual meaning of the word "real"?

5 <Does it mean that it was not an imagination? Or> was the wedding

6 recognized by the authorities of the DK, or was it your

7 presumption that the wedding was recognized by only the

8 community? Could you clarify the point?

9 A. The question was asked to the people that were being

10 interviewed about their specific weddings, their experiences and

11 opinions about their wedding. That word could be -- a synonym for

12 that word could be "authentic", but I will look at the Khmer

13 language and give you the word tomorrow -- and French -- that was

14 used in those transcripts.

15 But again, the term -- the question was, "To the respondent, do

16 you consider your wedding to be an authentic wedding?"

17 [13.35.55]

18 Q. You stated that you would provide the answers tomorrow, so I

19 am now moving to another point, and I will skip this point for

20 the moment and I will ask you some questions in relation to

21 another topic.

22 Madam Expert, concerning the interviewees, did those interviewees

23 ever discuss the experience in relation to <their> wedding during

24 the DK before your interviews?

25 A. They were not part of any other study or any other inquiry by

1 a researcher, if that's what you mean by your question, or  
2 perhaps I'm confused.

3 JUDGE FENZ:

4 Generally -- we occasionally have issues with translation or  
5 interpretation.

6 MS. LEVINE

7 Okay.

8 JUDGE FENZ:

9 Please feel free -- before you guess what the question might be  
10 and give an answer that might lead to further confusion, feel  
11 free to clarify.

12 [13.37.18]

13 MS. LEVINE

14 So I'd like to ask for clarification on the question, please.

15 BY MR. SENG LEANG:

16 Q. My apology. Perhaps my question is not clear. I would like to  
17 repeat my question.

18 Could you clarify for the Court regarding the interviewees, I  
19 mean those who were interviewed <by you>, did those people ever  
20 discuss the experience in relation to their marriages in the DK  
21 period?

22 MS. LEVINE

23 A. Again I would like to ask for clarification. If I can reframe  
24 the question, did they discuss their experiences in relationship  
25 to their marriages in the DK period with me? Is that the

1 question?

2 [13.38.25]

3 Q. Never mind, Madam Expert. I would like to move to a last set  
4 of questions.

5 In the -- in your thesis, you discussed that most of the  
6 interviews were assisted by others, particularly, you used the  
7 Year 4 students majoring in psychology. And there are around 102  
8 interviews.

9 You also stated at ERN English <00482505>, in that page:

10 "I encouraged them to make use of pre-existing relation via their  
11 parents <and> neighbours."

12 My question is: Were <some of> the interviews you had at the time  
13 were, in fact, conducted by the children, <nieces or nephews> of  
14 those interviewees?

15 [13.39.55]

16 A. Just to restate that my research was sequenced, so the  
17 students came in at the very end so that I could gather more data  
18 of patterns that had already been found.

19 With regard to the university students, they -- their parents  
20 were not subjects in my study, but their parents assisted them,  
21 initially, in beginning a snowball of people who were married. So  
22 it was a trust factor; it was a place to start. So someone's --  
23 this was for the -- the start of a snowball. Someone's parent  
24 knew a person that they were married with in the same weddings  
25 and the student -- because people have kept relationships with

1 some of those collectives -- and students went to that person  
2 that they were referred to, to do the first interview and from  
3 that they snowballed. So that first -- that first interview was  
4 found through a discussion sometimes, but not always, with a  
5 parent.

6 Q. Thank you, Madam Expert. If I am correct, <> the Year 4  
7 students are <> between <21> and <22> years old; is that correct?

8 A. Yes, that's correct and I want to add one more footnote to my  
9 response to your former question. There was one student --  
10 because it is in my thesis, just to make sure there's no  
11 misunderstanding, there was one student who, through the course  
12 of doing this research study, discovered that his parents were  
13 married under DK, but he did not interview his parents.

14 [13.42.15]

15 Q. Thank you, Madam Expert. I want your clarification. I want to  
16 know if it is correct that the interviewees, at the time, are  
17 older than the interviewers; is that correct?

18 A. Yes, that's correct, and I would like to add an addendum to  
19 that, as well, with regard to my research because I used that  
20 last stage with this form that I created as a way of getting more  
21 saturation on my data, so that even if I took those 102  
22 interviews that the students did and put them to the side, though  
23 a smaller sample; my results would be the same.

24 Q. Thank you, Madam Expert. I still have two or three questions  
25 and I would like to hear your brief answers.

1 My next questions are as follows: In your opinion, do you agree  
2 that in accordance with the Khmer tradition, the elder people  
3 rarely discuss the sexual relationship with <people who are  
4 younger than them>? Do you agree with this assertion?

5 MR. PRESIDENT:

6 Please hold on, Madam Expert. You may now proceed first, Counsel  
7 Kong Sam Onn.

8 [13.44.09]

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. I would like to <object to> the  
11 question lastly put by the Deputy Co-Prosecutor and I don't think  
12 that there is any point in the <evidence> mentioning about that  
13 and if he has any reference, I would like him to provide the  
14 reference number.

15 MR. SENG LEANG:

16 In fact, I <did> not quote from any <> document. I <told> the  
17 expert about <the Cambodian society, the> Khmer tradition <and  
18 culture> in relation to the point. And in my personal experience,  
19 I note that the older people rarely discuss the sexual  
20 relationship with <> younger people and I would like to ask the  
21 opinion of the expert whether or not she agrees with my  
22 understanding about this tradition. <If she does not agree with  
23 that statement, she can just say no.>

24 JUDGE FENZ:

25 There is a bit of a problem with a counsel testifying, so perhaps

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1 you could ask an open question. Just rephrase.

2 [13.45.20]

3 BY MR. SENG LEANG:

4 Q. I would like now to put the question to the expert. Do you  
5 agree that those who were interviewed by you were reluctant to  
6 discuss the sexual relationship with those who are younger than  
7 them; do you agree with this assertion?

8 MS. LEVINE

9 A. Firstly, your second question is different than -- your second  
10 question is different than your first question. I can respond to  
11 both, but I'll respond to the second.

12 With regard to people being reluctant to speak to me about their  
13 sexual experiences, maybe perhaps because I was a foreigner, I  
14 have to clarify that my age and my marital status was an  
15 advantage to me when I was working in the field.

16 [13.46.20]

17 Most women who were wed under DK were my age. I was a widow at  
18 the time when I did my interviews. I had a child that was born in  
19 1976. They were very curious about my personal, biographical  
20 history and as a result of them having that information, much to  
21 my surprise, much more interesting information was forthcoming to  
22 me.

23 With regard to the first question -- and I will answer it because  
24 I think it's an important question because it has come up in  
25 other studies like Nakagawa's study -- I think it depends on the

1 role of the person when they are young speaking to elders. For  
2 example, I go to villages with medical teams in Cambodia and I  
3 oftentimes travel with nurses that are younger than villagers  
4 that we're speaking to about sexual health history and they are  
5 quite comfortable with a nurse in that role to give them  
6 information.

7 I worked very hard to establish trust through association, so my  
8 students -- that is why I started with my students starting with  
9 them getting someone that their parents knew so that there would  
10 be trust to begin with and a former association in a community  
11 way. So that is why I started my research studies that way.

12 [13.47.49]

13 My students may not have gotten as much information for me, but  
14 they certainly got enough for me to continue my research. Thank  
15 you.

16 Q. Thank you, Madam Expert. I would like to ask my last question.  
17 I <observe that in your thesis -->, <this morning you> mentioned  
18 that 15 per cent of those who were interviewed by you got married  
19 <in> 1979; is that correct what I heard from you?

20 A. Could you please reframe that for me to make sure I got your  
21 question?

22 Q. Thank you. What I want to say is that this morning you stated  
23 that, based on your study, 15 per cent of those who were  
24 interviewed by you got married <in> 1979; is this what I heard  
25 from you correct?

1 [13.49.28]

2 JUDGE FENZ:

3 I think it was actually an answer to a question of mine. Just let  
4 me see if I understood your question correctly. I referred to the  
5 temporal jurisdiction of the Court. Now, obviously '79 is covered  
6 in a small part. And you appear to answer that 15 per cent out of  
7 the people questioned in your survey actually got married after  
8 that period. I think this is what counsel wanted to confirm or  
9 not.

10 MS. LEVINE

11 A. Three people in that '79 sample were married. It -- it's a bit  
12 tricky. So I'd have to put them in the post area because I don't  
13 have the exact date because it was season referenced. So, to be  
14 on the safe side, I would put them outside my database and it was  
15 three of that 15 per cent.

16 [13.50.33]

17 BY MR. SENG LEANG:

18 Q. When I read your <thesis>, it says that <there are more than>  
19 20 out of <> those who were interviewed by you and <I agree with  
20 what you said that there were about 15 per cent of them.> Now,  
21 you said that <there were> only three <people>, so could you  
22 confirm this again about the <figure>? So <there are about 29  
23 among 192> people, <so 15 per cent would make more sense but>  
24 now, you <said there were three people. Could you clarify it?>

25 MS. LEVINE

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1 A. I'll go back in a minute. I believe what I said was three out  
2 of the 15 per cent, but I need to go back and look at that  
3 figure.

4 Yes, so 1979 -- 15 per cent of my sample were wed in 1979. Out of  
5 that 15 per cent, three people, I would have to -- to err on the  
6 side of caution -- put into the category of post-DK. So I -- I'm  
7 not thinking fast on my feet here in terms of mathematics, so I'm  
8 not calculating very quickly three out of the 15 per cent and  
9 what that would do to the rest of the sample. I don't think it  
10 would be significant, but I can crunch that figure for you on the  
11 break.

12 MR. SENG LEANG:

13 Thank you, Madam Witness. I do not have any further question.  
14 And now, I would like to cede the floor for the International  
15 Co-Prosecutor, Mr. President.

16 [13.52.30]

17 QUESTIONING BY MR. KOUMJIAN:

18 Q. Thank you.

19 Ms. LeVine, just to clarify that last point, a little bit, before  
20 I move on, we count 29 in the annex of your thesis that list the  
21 year of the marriage as 1979; do you have any reason to dispute  
22 that?

23 And I could give the numbers; the numbers 188 to 192, number 163,  
24 number 145, 146, 134, 132, 129, 128, 120, 119, 112, 100.

25 MR. PRESIDENT:

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1 Mr. Co-Prosecutor, please repeat the numbers again because the  
2 interpreters could not follow.

3 [13.53.30]

4 BY MR. KOUMJIAN:

5 Perhaps it's not necessary because we all have the annex and we  
6 all could see it just by looking at the year of the marriage.

7 Q. So what I don't understand is: What is the difference, in your  
8 mind, of the three from the rest of the 29?

9 MS. LEVINE

10 A. I clarified the three this morning. Because of the way in  
11 which the person referenced 1979, I cannot in -- I cannot confirm  
12 completely that they were married inside the DK period or outside  
13 the DK period.

14 Q. Madam Witness, what is your understanding of the DK period;  
15 what is the time period that you use?

16 A. (Microphone not activated)

17 [13.54.40]

18 MR. PRESIDENT:

19 Please hold on, Madam Expert. <>

20 BY MR. KOUMJIAN:

21 Q. Madam Witness, I understood you to say the time the Vietnamese  
22 came in. The Vietnamese invasion began Christmas, 25th of  
23 December 1978. Phnom Penh fell on the 7th of January 1979. These  
24 29 interviews, unless they happen to be in those first six days  
25 of January, all took place after the DK period and all after the

1 Vietnamese invasion had begun; correct?

2 MS. LEVINE

3 A. I will need to go back to my hard data to get the periods  
4 because what I did in this thesis -- I do have my hard data in my  
5 book, what I did in this thesis was I summarized my data and so I  
6 will go back and look at those December figures in my hard data  
7 and see what I can suss out; sorry--

8 [13.55.57]

9 Q. Okay.

10 A. --to see what I can suss out about the season referenced and  
11 the time referenced. I will go back and do that.

12 Q. And it's true--

13 A. I just want to say that and I apologize to the Court for  
14 including that data. I just thought it was--

15 Q. Madam, there's not a need -- we really don't have time for  
16 explanations beyond the question. Because I'm trying to get you  
17 home, let's limit ourselves to the questions, please.

18 So is it correct to say that you've never studied the policies of  
19 the DK leadership?

20 A. That is incorrect.

21 Q. Okay, can you tell us how you studied the policies of the DK  
22 leadership?

23 A. In terms -- I'm using the term "study" as a read and ponder.

24 Yes, I've read and pondered and talked to many historians because  
25 after I did my research, I found some similarities. I found some

1 similarities.

2 [13.57.17]

3 Q. So Madam Witness, Ms. LeVine, did you come to the conclusion  
4 that DK policies began to loosen at the very end of 1978 in an  
5 attempt to -- and particularly after the Vietnamese invasion, in  
6 an attempt to retain a bit of popular support for their regime;  
7 would you agree with that based on your studies?

8 A. My studies were on the weddings, so I was interested in the  
9 looseness or tightness of how things happened around the  
10 weddings, so I -- it's my only comment I can make on your  
11 question.

12 Q. Okay, let me move on. And let me -- to frame the questions I  
13 will ask subsequently, I want to summarize a couple things you've  
14 said and if you can answer this yes or no, please do so.

15 You said yesterday at 14.27, I believe -- I'll try to find the  
16 transcript -- "I did come to a conclusion that they were not  
17 forced," referring, I understood, to all the marriages in your  
18 study; is that correct?

19 A. Yes, I wrote that. Yes, that's correct.

20 [13.59.03]

21 Q. And you also say that true -- you hold that view of all  
22 weddings in DK or just of the ones in your study?

23 A. With regard to my study.

24 Q. Now, you never asked any of the people in your study if their  
25 marriages were forced; is that true?

1 A. That's not true.

2 Q. Okay. Madam, this is what you said in that sentence just  
3 before the one about your conclusion. This is again at 14.27.16.  
4 You said, "Well, actually, I worked very hard to not even ask  
5 that question; were they forced or not, but I did come to a  
6 conclusion that they were not forced."

7 So Madam, my question again is: You didn't ask people whether  
8 their marriages were forced, but you came to a conclusion that  
9 their marriages were forced; is that correct -- were not forced,  
10 correct?

11 A. That's not correct.

12 [14.00.32]

13 Q. Okay.

14 A. In terms of the way the question was framed to me, that is not  
15 correct.

16 Q. Which part is not correct?

17 A. Could you please reframe the question again so I can listen?

18 Q. Okay. You've told us that you've concluded that these 192  
19 individuals -- I guess we're talking about 181 marriages because  
20 11 of them were married to each other -- that these 181 marriages  
21 were not forced and you've also told us you never asked the  
22 people who experienced it, who were there and had to marry,  
23 whether they considered their marriages forced.

24 [14.01.19]

25 A. To requote your quote of me which you said, "worked very hard

1 not to ask" and I did work very hard to not ask, but there were  
2 sometimes, not frequently, where I did ask. But I was very  
3 careful not to lead an opinion with people when I was wanting to  
4 understand what conclusion they have come to, how would they  
5 define, how would they identify. I did not want to put words in  
6 peoples' mouth; however, I did ask, "Did you think your weddings  
7 were authentic?" Not everyone said yes.

8 Q. Madam Witness, there's a very big difference; don't you agree,  
9 between asking if a marriage was real or authentic and asking if  
10 the person consented to that marriage? Do you think it's possible  
11 to have a marriage that someone does not consent to, but it's  
12 real; it's authentic?

13 A. I would like you to state that again for me, please.

14 Q. Let me then give you a scenario. A father goes to his  
15 daughter. He says he's got a shotgun. "You have to marry this man  
16 30 years older than you." They go before the religious body,  
17 whatever religion they are. The marriage takes place. Under the  
18 law of that country, they're married. That's an -- that's a real  
19 marriage; it's not illusionary, correct?

20 A. No one took out a gun to anyone in my sample.

21 [14.03.17]

22 Q. Madam Witness, are you saying that no one in your sample felt  
23 threatened, that they were under threat that they could possibly  
24 die if they refused an order of Angkar?

25 A. No, I'm not saying that.

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1 Q. Okay, well, let's -- let me try to move on and then we'll try  
2 to clarify some of the language because some of the differences  
3 may be in the language that we're using.

4 First, forced marriage: When you use that term, you are not using  
5 a legal definition; is that correct?

6 MR. PRESIDENT:

7 Madam Expert, please hold on and Counsel Koppe, you have the  
8 floor.

9 MR. KOPPE:

10 Yes, thank you, Mr. President. We're puzzled by this question. I  
11 don't think there is a legal definition, at all, of forced  
12 marriage. The question whether forced marriage was a crime is  
13 something to be debated. It has never been judged as such. It  
14 isn't in any criminal code, so maybe the prosecutor can enlighten  
15 us as to what the legal definition actually is.

16 [14.04.44]

17 MR. KOUMJIAN:

18 Certainly, legal definition of forced marriage, for example, is  
19 explained in the Sesay et al decision of the Special Court for  
20 Sierra Leone. I probably have that with me somewhere, but I don't  
21 think I can find it at this very moment, but--

22 (Short pause)

23 [14.05.18]

24 BY MR. KOUMJIAN:

25 Organizationally, I'm completely a mess, so I don't have it right

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1 now, but I promise I will come back to that after the break.

2 Q. Did you study the decisions, for example, of the Alex Tamba

3 Brima case at the Special Court of Sierra Leone or the Issa

4 Hassan Sesay case at the Special Court of Sierra Leone which

5 defined the elements of forced marriage as basically -- I'll give

6 you the exact language later, but one in which a person is

7 married under circumstances where they did not give free consent

8 because of force, the threat of force, or coercion?

9 [14.06.19]

10 MR. PRESIDENT:

11 Counsel Anta Guisse, you have the floor.

12 MS. GUISSÉ:

13 I have a problem here, a legal problem. The definition on which

14 the prosecutor is relying is based on jurisprudence that comes

15 after the facts that occurred in Democratic Kampuchea.

16 Even though <I don't believe> expert <has told us she has> done

17 any specific legal studies, she must have raised issues regarding

18 the legal issues during the period from 1964 to 1979, that is the

19 period of her study. <So if there must be a legal definition on

20 that matter, she would have raised it in these terms for the

21 period in question>. So the manner in which the prosecutor has

22 phrased this question should be rephrased; for instance, he can

23 ask: "Did you make any comparisons <with afterward>?" You cannot

24 ask any questions in terms of law during the period of the

25 events.

1 [14.07.34]

2 JUDGE FENZ:

3 But a short comment in order to avoid confusion. Obviously, the  
4 question of legal qualification is up to the Chamber, so we  
5 shouldn't debate with her. I wonder how far the debate of legal  
6 definitions gets us further.

7 Having said that, as I've self -- myself tried to do, it's  
8 necessary to clarify terminology. So I think what can be done is  
9 provide this without qualifying it as the right one or the wrong  
10 one, but it is one possible definition of forced marriage and ask  
11 her if this is her understanding or not without going into the  
12 question whether this is correct or not correct or whatever.

13 [14.08.19]

14 BY MR. KOUMJIAN:

15 Q. Correct, I'm not -- and Madam Witness, I understand you're not  
16 a lawyer and I'm not trying to put you into a legal debate and we  
17 don't want to have a legal debate here. What I'm trying to get,  
18 as Judge Fenz pointed out, is an understanding of the terms that  
19 we're using and as I began my question, I thought that part of  
20 the problem may be that we're using different terminology.

21 So the terminology I'd like you to consider now is from the Sesay  
22 case, appeal judgment, paragraph 735 where the Appeal Chamber  
23 defined the offence of forced marriage as "a situation in which  
24 the perpetrator compels the person by force, threat of force, or  
25 coercion to serve as a conjugal partner."

1 Even though you didn't have that as one of your regular  
2 questions, if I understand right, it wasn't one of the topics.  
3 You, in fact, got answers from your respondents, which indicated,  
4 in fact, they were in situations where they were compelled to  
5 marry by force, threat of force, or coercion; would you agree  
6 with me about that?

7 [14.09.46]

8 MS. LEVINE

9 A. It's a difficulty here for me. The first definition you read  
10 that I was considering was then cast to the side for the moment  
11 and I heard the word "perpetrator", so I would like you to please  
12 say again the first definition that you gave. A person is married  
13 under dot dot dot; could you please give that to me again? I only  
14 wrote down half of it and I want to consider this fully.

15 Q. It's in a situation where someone compels the victim; we'll  
16 call them -- compels -- I'll read the quote again, "compels a  
17 person by force, threat of force or coercion to serve as a  
18 conjugal partner."

19 So my question is: Do you agree that certainly many of those who  
20 responded to your survey, even if they were not asked, told you  
21 that that's exactly what happened; that they felt compelled and  
22 compelled into a marriage they did not want?

23 [14.11.28]

24 A. I need to be very careful here because force, threat of force,  
25 or coercion -- for me to respond to that question in the

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1 affirmative puts arranged marriages, in general, on the carpet  
2 here and I'm not prepared to do that right now.

3 Q. Well, I'm not asking you now about arranged marriages; I'll be  
4 happy to come to that subject in a moment. I'm asking you about  
5 the marriages under DK. The marriages -- I'm not asking you about  
6 arranged marriages in prior periods; I'm asking you about the  
7 marriages under the Khmer Rouge, the hundred and eighty-one  
8 marriages that your respondents were part of. Isn't it correct,  
9 or tell me if I'm wrong, most of them; certainly many of them,  
10 told you, even if not asked, that they felt compelled or coerced  
11 to marry a person they didn't know and didn't -- or didn't want  
12 to marry?

13 [14.12.51]

14 MR. KOPPE:

15 I really do not think this is a very fruitful exercise, but Mr.  
16 President, but besides this, the definition that -- by the  
17 Prosecution, coming from Sesay, apparently refers to the actual  
18 perpetrator; the man using force or the threat of force or  
19 coercion to marry forcibly a woman. This is not the situation, as  
20 I understand it, that the expert has been referring to. It's a  
21 more general threatening situation of the DK regime as such. That  
22 is a totally different situation. There is no example of a man  
23 forcing a woman to marry as was apparently the case in RUF case  
24 in Sesay. So there's a total mix-up of not only geographical  
25 situation, but also legal situations.

1 JUDGE FENZ:

2 Counsel, it would appear that you are ask -- answering the  
3 question to the expert. My feeling was that was exactly the  
4 question. If the expert says no, this is not the situation in  
5 Cambodia; I think we would expect her to say exactly that.

6 MR. KOUMJIAN:

7 Your Honour, my response would be that it's obviously as counsels  
8 both have pointed out; this is not time for a legal debate. But  
9 just in response to counsel's remark, that clearly wasn't the  
10 situation and Sesay was not convicted of his own marriage; he was  
11 convicted of marriages of other people. That's what was involved,  
12 leaders forcing marriages.

13 [14.14.35]

14 BY MR. KOUMJIAN:

15 Q. So Madam, forget -- I'm asking you now whether, in your  
16 opinion -- I'm going to ask one more time -- those that you  
17 interviewed volunteered without being asked, many of them, that  
18 they married only against their will after being compelled or  
19 coerced.

20 MS. LEVINE

21 A. Before I give my answer, I just want to say that the  
22 definition before me of the word "force" uses forced two times.  
23 So the definition of forced is force, threat of force, or  
24 coercion. That's confusing to me.

25 [14.15.28]

1 I'm sitting with the coercion right now in contemplation because  
2 I cannot say yes to the word "forced" in what you just referenced  
3 to me, nor the threat of force. I'm sitting with coercion in the  
4 context of people losing access to traditional ways of moving  
5 through recognition of a wedding. It's not that I'm avoiding your  
6 question; it's just that I think this word "coercion" requires a  
7 bit of contemplation on my part. I will do that, but in this  
8 moment; I can say I'm not agreeing with forced based on this  
9 definition. One word in that definition, I will contemplate.

10 Q. Okay, thank you. So we have your answer is that you do not  
11 agree that people were forced.

12 And now, I want to go to what you were talking about; coercion,  
13 and talk to you about the atmosphere of the DK period because,  
14 correct me if I'm wrong, but you spoke to people about weddings  
15 and pregnancies and children. But in the course of that, you  
16 learned a lot about how they felt living in the DK period; is  
17 that true?

18 A. That is very true.

19 [14.17.07]

20 Q. How would you describe the atmosphere in regards to coercion  
21 to obey Angkar orders during that time?

22 A. To obey was to increase privilege and to have the potential  
23 for some safety.

24 Q. You're a trauma psychologist; is that correct, just a  
25 psychologist that specializes in trauma?

1 A. Yes, that's correct.

2 Q. Would you agree that almost everyone who lived during that  
3 period of time underwent an experience of extreme stress?

4 MR. PRESIDENT:

5 Madam Expert, please hold on and Counsel Koppe, you have the  
6 floor.

7 [14.18.30]

8 MR. KOPPE:

9 I object to this question. I'm sure the expert will be in a  
10 position to answer this, but she has interviewed only the people  
11 that she referred to; she cannot possibly say anything about the  
12 rest -- the mental state of the rest of Democratic Kampuchea's  
13 population in that period.

14 BY MR. KOUMJIAN:

15 Your Honours, I think the Defence is calling the witness in  
16 reference to all marriages in Democratic Kampuchea, not just the  
17 181, but I'm fine to limit it to the ones that you talked to.

18 Q. Madam Witness, Doctor, would you agree that all of those that  
19 you talked to in depth about their experiences indicated that  
20 they were victims of extreme stress living through the DK period?

21 [14.19.45]

22 MS. LEVINE

23 A. I pause on your word "victim," but putting that to the side, I  
24 would agree that the level of trauma that was exacerbated by lack  
25 of access to ritual was excruciating and I would like to give one

1 case example because you raised the issue of births.

2 I had a woman in my sample who was to deliver. There was a Khmer  
3 Rouge birth centre. She witnessed a woman whose abdomen, at the  
4 time of delivery, was cut open so that those in training to be  
5 attendants could see the physiology of birth.

6 Now, one would think from a Western perspective that that would  
7 be about as traumatic as one could imagine; however, I want to  
8 add another dimension that was part of the discussion on Angkar  
9 this morning.

10 [14.20.56]

11 When I proceeded to understand the level of distress that this  
12 woman suffered as a result of witnessing that, what was -- to me,  
13 as a Westerner, what I would have imagined her stress to be was:  
14 "Would I be next, my life is threatened?"

15 The intensity of her fear was based on the fact that the  
16 deceased, pregnant woman and the deceased infant could not rest  
17 their souls and those souls would continue to roam because there  
18 were no rituals for her to enact in that regard.

19 Q. Would you agree that those that witnessed such killings for  
20 basically no reason, capricious killings, would be under severe  
21 stress and fear of death?

22 A. I think that they would be paranoid mostly, looking over their  
23 shoulder frequently, afraid on a daily basis, yes.

24 [14.22.22]

25 Q. On page 118 of your book, I'd like you to comment on this. You

1 begin this chapter about spirit humiliation by saying - quote:  
2 "Nearly everyone spoke of death in the DK period. There were  
3 deaths by starvations, deaths that were assumed following  
4 disappearances, random deaths of being called out at night,  
5 deaths during interrogation, deaths following interrogation,  
6 signs of death such as seeing a severed arm on the ground, deaths  
7 by torture, deaths by malaria, deaths by hypothermia, and deaths  
8 by the sun."

9 Madam Witness, do you think this phenomena of people constantly  
10 being aware of the possible imminence of death would affect the  
11 exercise of free will and consent in whether or not they objected  
12 to Angkar's choice or decision that they should marry a specific  
13 person?

14 [14.23.44]

15 A. Before I did the study, I would have, in an unqualified way,  
16 agreed with you; however, it's important that I hold the meaning  
17 of the weddings to people that lived through what you just read  
18 out. My following sentence's suitcase of death was more than the  
19 mind-body could hold. For those people that I interviewed, the  
20 wedding was a moment of change for them. It was the moment when  
21 they thought there was a chance for a different life as bizarre  
22 as that sounds.

23 Q. Before I go back to that, let me just ask you about a few more  
24 comments in your book that describe the state -- the situation in  
25 DK that the people were living in at the time that these

1 marriages took place.

2 [14.24.53]

3 On page 121, you talk about your interview with Mr. L and he said  
4 or you wrote, "Whether one can live or die is not done by any  
5 choice. We could get killed at any time, any time without any  
6 trial just like killing animals. I kept expecting to die. I  
7 waited to die."

8 On page 113 of your book -- I'm sure you recall this -- you  
9 talked about a man who witnessed his sister cut open right in  
10 front of him. It's on the bottom paragraph and this apparently  
11 happened in 1976.

12 On page 182, you talked about this incident where you mentioned  
13 already about the woman who saw the pregnant woman cut open.  
14 Page 135, you spoke about your interview with a Mr. A and you  
15 said that Mr. A had a friend who was called out at night. The  
16 next day, he saw the severed leg which he recognized as being the  
17 leg of his friend. Then he was called out, I believe, if I  
18 understood you, the next day or shortly after and it turned out  
19 to be for his wedding, but he worried about whether it would be  
20 for his death; is that correct?

21 [14.26.50]

22 A. What's correct is that for a period of time, particularly in  
23 '78, people were called out. If they received a krama, it usually  
24 meant they were being called out to go to a wedding. If they did  
25 not, it often meant, according to what people heard -- I think

1 that's important to say here -- that it could mean death.

2 Q. And on page--

3 A. And I just want to qualify one more thing. Going back to the  
4 -- Mr. L on page 121 where he says, "There was no muscle, only  
5 skin over my bones. I had a big knee and a big elbow, such big  
6 bones." What I can say is as -- as difficult as this was for me  
7 in doing my research, I was interested in, if you will, rank  
8 ordering people's fears and people were -- and rank ordering what  
9 it was that traumatized people the most and it was often that  
10 someone witnessed someone that they were very close to starve to  
11 death. That seemed to be so much more profound and dream haunting  
12 for them than them witnessing someone who was killed, though I  
13 have to say that most of the references to death were, "I heard  
14 about this" or "A friend told me about this". So, this was a  
15 quite unique presentation here.

16 [14.28.44]

17 Q. Well, you would characterize the situation of most people as  
18 one of being in a state of starvation and fear; is that correct?

19 A. In -- the severity of that related to the region and time in  
20 which people were situated, but generally starvation, especially  
21 at the beginning and in '76 and '77, was a big theme in my study,  
22 yes.

23 Q. On page 150, you talk about your interview with Mr. A. I have  
24 the ERN on the thesis and that may be 00482553. And let me read  
25 to you what you wrote. "Before I got in the car, the Khmer Rouge

1 took all my papers, my books, certificates, even photographs, my  
2 birth certificate."

3 Skipping a bit, "They even took my chicken. They just took it. If  
4 people didn't give all they wanted, they would ask you, 'Do you  
5 want to be alive or do you want to die?' So how can you choose?  
6 He was silent for five seconds and he said, 'How can you  
7 choose?'"

8 [14.30.24]

9 Madam, do you think there's a difference between the ability to  
10 deny Angkar the goods or the chicken in the case of Mr. A. and to  
11 deny when the group leader, district head, or other authority  
12 tells a young person that they are to be married to someone  
13 selected by Angkar? Would you agree that what Mr. A. said, "How  
14 can you choose?" applies equally to the marriage; free choice was  
15 impossible, protest was impossible?

16 A. At this moment, I am not ready to answer your question.

17 Q. Okay, thank you. I don't know.

18 Now, you talked about -- in your words, you don't want -- like to  
19 use the word "forced" marriage, but you say it's like being  
20 conscripted marriage. That it was a national duty; did I  
21 understand you correctly?

22 A. That is the term that I have used.

23 [14.32.05]

24 Q. Well, conscription in the DK, in particular -- because that's  
25 what we're talking about; we're talking about Democratic

1 Kampuchea -- what was the consequence of someone refusing  
2 conscription?

3 A. I have a number of examples. Usually, it was a man and he was  
4 sent to a labour camp for a while and then sent back to the  
5 village. I gave an example, I believe, yesterday. In one case  
6 where a man disagreed with the choice, he was sent for labour,  
7 came back; there was a different person in charge and he chose  
8 his partner.

9 Q. Okay, I think we're -- we crossed wires a bit. I'm asking  
10 about the consequence of refusing military conscription. Perhaps  
11 that's my fault for not making that clear enough.

12 What was the consequence in DK of refusing military conscription?

13 A. In the cases I had--

14 [14.33.27]

15 MR. PRESIDENT:

16 Please hold on, Madam Expert and Counsel Anta Guisse, you have  
17 the floor.

18 MS. GUISSSE:

19 Yes, I'm obliged to object even if I believe that the expert is  
20 able to answer this question. But< -- to be clear -- >in her  
21 statement, the expert never spoke about military conscription in  
22 DK; she drew a parallel between marriage under DK and <military>  
23 conscription elsewhere. So in the way the question is phrased by  
24 the Co-Prosecutor, I feel that there is some confusion. She never  
25 spoke about military duties under DK and I'm not sure that she

1 studied that, so maybe the question should be phrased in a way  
2 that's more in sync with her work <and what she has stated before  
3 this Chamber>.

4 [14.34.22]

5 BY MR. KOUMJIAN:

6 Thank you.

7 Q. Actually, at least on one page, you do discuss the  
8 consequence. On page 121 of your book, you talk about an  
9 interview with Mr. B. and he told you that they collected all the  
10 men in S'ang district, even the monks - quote: "We all had to  
11 become part of the army or we would be killed."

12 So you're equating the choice of whether or not someone would get  
13 married with whether or not they would serve the Khmer Rouge army  
14 when ordered to do so; is that correct?

15 A. No, that's not correct.

16 Q. And when it comes to this conscription and national service,  
17 somehow do you believe that if marriage is part of a national  
18 policy to increase the population that coercing someone into  
19 marrying a stranger or someone they don't want to marry is then  
20 legitimized?

21 A. I just want to ask for clarification on your word  
22 "legitimize", please.

23 [14.35.49]

24 Q. Do you think it's not a forced marriage; it's -- can somehow  
25 something less than that because it's for national service?

1 A. It's a term that many governments use internationally. In some  
2 ways, I have to say, to justify taking people into service with a  
3 consequence if they object and so that is the reason I chose that  
4 term because this is a -- this regime was very tricky and to --  
5 to not think through a term that might be better applied in the  
6 context of DK; not Sierra Leone, but in the context of DK, it's  
7 the best term I could find that represents this context given my  
8 research on this topic.

9 There may be a better term when more research appears.

10 Q. Madam Witness, just to take one example -- and if you would  
11 like to answer this question just to understand your concept of  
12 conscription -- we know about instances in the Second World War  
13 where some armies conscripted what they called "comfort women"  
14 into their service to serve in brothels; in your view is that  
15 national service or is that sexual slavery?

16 [14.37.46]

17 MR. KOPPE:

18 I object to this question. Apart from the unnecessary emotion in  
19 that question, I don't think this expert is in a position to say  
20 anything about what happened in Japan in the Second World War and  
21 before.

22 JUDGE FENZ:

23 And what exactly constitutes sexual slavery? Obviously, it's up  
24 to the prosecutor to make his questions, but it appears to me--

25 MR. KOUMJIAN:

1 Let me move on.

2 [14.38.12]

3 JUDGE FENZ:

4 --that whenever we use terms, legal terms, confusion--

5 MR. KOUMJIAN:

6 Good point.

7 JUDGE FENZ:

8 --arises.

9 BY MR. KOUMJIAN:

10 Good point, thank you. So let me move on.

11 Q. Madam, why didn't you ask as one of your topics; why didn't  
12 you put it in your list of topics and in the survey you gave your  
13 students, "Did you want to participate in this wedding?" Why  
14 didn't you ask the subjects if they consented to the wedding?

15 A. The formatting by which I arranged my questions were meant to  
16 be open because I did not want to, in any way, especially as a  
17 Westerner, set in motion someone responding to me and giving me  
18 an answer they thought that I might want, particularly given the  
19 topic in the media. I worked very hard to ask open-ended  
20 questions where people, themselves, spoke about their  
21 experiences. I could say, "How would you interpret that? What do  
22 you think about that?" But I worked very hard to keep things  
23 within that frame.

24 I would like to make one comment, if I may, please, about the  
25 comfort-woman-

1 [14.39.53]

2 Q. Sure.

3 A. --question; am I allowed to do that?

4 MR. PRESIDENT:

5 Yes, please.

6 MS. LEVINE

7 A. The reason I want to just introduce a statement about this  
8 example is because recently, I was interviewed by a journalist in  
9 the "New York Times". Not to say that I was -- I was not exactly  
10 properly referenced, but giving -- putting that aside; the  
11 journalist came to me to tell me that there was an estimate that  
12 was -- that was being accepted about the number of women that  
13 were married under DK and what did I think about that number. And  
14 I said, "I've not seen any formal research studies on that number  
15 that I was given." And she said, "Oh, you probably need to go  
16 into the work of Laura McGrew."

17 I did. I found no studies and then finally after much, much  
18 research, I found a statement that I'd like to read. "By way of  
19 comparison, it is estimated that over 200,000 comfort women were  
20 enslaved by the Japanese military during and around World War II.  
21 Although the two practices were totally different, the numbers  
22 may have been roughly equivalent. If a Cambodian village"-

23 [14.41.43]

24 MR. PRESIDENT:

25 Madam Expert, please repeat what you have just said because the

1 interpreter could not follow.

2 MS. LEVINE

3 A. I apologize. I was reading too quickly.

4 A number that's now being thrown around in the media as if it is

5 -- as if it has been quantified in a study is a statement by

6 Laura McGrew. "By way of comparison, it is estimated that over

7 200,000 comfort women were enslaved by the Japanese military

8 during and around World War II. Although the two practices were

9 totally different, the numbers may have been roughly equivalent.

10 If in a Cambodian village of a thousand, there was an average of

11 two group marriages during four years that the Khmer Rouge were

12 in power with 15 women involved in each ceremony, this could mean

13 that as many as 210,000 women would have been forced into

14 marriage out of a population of 7 million."

15 [14.43.19]

16 The reason I raised this is because that was the first time I

17 heard anyone mention comfort women with regard to the Khmer Rouge

18 weddings and now I hear that again today. I find the implication

19 offensive.

20 BY MR. KOUMJIAN:

21 Q. You explain why it's offensive. What is the difference you see

22 between the marriage -- telling someone to marry a stranger and

23 then have sex with them from the comfort women?

24 MS. LEVINE:

25 A. I am aware that on the agenda here is the issue of rape and

1 rape in marriage and to make this association is unfair to an  
2 unbiased review of what happened under DK.

3 Q. Let me move on to, hopefully, more productive topics.

4 JUDGE FENZ:

5 I just wanted to clarify.

6 MR. KOUMJIAN:

7 Sure.

8 [14.44.39]

9 JUDGE FENZ:

10 I mean, it was you who made this association now or what  
11 association are you talking about?

12 MS. LEVINE

13 A. The number that is now being used in the media for how many  
14 women may have been married under DK is a number that relates to  
15 the comfort women statistics. The association was made by Laura  
16 McGrew and here now, I was asked a question with a reference to  
17 comfort women.

18 JUDGE FENZ:

19 I understand, thank you.

20 [14.45.35]

21 MR. PRESIDENT:

22 It is now break time. The Chamber will take a break from now  
23 until 3 p.m.

24 Court officer, please assist the expert in the waiting room  
25 during the break time and please invite her back into the

100

1 courtroom at 3 p.m.

2 The Court is now in recess.

3 (Court recesses from 1445H to 1503H)

4 MR. PRESIDENT:

5 Please be seated. The Court is now back in session.

6 Again, the floor is given to the Co-Prosecutor to put further  
7 questions to the expert. You have the floor.

8 [15.03.50]

9 BY MR. KOUMJIAN:

10 Thank you.

11 Q. Madam Witness, I want to -- Doctor, I want to go to the  
12 beginning of your study and the first couple that you interviewed  
13 and you said you met them, not purposely; you met them in social  
14 circumstances, I presume, correct? I see you nodding your head,  
15 so I'll go on to my question.

16 And they indicated that they wanted to get married. Now, it's --  
17 you said you've read some of the literature; would you agree with  
18 me it's -- that none of the literature and certainly, I hope,  
19 never have you read that the Prosecution has alleged that every  
20 single marriage during the Democratic Kampuchea was forced and  
21 against the will of the people married. Some of them -- some  
22 people married those they wanted to marry; would you agree that  
23 the literature is in agreement on that?

24 [15.04.56]

25 MS. LEVINE

101

1 A. I first want to clarify that first case because the head of  
2 the boys' camps and the head of the girls' camps arranged that  
3 wedding. Those two came from the same region before they had gone  
4 into Phnom Penh following the loss of their school during the Lon  
5 Nol regime. I may be giving you more details just because I know  
6 my cases so well, but that was part of the particulars of that  
7 first.

8 Q. My understanding is the first one was one who was asked to  
9 marry one person and then he asked for his base fiancée and they  
10 married. That's what the note is on number 1 in the book.

11 A. (Microphone not activated)

12 [15.05.54]

13 Q. That's not the same couple; is that what you're saying?

14 A. That's right.

15 Q. Okay.

16 A. That's not the first couple.

17 Q. All right. Thank you.

18 And would you also agree that -- I think we all would agree that  
19 in some circumstances, even if they didn't want to get married,  
20 these individuals went through a period of extreme difficulty  
21 together. Sometimes, they had children during the regime and they  
22 shared that experience and often in such difficult experiences,  
23 survivors grow close to each other and that happened among some  
24 of those who were chosen to be married by the Khmer Rouge. In  
25 some cases that happened, correct?

1 A. Depending on the region, yes.

2 [15.06.55]

3 Q. And by the way, when you said that no one was killed who  
4 refused, you couldn't possibly have interviewed someone who was  
5 killed who refused a marriage? They wouldn't be alive for you to  
6 interview them; isn't that correct?

7 A. I reference David Boder's work in my book. He wrote a book  
8 called "I Did Not Interview the Dead." He went into the--

9 Q. I think your answer is yes; is that right? He -- you couldn't  
10 interview because as he -- he could not interview those that died  
11 during the Second World War, correct? I'm just trying to be --  
12 move things along.

13 A. Of course.

14 Q. Now, in this first couple, who I -- who I now understand is  
15 not necessarily number 1 and 2 on the chart, they told you,  
16 without prompting, that theirs was not a forced marriage. Now,  
17 doesn't that imply to you that they recognized that many others  
18 in their era were forced marriages?

19 [15.08.17]

20 A. If I could clarify the context for your consideration, I was  
21 at a university colleague's home. The couple -- the man was a  
22 colleague of mine; his wife was there. It was after lunch. We  
23 were eating fruit. He leaned back into his wife; she was  
24 massaging his neck and I said, "Oh, I wonder where did you meet?"  
25 And they said, "We met during the Khmer Rouge." And I said, "And

1 what about your marriage?" And they said, "We were married during  
2 the Khmer Rouge." And I said, "Oh, you mean the forced weddings?"  
3 And they said, "Our wedding wasn't forced."

4 Q. Okay, thank you for that answer.

5 Now, you have listed the topics of your discussion; in the  
6 thesis, you've listed 10 topics; in the book, it's listed as 13  
7 and we also have your questionnaire that was given to the  
8 students.

9 None of these have a question about consent, whether or not the  
10 spouses consented to the marriage; correct?

11 A. Because I did not take testimonials, I asked questions that  
12 left it open so that that information could be included or not.  
13 [15.10.13]

14 Q. So the answer is you don't know though? When they didn't tell  
15 you, sometimes they told you, but if they didn't tell you, you  
16 don't know whether it was with their consent or without their  
17 consent; correct?

18 A. Given the way you've asked the question, yes.

19 Q. And is it also correct that you did not ask them about feeling  
20 threatened?

21 A. I would like to read a quote from one my transcripts. Now,  
22 this is an in-depth part of the transcript of a woman who is a  
23 case in my book that has been referenced by other researchers  
24 that I called -- I gave a pseudonym -- Moni.

25 [15.11.28]

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1 She says after her marriage in December of '78:  
2 "I was so sick [she was in Battambang]. I was so sick. I was like  
3 a tiny bird. My husband went away. I was ill and by myself in the  
4 cottage. In the middle of the forest of the village, we had two  
5 cottages: one for one couple and one for us. Two soldiers came on  
6 horseback. One of the soldiers asked me to go with him and I  
7 explained that I was married and had a husband. 'Oh', he said,  
8 'it is impossible for me, a Cambodian woman, to go with you.' The  
9 soldier who asked me to go with him then said he would like me to  
10 be his sister and when I have a problem I can call him. Then  
11 two-to-three days later, they came back. I was still alone. They  
12 came to see if I was better. I asked, 'Did they ever hurt you?  
13 No, they came to see if my situation was better. Sometimes they'd  
14 bring me sugar, sometimes eggs, one time a chicken. They did not  
15 hurt me.'"  
16 The reason I give that as an example is because in my interviews,  
17 depending on what happened in qualitative interviewing, I would  
18 ask questions about the safety of the person.  
19 [15.13.14]  
20 Q. So the answer to my question then is that you did not ask that  
21 question if they were threatened unless you felt it was part of a  
22 follow-up. You did not instruct your students to ask the couples  
23 whether they felt threatened. Is that correct? And, please,  
24 answer the question.  
25 The mike wasn't on.

1 A. Making a habit of that. Yes.

2 Q. And if we look at the very short notes that you included in  
3 the back of the thesis, we can get some view of how some of the  
4 people viewed the marriage, and also from your book some of the  
5 things you write.

6 On page 16, you said: "As we shall see through my study, in many  
7 cases the Khmer Rouge arranged marriages and in some cases people  
8 feared annihilation if they did not comply."

9 Now, do you think when people feared that they'd be annihilated  
10 if they did not comply, would you consider their participation in  
11 the marriage to have been with consent?

12 A. In many cases, arranged; in some cases, fear, annihilation;  
13 and my last question to what you have referenced, but can we call  
14 the weddings forced. Yes, so that was a question I continued to  
15 ask, can we call the weddings as a collective--

16 [15.15.07]

17 Q. Madam, the question is -- that's not the question I asked. I'm  
18 trying to avoid the word "forced" for reasons that you -- us  
19 quibbling about the definition. I'm asking you, in those cases  
20 where people feared annihilation, do you consider that they  
21 freely consented to the wedding?

22 A. I'm not wanting to sound difficult, however, embedded in your  
23 question is a context that I still have to hold that I found in  
24 my study, the fear of annihilation is different when you are  
25 protected and have access to traditions than it is when you

1 don't.

2 And so, if we're to assume that one does not have access to  
3 traditional protection, the fear is extremely heightened and I  
4 imagine that people in that situation of some of those cases  
5 would comply.

6 [15.16.24]

7 Q. On page 183, you wrote that, "As the regime expanded, people  
8 had to marry a strange person and have sex with an unknown  
9 spouse."

10 Without asking a question, let me move on to the next example  
11 because it's relevant, I think.

12 On page 17, you talk about someone named Van (phonetic) -- 17 of  
13 your book -- and Van (phonetic), at the time the Khmer Rouge came  
14 to power -- correct me if I'm wrong -- had a fiancée, Sophie  
15 (phonetic), who actually was pregnant at the time, but he was  
16 forced to marry another person, so he never had the chance to  
17 marry the mother of his child and raise his child.

18 Is your position that his marriage was not forced?

19 A. This is a case where we see Angkar. Van (phonetic) was called  
20 out from his work camp to marry a woman selected by Angkar. I  
21 want to please keep this factor in this situation, and that he  
22 did not know at the time that his former love was pregnant.

23 [15.18.05]

24 Q. So -- my question you haven't answered yet. Did you consider  
25 Van's (phonetic) marriage to be forced?

1 A. I considered him to be selected and arranged by Angkar. That's  
2 my descriptive answer.

3 Q. Did you believe that he participated in that wedding under the  
4 threat of force and coercion?

5 A. Again, given that you chose a case example after my discussion  
6 earlier today about Angkar, I think this is very, very  
7 complicated with regard to his compliance. So my answer is no.

8 Q. Okay, let me move on.

9 On page 18, you talked about Moni. I believe you just read to us  
10 some things that Moni told you subsequently, but Moni is the  
11 young woman who described herself as part of an intellectual unit  
12 that kept death lists; that was part of her duty that the Khmer  
13 Rouge assigned her to.

14 And she said she did not want to marry but her father said she  
15 would be killed -- he would be killed -- if she did not marry. In  
16 fact, what you said is:

17 "A Khmer Rouge leader" -- on page 18 - "insisted she marry an  
18 uneducated base person. She did not want to marry that man or any  
19 man for that matter. However, her father said he could be killed  
20 if she did not comply."

21 Doctor, do you consider that a forced wedding -- forced marriage?

22 [15.20.26]

23 A. I consider that to be coercion, but I'm also aware -- that's  
24 why I was going through my thesis. I can't find it right now  
25 where it's a little bit more qualified. She did not want to marry

1 that man or any man for that matter.

2 So her parents would have arranged her -- that's why she's such a  
3 unique case. Her parents would have arranged her to be married  
4 and she would not have wanted to marry any man but she would have  
5 for her father.

6 Q. You're bringing up -- thank you. Let's briefly address the  
7 difference between an arranged marriage by the family and a  
8 marriage arranged by the state.

9 First of all, in the traditional marriages arranged by families,  
10 did your research tell you that if people refused, they were  
11 killed or if they felt that they could be killed if they refused  
12 their parents' arranged marriage?

13 A. They didn't question their parents' decision.

14 [15.21.41]

15 Q. So it would be correct to say you never came across any case  
16 in Cambodia in the literature or your research where arranged  
17 marriages were done under the threat of people being killed?  
18 Would you agree with that; family arranged marriages?

19 A. Under the fear of the threat. I say that because in the  
20 literature that I have read, oftentimes the fear of has been  
21 translated into the threat of, but my answer to your question is  
22 no.

23 Q. You do cite on page 25 a memoir written by Eng Hoa -- I may be  
24 pronouncing that wrong, E-N-G H-O-A -- in 1984 where he talked of  
25 a father who refused to allow his daughter to be married under

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1 the Khmer Rouge and both father and daughter were killed.  
2 Do you see a difference between a family arranging a marriage and  
3 what that does to a person and the state arranging a marriage?

4 [15.23.15]

5 MR. PRESIDENT:

6 Please hold on. You may now proceed, Counsel Anta Guisse.

7 MS. GUISSÉ:

8 Thank you, Mr. President. I have a problem. I object to the  
9 manner in which the question <was> asked. <Twice now - I should  
10 have spoke up earlier --> because the prosecutor is <saying,  
11 "The> State arranged marriages". For the time being <and in the  
12 framework of the> interviews the expert conducted, it was the  
13 local authority and not the State. <I want this to be very clear,  
14 because it is giving the impression that> these particular  
15 marriages <were ordered by a State>. Whether we're talking of  
16 Angkar or the local authority, it's important for us to use the  
17 appropriate terminology here.

18 [15.24.15]

19 BY MR. KOUMJIAN:

20 Q. Thank you, Counsel, for the intervention. I think it's an  
21 appropriate time then to say -- ask the witness, Madam Witness,  
22 have you ever read the statements of the number 2 member of the  
23 regime regarding the policy about marriages?

24 MS. LEVINE

25 A. I just want to ask you your source on that because I have read

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1 things but I just want to know your source.

2 Q. Indeed.

3 JUDGE FENZ:

4 You need to clarify who number 2 is.

5 [15.24.57]

6 BY MR. KOUMJIAN:

7 Yes.

8 Q. I'm referring to the book "Behind the Killing Fields" by Thet  
9 Sambath and Gina Chon on page 41; ERN 00757496. And the book is  
10 generally about his conversations with Nuon Chea, number 2 in the  
11 regime.

12 And the authors write: "Because they wanted to double the  
13 population, the Khmer Rouge wanted to increase the number of  
14 marriages but because the war killed so many men, there were more  
15 women in society. The Khmer Rouge took matters into their own  
16 hands."

17 And then they have a quote: "'The man always wants to choose a  
18 beautiful girl, that's why we forced them to get married and  
19 Angkar chose the wife', Nuon Chea said."

20 Were you aware that the number 2 in the regime used the word  
21 "forced them to get married"?

22 MR. PRESIDENT:

23 Madam Expert, please hold on. Koppe, you may now proceed.

24 [15.26.16]

25 MR. KOPPE:

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1 Thank you, Mr. President. I object. This is -- I objected many  
2 times when the Prosecution does this. This is a book that's never  
3 been authorized by Nuon Chea. He's never read it, so putting this  
4 quote into his mouth as if he had said this, as if he had  
5 authorized this specific excerpt is simply unjust. Why doesn't  
6 prosecutor refer to the official "Revolutionary Flag", which was  
7 reflecting the official policy? They're something completely  
8 different.

9 JUDGE FENZ:

10 Counsel, the book is on the case file. You're on record with your  
11 observation on that. Obviously, the prosecutor is able to use  
12 something which is on the case file. You have qualified it; you  
13 are on record with your observation.

14 [15.27.16]

15 BY MR. KOUMJIAN:

16 Q. So, Madam Witness, this is what is reported by Thet Sambath  
17 who interviewed on tape Nuon Chea, he says for hundreds of hours,  
18 and to my knowledge it's never been denied by Nuon Chea.

19 Do you have an opinion then about whether the regime had a policy  
20 of forcing people to get married? Hearing that quote from the  
21 number 2 of the regime, does that change your opinion?

22 MS. LEVINE

23 A. Yes, I'd like to respond to this.

24 With regard to this book "Beyond the Killing Fields" published in  
25 2010, on page 4 it is stated: "This story is our version of what

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1 Nuon Chea conveyed to us ... nor is it a story based solely on  
2 facts."

3 Now, I have reviewed this book. I have to say I have not studied  
4 it in-depth. It was difficult because there were no markers in  
5 the text to signify voice. I couldn't ascertain whether direct  
6 quotes were commentary or not. So I had some questions about this  
7 particular passage--

8 [15.29.01]

9 Q. Well, you should recognize that the passage I read is in  
10 quotations and it's written by two journalists, and would you  
11 understand that, under any basic standards of journalism,  
12 quotations ethically have to be accurate or a journalist is  
13 simply not doing their job?

14 A. As we saw today in this courtroom, the word "conscription" for  
15 a moment was translated as "forced". So I read an opening to a  
16 book that this is our version of what was conveyed to us unless,  
17 as I'm asked to do, to return and look at my Khmer word for  
18 authentic and real. Unless I see the translation of that word and  
19 look at the tape -- which, by the way, if I can digress is one  
20 reason why I submitted that document from the Shoah Foundation.  
21 Something went missing, some things were changed.

22 So my question is about this particular text. As a scholar, did  
23 the authors return to Nuon Chea for reliability checks? Did they  
24 give him proofs for review before publication for comment which  
25 typically happens when one is writing about someone's life and

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1 they have access to that person? Did they save the tape and index  
2 of interviews so that term "forced" could be reviewed? Was there  
3 an independent translator used?

4 These are questions that I had when I read this book before you  
5 raised this question to me today.

6 [15.30.44]

7 Q. So you were aware of the quote before?

8 A. Absolutely.

9 Q. Okay, thank you. Then let me move on. So aware of the quote  
10 before you testified, thank you.

11 Now, on page 122, you talk about an interview with a Mrs. Oem  
12 (phonetic) who told you: "If someone refuses to marry who they  
13 chose" -- who they chose meaning the authorities or Angkar -  
14 "then anything could happen. Sometimes one is killed and  
15 sometimes one is not killed."

16 I want to go back to a question I asked you at the beginning of  
17 my examination. Didn't you find from many of your responses that  
18 the arrangement of the marriage was done under threat and  
19 coercion? Doesn't Mrs. Oem's (phonetic) statement confirm that?

20 A. So I can just add on to that quote so it's not a selective  
21 text. The next part of that quote is: "And sometimes each person  
22 agrees to marry and sometimes not."

23 So, again, anything could happen, yes.

24 [15.32.12]

25 Q. Okay, I want to make sure I understand your question because

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1 my question was: Do you agree that many of these marriages, or  
2 some of them, were done under the threat and coercion, and you're  
3 agreeing with that?

4 A. (Microphone not activated)

5 Q. You're not being recorded.

6 A. My apologies. I was agreeing with Ms. Oem (phonetic) that  
7 anything could happen. I'm including sometimes a person agrees to  
8 marry and sometimes not. So could you please ask me your question  
9 again.

10 [15.32.50]

11 Q. I'm going to move on. Many of the people I think that you  
12 talked to talked about -- correct me if I'm wrong - if they  
13 talked to you about labour. What were the conditions of labour?  
14 What did hard labour mean during the DK period?

15 A. Starvation, risk of malaria, injury, fatigue.

16 Q. Thank you, that's sufficient.

17 In your study and the brief notes in the annex for subject  
18 respondent number 9, you indicated he refused at first and was  
19 sent to hard labour. In fact, he told you that his prior leader  
20 would have killed him.

21 And number 30 is another person who you wrote -- or whoever did  
22 the interview wrote: "Refused to marry first choice and sent to  
23 hard labour. Married second choice."

24 So do you consider being sent to hard labour or even threatened  
25 with being sent to hard labour coercion, the use of force or the

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1 threat of force, or do you consider that still people under that  
2 threat can exercise free will?

3 [15.34.25]

4 MR. KOPPE:

5 I object to this question and this line of questions, Mr.  
6 President.

7 Prosecution is continuously trying to force, if I can use that  
8 word, the expert in answering legal questions. He's trying to  
9 present her with a set of data in relation to the people she  
10 interviewed and then, as if she were a lawyer, ask her legal  
11 opinion; was this use of force, was this threat of force or was  
12 this coercion.

13 This is not the way to proceed with this expert. This is a  
14 question for the Chamber, ultimately, to answer, not for this  
15 witness.

16 [15.35.17]

17 MR. KOUMJIAN:

18 Your Honour, threat, force, coercion are not necessarily legal  
19 terms. The witness on the direct examination offered an opinion  
20 that these were not forced marriages. I'm entitled to ask her,  
21 based upon her research, whether her research confirms or  
22 actually contradicts that.

23 MR. KOPPE:

24 Now that doesn't make any sense legally whatsoever. All words  
25 which are part of definitions of crimes are also normal words. So

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1 the fact that a word is a normal word doesn't mean that it's not  
2 also a legal word.

3 So force, threat of force, coercion, are typical legal words  
4 within violent crimes.

5 JUDGE FENZ:

6 On the other hand, they also describe the act. It's really a bit  
7 of a problem to find this line but, generally, I would say I  
8 think you can trust the Bench to draw its conclusions without  
9 necessarily forcing the expert to come up with a legal opinion.  
10 The safest way is to ask her if in her understanding of the --  
11 given her understanding of the term "coercion", this was coerced.  
12 That's more subjective.

13 [15.36.45]

14 BY MR. KOUMJIAN:

15 Q. I'm a little lost where we were, but I'm going to move on to  
16 another question.

17 Madam, number 47 in your annex, it's on the ERN 00482664, you  
18 indicate the group leader chose this subject's husband. She did  
19 not want to marry him but could not protest.

20 To make things faster, I'm going to ask you about several of  
21 these together.

22 Number 70, the subject indicates: The husband asked Angkar and  
23 she did not agree but she was afraid of being killed so agreed.

24 Do you think that these two individuals -- excuse me, let me  
25 finish with a couple more.

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1 Number 72, you indicate the husband's parents chose but she did  
2 not agree. And then in the section where you ask "Who is  
3 Angkar?", the note is "Angkar killed people".

4 Number 84, indicated Angkar chose. "I had to follow Angkar or I  
5 would be killed."

6 And number 157 told you or the student that interviewed her, "The  
7 village chief chose", and an older woman told her she must marry  
8 or she would be killed.

9 Would you agree that these are all examples of people who did not  
10 consent to the wedding, did not want to be married and did so  
11 solely under threat and coercion?

12 [15.38.55]

13 MS. LEVINE

14 A. Firstly, I want to make a comment on your choice of cases  
15 prior to these, to say that those cases really show quite clearly  
16 because the person was arranged at one time and went back at  
17 another time and a different outcome happened, how a shift of  
18 leadership sometimes determined what happened to people.

19 Having said that, what is difficult for me in this moment as a  
20 researcher is that the whole of my study is being put -- is being  
21 clustered into a particular sample that is -- that -- where  
22 there's an attempt to lead me to make a conclusion that's  
23 different from the conclusion that I made from the whole of my  
24 analysis.

25 [15.39.51]

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1 Q. Okay, let me put it to you another way. Let me make it clear  
2 to you what I'm saying.

3 Your conclusion is contradicted by your research; that's what I'm  
4 saying. You didn't ask people whether or not they consented, but  
5 you took notes of some of their comments about it. And in the  
6 examples I've just read, these people told you clearly they got  
7 married under threat. They did it just to -- because two of them  
8 were sent to hard labour and, of course, they then agreed. Others  
9 were threatened with being killed or told they would be killed or  
10 told that their father would be killed.

11 All of these contradict what your -- your conclusion that there  
12 were no forced marriages. Now, please comment on that.

13 [15.40.40]

14 A. Firstly, my conclusion was about the whole of my study and my  
15 analysis. I do want to say that again up front.

16 And secondly, because I didn't ask a question directly did not  
17 mean that I did not have that content to analyze because the way  
18 I set up my questions was without an interrogation, without  
19 leading the respondent.

20 So the reason I gave you that example of me reading out that  
21 passage from that one person Moni when the soldiers came by  
22 horseback into her place, I asked the question did they harm you;  
23 did they attempt to harm you. Those are the questions that  
24 commonly evolved in the course of this particular research.

25 [15.41.38]

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1 Q. Now, because I'm limited with time, I'm going to move on and  
2 ask you about the questions you asked about having sex.

3 Now, unlike the issue of whether they consented to the marriage,  
4 there is a specific topic on page 4 of your book and there's a  
5 question in the questionnaire, "Were you told to have sex?" So  
6 that's different.

7 But in the annex where you list the responses, we've calculated  
8 the following.

9 Of the 88 men, 30 of them told -- you wrote were told to have  
10 sex. Sixteen, you wrote in the annex, not told to have sex. And  
11 42, there's no -- no indication at all.

12 For the women, of the 104 women, 39, it's indicated, they were  
13 told to have sex. Eighteen indicated they were not told to have  
14 sex. But 42, there's no indication at all. Again, 42.

15 So we see that almost half the men and more than half the women  
16 were -- we have doubled the number told to have sex than those  
17 told not to have sex.

18 So in your annex where you don't indicate an answer, does that  
19 indicate that the students didn't write something down or that  
20 the person said they didn't want to talk about it? Why do you  
21 have no indication of whether they were told to have sex or not  
22 for 84 of the 192 subjects?

23 [15.43.46]

24 A. It's a fair question, and in me preparing this end of my  
25 document just as a summary, admittedly when I prepared this I was

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1 very careful to put down those who indicated positively that they  
2 were asked to have sex. Admittedly, in my hard documents, I have  
3 the other data, but I went through this so that I could count how  
4 many said yes and at places where I left it out because this was  
5 just getting larger and larger, that was when people weren't  
6 asked.

7 But I did not qualify that and I think your question is a fair  
8 question and I will somehow rectify that. The same thing in my  
9 book, I only used a sample from the first 11 couples. I did not  
10 include all of them, I only took passages, but I do know that  
11 when I went through my data that every time there was a yes, I  
12 put that down and I was trying to put other details in there as  
13 well in that category.

14 [15.45.02]

15 Q. Thank you. Now, there's five women's responses that I didn't  
16 include in that data and I want to go over them with you.

17 For three of the women you said that their husbands were told to  
18 have sex. One woman said she was not told to have sex but she was  
19 told she must sleep with her husband or she would be punished.

20 And one woman was told she must have one child per year.

21 Those five responses, would you agree that a normal woman,  
22 Cambodian woman, at that time would understand that if their  
23 husbands were told to have sex or if they were told to sleep with  
24 the husband or told to produce one child per year, that they were  
25 expected to have sex with their husband?

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1 A. Firstly, I'm aware that you're focusing on the women in this  
2 regard when men were told to have sex. I wanted to bring that up  
3 so that we can include men in this discussion.

4 [15.46.13]

5 Q. You don't understand my question then. These are only -- for  
6 the men all of the answers are clear. For these women, these are  
7 five responses that have some ambiguity that I'm asking you  
8 about. Three said their husbands were told to have sex, one said  
9 she was told to sleep with her husband, and one said she was told  
10 to have one child per year.

11 But would you agree that all five of these should be understood  
12 as they were told, that they were expected to have sex?

13 A. In all the cases where someone was told to have sex, it was  
14 expected that they would have sex. What I want to say in  
15 clarifying that is who asked them because it was usually not --  
16 not the commune leader that was presiding over the weddings. Most  
17 often it was lower-ranked people who asked them to have sex. I  
18 think that's really important in terms of examining this period.

19 [15.47.28]

20 Q. Did your respondents indicate to you that a common subject at  
21 the ceremony was expanding the population?

22 A. Sorry, I think I misunderstood your question.

23 Q. Well, my question is, if you asked people what was said at  
24 speeches during the ceremonies, did they tell you that it was  
25 common for the speech to focus on expanding the need to expand

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1 the population, particularly when we're talking about '77-'78?

2 A. People were mostly told to be loyal, to not have more than one  
3 spouse. Those were the general, more specific things that they  
4 were told. There were a couple of places like the one woman you  
5 indicated where the couple was told to have one child per year.  
6 More people were told to produce a particular amount of rice more  
7 than being told to have children.

8 So, again, in my sample, people -- I mean, descriptions were  
9 written down about what was told at the ceremony and most of it  
10 was around being loyal and having one person to love and to stay  
11 with for the rest of their lives.

12 [15.49.06]

13 Q. Did you review "Revolutionary Flags" or other documents  
14 produced by the regime during the regime? My question is,  
15 documents produced during the DK period by the regime?

16 A. Referring to? Sorry.

17 Q. I'm asking about the "Revolutionary Flag", "Revolutionary  
18 Youth". Have you reviewed those?

19 A. Yes, I have reviewed.

20 Q. And did you find that they quite often spoke about the intent  
21 to double or greatly increase the population?

22 A. Yes.

23 Q. And did you ever review what Khieu Samphan said was Pol Pot's  
24 policy?

25 Perhaps I'll read something to you and see if it rings a bell.

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1 A. Okay.

2 [15.50.40]

3 Q. Yes, okay. This is E3/16. The Khmer ERN is 00380467; in  
4 English, 00498284; and in French, 00643891; you said:

5 "Pol Pot did not intend to reduce the population. To the  
6 contrary, his aim was to increase the population by a factor of  
7 two or three. Specifically, he wanted the population of Kampuchea  
8 to rise to '15 to 20 million within 10 years'."

9 So you were aware of that statement previously?

10 A. Yes.

11 Q. Were you also aware of statements by Ieng Sary after the  
12 Vietnamese invasion about changes in the policy of the Khmer  
13 Rouge? I won't call them DK because the regime had fallen.

14 A. Yes, but that reading goes back many years for me.

15 [15.52.00]

16 Q. Okay. Well, do you recall in -- in an article at least  
17 published by "The New York Times" in December 1980. This is  
18 E3/681. Ieng Sary was quoted as saying talking about changes:  
19 "That political parties will now be allowed. We will allow  
20 freedom of all religions and educations. Marriages will be free."  
21 If Ieng Sary was saying marriages would be free, does that imply  
22 to you that he knew that marriages were not free during the DK  
23 period?

24 A. Honestly, when I read that for the first time because I was so  
25 -- I was ensconced in this research. My interpretation was free,

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1 equal, western method of marriage where there was nothing  
2 arranged.

3 [15.53.11]

4 Q. So your understanding was that Ieng Sary was talking about a  
5 change in 1980 in Cambodian traditions as opposed to a policy of  
6 the regime controlling marriages?

7 MR. KOPPE:

8 I object to this question, Mr. President. He's asking for  
9 speculation. How on earth can this expert know what Ieng Sary  
10 meant in 1980 when he spoke to a journalist.

11 BY MR. KOUMJIAN:

12 Q. My question is whether you considered that informing your  
13 opinion that there were not forced marriages? Did you consider  
14 the fact that Ieng Sary said in 1980 that there was a change of  
15 policy and marriages would be free?

16 MS. LEVINE

17 A. I did not read it in that way that you're proposing now.

18 [15.54.13]

19 Q. And I'd like to just quote one more document, E3/775. It is a  
20 publication entitled "Revolutionary and Non-Revolutionary World  
21 Views Regarding the Matter of Family Building", and it says on  
22 point 2 at ERN in Khmer, 00407100; and in English, 00417943; in  
23 French, 00593930:

24 "Organizational discipline must be absolutely respected in the  
25 matter of building a family no matter the outcome of the

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1 organizations and the collectives' assessments and decisions.

2 They must be absolutely respected."

3 So, madam, considering this statement that there must be absolute

4 respect for decisions regarding building a family by the

5 organization, considering the research that you've done and how

6 many people told you about the stress they lived under during the

7 DK period, the fear that death could come at any moment, the

8 witnessing disappearances and other acts, brutal acts, is it

9 still your opinion that people could freely exercise their

10 consent to a wedding arranged by this organization, Angkar?

11 [15.56.06]

12 MR. KOPPE:

13 I object to this question, Mr. President. The prosecutor is

14 misleading the expert. This is a "Revolutionary Youth". The

15 actual title of the document is "How Should We, the Revolutionary

16 Youth, Choose a Spouse".

17 Unless the expert has actually interviewed members of the

18 "Revolutionary Youth", then, of course, she might be able to

19 answer, but as I understand her research, she hasn't done so. So

20 now connecting this "Revolutionary Youth" which is addressing

21 young CPK cadres and generalize it, is unfair and misleading the

22 witness -- the expert.

23 [15.56.45]

24 MR. KOUMJIAN:

25 I'm thankful for counsel's intervention, I think that adds to the

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1 point.

2 This is "Revolutionary Youth" addressed to the young people and  
3 this is what they were told, what I read: "Organizational  
4 discipline must be absolutely respected in the matter of building  
5 family."

6 MR. KOPPE:

7 Again, this is directed to young CPK cadres not to the youth of  
8 Cambodia. The "Revolutionary Youth" and "Revolutionary Flags"  
9 were distributed very limitedly. It was not meant for general  
10 youth or the general population.

11 JUDGE FENZ:

12 You are on record, Counsel, with your observations on part of the  
13 question. Go ahead.

14 MS. LEVINE

15 A. I'd really like you to ask that question again, sorry.

16 [15.57.44]

17 BY MR. KOUMJIAN:

18 Q. I was afraid of that.

19 Madam, in regards to all of what I've read to you about the  
20 policies of the regime, the statement of Nuon Chea, Khieu Samphan  
21 and other statements about building the population rapidly, a  
22 statement to the "Revolutionary Youth" cadre, the CPK's own  
23 cadre, that they had to absolutely respect organizational  
24 discipline, the answers of your respondents where they told you  
25 feared death, that they -- some of them were told their father --

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1 one was told their father would be killed if they didn't marry,  
2 others were sent to hard labour if they refused, do you  
3 acknowledge that marriages under the DK that many of them were  
4 done under coercive circumstances against the free consent of  
5 those involved?

6 MS. LEVINE

7 A. Because of the way you structured your questions and the  
8 sources that you used, my answer is no.

9 [15.59.02]

10 MR. KOUMJIAN:

11 Okay. Madam, thank you very much for your patience with my  
12 questions. I really hope I didn't offend you. Thank you very much  
13 for coming and patiently answering the questions.

14 I believe the civil parties have questions tomorrow.

15 MR. PRESIDENT:

16 Thank you. Before we adjourn our hearings, <> the Chamber would  
17 like to issue the <oral> ruling on the request of Nuon Chea,  
18 <Document> E434 and E435.

19 [15.59.50]

20 The Chamber <would like to issue the ruling on> the two  
21 <requests, pursuant to the> Internal Rule <77.4 (sic),> filed on  
22 30 August 2016 by the Nuon Chea defence for the admission of <28>  
23 documents, E434 and E435.

24 With respect to E434, the Trial Chamber, pursuant to Internal  
25 Rule 87.4, admits Documents 1, 11 and 12. The Trial Chamber

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1 denies the admission of the remaining documents.

2 The Trial Chamber also denies the Co-Prosecutor's request in  
3 E434/1/1 to ask WESU to identify the person interviewed in  
4 Document 18 and to invite him to testify.

5 With respect to E435, the Trial Chamber, pursuant to Internal  
6 Rule 87.4, admits Document 8. The Trial Chamber denies the  
7 admission of the remaining documents.

8 Full written reasons for this decision will follow in due course.

9 It is now time for the adjournment, and the Chamber will resume  
10 its hearing tomorrow on Wednesday, 12 October 2016 at 9 a.m.

11 [16.01.29]

12 Tomorrow, the Chamber will continue hearing the testimony of the  
13 expert, Peg LeVine, and then proceed to hear <the testimony of  
14 the Civil Party,> 2-TCCP-298. Please be informed.

15 The Chamber is grateful to you, the expert Peg LeVine, for coming  
16 to testify today and you are invited to come again tomorrow to  
17 the courtroom at 9 a.m.

18 Court officer, please work with the WESU unit to send the expert  
19 and the civil party 2-TCCP-298 to the place where they are  
20 staying at the moment and please invite them back to the Court  
21 tomorrow.

22 Security personnel are instructed to bring Nuon Chea and Khieu  
23 Samphan back to the ECCC's detention facility and have them  
24 returned tomorrow before 9 a.m.

25 The Court is now adjourned.

1 (Court adjourns at 1602H)

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