



**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**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

10 October 2016

Trial Day 461

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 09-Dec-2016, 15:22

CMS/CFO: Sann Rada

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
LIV Sovanna  
SON Arun  
Anta GUISSÉ  
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:  
CHEA Sivhoang  
Stavroula PAPADOPOULOS

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

Lawyers for the Civil Parties:  
Marie GUIRAUD  
PICH Ang  
VEN Pov

For Court Management Section:  
UCH Arun

INDEX

Ms. Peggy LEVINE (2-TCE-81)

Questioning by The President (NIL Nonn) ..... page 18

Questioning by Ms. GUISSÉ..... page 30

**List of Speakers:**  
  
Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Ms. LEVINE	English
The President (NIL Nonn)	Khmer

1 PROCEEDINGS

2 (Court opens at 1005H)

3 MR. PRESIDENT:

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

5 For today's and tomorrow's proceedings, the Chamber will hear  
6 testimony of an expert, 2-TCE-81, in relation to the regulations  
7 of marriage.

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

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 right to be present in the courtroom. The waiver has  
15 been delivered to the greffier.

16 The expert who is to testify today, that is, 2-TCE-81, confirms  
17 that, to her best knowledge, she has no relationship, by blood or  
18 by law, to any of the two accused, that is, Nuon Chea and Khieu  
19 Samphan, or to any of the civil parties admitted in this case.

20 The expert will take an oath before the Chamber, and the expert  
21 is ready to be called by the Chamber.

22 Thank you.

23 [10.07.45]

24 MR. PRESIDENT:

25 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the

1 request by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea dated 10 October  
3 2016, which states that, due to his health, that is, headache,  
4 back pain, he cannot sit or concentrate for long and in order to  
5 effectively participate in future hearings, he requests to waive  
6 his right to be present at the 10 October 2016 hearing.

7 He advises that his counsel advised him about the consequence of  
8 this waiver, that in no way it can be construed as a waiver of  
9 his rights to be tried fairly or to challenge evidence presented  
10 to or admitted by this Court at any time during this trial.

11 Having seen the medical report of Nuon Chea by the duty doctor  
12 for the accused, at the ECCC, dated 10 October 2016, which notes  
13 that today, Nuon Chea has a severe back pain when he sits for  
14 long and recommends that the Chamber shall grant him his request  
15 so that he can follow the proceedings remotely from the holding  
16 cell downstairs, based on the above information and pursuant to  
17 Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon  
18 Chea his request to follow today's proceedings remotely from the  
19 holding cell downstairs via an audio-visual means.

20 [10.09.21]

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

24 And before we proceed to hear testimony of Expert, 2-TCE-81, the  
25 Chamber wishes to hear oral observations by parties, as the

3

1 Chamber notified parties via email through the senior legal  
2 officer on 6 October 2016.

3 First is the request by the Lead Co-Lawyers for civil parties to  
4 admit into evidence documents pursuant to Rule 87.4 of the  
5 Internal Rules and, second, the request by Khieu Samphan defence  
6 to admit two documents into evidence pursuant to Rule 87.4, and  
7 three, the request by Nuon Chea defence on the sequence of  
8 questioning 2-TCW-960.

9 [10.10.31]

10 First the Chamber wishes to hear oral responses to the request by  
11 the Lead Co-Lawyers.

12 On 27 September 2016, Lead Co-Lawyers for civil parties notified  
13 the email -- notified the Chamber via email that they request the  
14 Chamber to admit excerpts of books authored by expert, 2-TCE-81.

15 The Chamber now hands the floor to the Lead Co-Lawyers to make a  
16 brief summary of the request.

17 You have the floor.

18 MS. GUIRAUD:

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

20 I'm going to provide you a short explanation of this request,

21 which is intending to admit five chapters of a book that was

22 written by the expert who is going to come testify today, and the

23 book is called <"Love and Dread in Cambodia"> and it was

24 published in 2010. And it is mainly the dissertation of the

25 expert.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

4

1 So up until now, we only had her dissertation on the case file  
2 and it seemed, however, important and logical to us and in the  
3 interests of justice to also tender the publication, the actual  
4 book which led to this dissertation <admitted on the case file>,  
5 especially since this book, "Love and Dread in Cambodia", is  
6 mentioned in the expert's resume, which was admitted by the  
7 Chamber.

8 [10.12.33]

9 So we would like to have the Chapters 1, 2, 4, 5 and 9 admitted  
10 into evidence, and they all include additions in relation to the  
11 dissertation which is already on the case file.

12 Thank you, Mr. President. I think that this pretty much sums up  
13 our request.

14 MR. PRESIDENT:

15 Thank you.

16 And I'd like to hand the floor now to the Co-Prosecutor to make  
17 an oral observation on the request by Lead Co-Lawyers for civil  
18 parties.

19 [10.13.22]

20 MR. KOUMJIAN:

21 Thank you, Mr. President.

22 We do not object. In fact, it's our position -- I actually  
23 reviewed this book, read the book this weekend -- that there does  
24 seem to be some subtle differences, some that can be important  
25 between the book and the thesis.

5

1 For example, in the introduction, which counsel did not request  
2 be admitted, the topics of the interviews are listed as 13, while  
3 in the dissertation it's only listed as 10. So there's some  
4 additional topics added.

5 So our position that in light -- in line with the Chamber's  
6 general policy of admitting all writings, statements of a witness  
7 on the topic, particularly experts that the entire book should be  
8 admitted, but we certainly do not object to Counsel's request.

9 MR. PRESIDENT:

10 Thank you.

11 And I'd like to hand the floor now to the Co-Counsel for Nuon  
12 Chea to respond to the request.

13 [10.14.52]

14 MR. KOPPE:

15 Thank you, Mr. President. Good morning, Your Honours. Welcome  
16 back, by the way, Mr. President.

17 Since it is the expert for the request of the Khieu Samphan team,  
18 we would prefer counsel for Khieu Samphan to respond to the  
19 request. We have no submissions.

20 MS. GUISSSE:

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

22 Now, regarding the <civil party co-lawyers' request>, we have no  
23 problems with that. It's simply a chapter <identified> in which  
24 the parties were identified and reviewed <by both sides>. So, we  
25 have no issues regarding the chapters that were requested by the



6

1 civil party co-lawyers insofar that the expert will be able to  
2 speak about the additions <and differences>, and so we have no  
3 problems with that.

4 [10.16.02]

5 JUDGE FENZ:

6 May I just ask an additional question?

7 By now, we have an additional request from the Prosecutor to  
8 admit the whole book. Any submission on that?

9 MS. GUISSSE:

10 Yes, Your Honour. As I said, maybe it wasn't clear enough, but we  
11 do not object to the chapters that were identified by the civil  
12 party co-lead lawyers but, however, we do not believe that the  
13 totality of the book is necessary to admit into evidence because  
14 there are repeats with regard to the dissertation. So the  
15 chapters that were identified by the civil party Co-Lead Lawyers  
16 seem sufficient to us.

17 [10.16.52]

18 MR. PRESIDENT:

19 Thank you. And now the Chamber will hear oral submissions by the  
20 defence team for Khieu Samphan. On 4 October 2016, the defence  
21 team for Khieu Samphan notified the Chamber, via an email, that  
22 they would like to make an oral submission to the Chamber to  
23 admit two documents related to 2-TCE-81, pursuant to Rule 87.4 of  
24 the Internal Rule.

25 And the Chamber now hands the floor to the defence team for Khieu

1 Samphan to make their oral submission.

2 [10.17.34]

3 MS. GUISSÉ:

4 Thank you. Mr. President, very briefly speaking, the expert has  
5 provided to the Chamber two documents that she feels are useful  
6 to her testimony or, in any case, that she wanted to bring to the  
7 Chamber's attention. That is to say, a transcript of DC-Cam that  
8 she reviewed during her research as well as a comment on this  
9 transcript which is linked to her research work on marriages  
10 during the DK regime.

11 Well, in reality, what the Khieu Samphan defence would like to  
12 focus on is, rather, the comments that the expert made regarding  
13 these documents with the following ERNs, 01330847 and 48 <for the  
14 second page>. And it's interesting to us because she describes  
15 her methodology regarding, in particular, translations.

16 And it is this aspect of the document that I would like to focus  
17 on in my examination.

18 Now, the transcript that she gave to us <is> annexed, which is a  
19 full transcription of a DC-Cam document that does not interest me  
20 as such, so what interests me is what she <was able to say> about  
21 the differences.

22 So, I would like to make a small amendment to the request I sent  
23 to you by email. I really would like to focus on this two-page  
24 document only, which I think is enough for my examination. That  
25 is to say, what was called "Final submission of transcript from

8

1 Court review", so ERN 01330847 to 48. So only two pages because  
2 these documents were <obviously> not available when the trial  
3 started, but they were provided spontaneously by the expert, so I  
4 would like to request from the Chamber to admit these documents  
5 so that I may examine the expert on that basis.

6 [10.19.56]

7 MR. PRESIDENT:

8 Thank you. And defence team for Nuon Chea, do you wish to make  
9 any observation regarding the Khieu Samphan's oral submission?

10 MR. KOPPE:

11 No, thank you, Mr. President.

12 MR. PRESIDENT:

13 Thank you.

14 And now I hand the floor to the Co-Prosecutor to respond to the  
15 submission, if you have any.

16 [10.20.25]

17 MR. KOUMJIAN:

18 We have no objection. If I could just briefly explain that the  
19 Prosecutor assigned to this witness was hospitalized late last  
20 week, so I started my preparation only over the weekend. I'm not  
21 familiar with the documents, but I have no objection to them  
22 coming into evidence.

23 JUDGE FENZ:

24 Can I just ask one question to make our life easier, and I think  
25 you actually mentioned them.

1 Can you repeat the two pages, the ERN numbers of those two pages  
2 you want admitted?

3 MS. GUISSÉ:

4 Yes, certainly. <I'll try to read slowly.> 01330847, 01330848.

5 JUDGE FENZ:

6 Thank you.

7 MR. PRESIDENT:

8 And now I hand the floor to the Lead Co-Lawyer for civil parties  
9 to respond to Khieu Samphan's oral submission to request the  
10 Chamber to admit the two said documents if you have any to make.

11 MS. GUIRAUD:

12 We have no observations, Mr. President.

13 [10.22.00]

14 MR. PRESIDENT:

15 Thank you. And now we move to the remaining topic. The Chamber  
16 wishes to hear opinions from parties to the request by the  
17 defence team for Nuon Chea, on the questioning order to  
18 2-TCW-960.

19 On 4 October 2016, the Chamber received an email from the Defence  
20 Counsel for Nuon Chea requesting the Co-Prosecutor to question  
21 2-TCW-960 first.

22 And Co-Prosecutor, do you wish to make any observation regarding  
23 this request?

24 [10.22.46]

25 MR. KOUMJIAN:

10

1 Yes. Thank you, Your Honours.

2 First, as this is a request for relief, we do think it should be  
3 part of the case file. I understand, due to the situation of the  
4 closure of the Court, it was difficult to file last week, but the  
5 Defence is indicating that after they requested this witness,  
6 2-TCW-960, they received an interview by the Office of  
7 Co-Investigating Judge and they now believe the witness'  
8 testimony is more inculpatory against their client.

9 So it's not clear to us if they're asking to withdraw the  
10 witness. If they are, we have no objection to that. But it's not  
11 a witness proposed by the Prosecution. The Prosecution is not  
12 vouching for the credibility of this witness, and as -- and if  
13 the Defence continues to request the witness testify, the rule  
14 has always been the party requesting the witness begins the  
15 examination. And we would ask that that not -- that that be  
16 adhered to.

17 Thank you.

18 [10.24.02]

19 If I can make one other observation. I apologize.

20 In the interview -- in an email, excuse me, they indicate that  
21 they believe that the witness is not the person quoted in the  
22 book, E3/4202. In fact, in the interview with OCIJ, the witness  
23 indicates he met with and spoke to the author of that book. So  
24 there's no real reason to doubt this is the same individual.

25 JUDGE FENZ:

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

11

1 Perhaps we should give the Nuon Chea -- the floor to the Nuon  
2 Chea Defence to present it. It's a bit more complicated.

3 [10.24.43]

4 MR. KOPPE:

5 Yes. Thank you, Judge Fenz.

6 Yes. The background of this particular witness is, for clarity's  
7 sake, the following.

8 We read in Thet Sambath's book, potential interesting exculpatory  
9 evidence from a person who he mentioned or whom he referred to  
10 whose name I shall not mention. On the basis of that very short  
11 paragraph in that book, we requested that this particular person,  
12 potentially 2-TCW-960, should be summonsed.

13 Is that person really the person that we have now received WRIs  
14 of? We do not know. The only thing that we were going on is, as I  
15 said, that very small excerpt in Thet Sambath's book where his  
16 name is mentioned.

17 Having read his WRI, we believe that his evidence is more likely  
18 to be potentially inculpatory. We do not believe that he might be  
19 able -- he might be in a position to be able to confirm what we  
20 thought he might have said, taking into consideration Thet  
21 Sambath's book.

22 What we didn't mention in our email, our email to the senior  
23 legal officer on the 4th of October, is that, meanwhile, the  
24 Chamber has disclosed to the parties, on the 27th of September, a  
25 response of British filmmaker Robert Lemkin, an email to the

12

1 Chamber of the 1st of September.

2 I'm referring to document E29/489/1. That was disclosed to the  
3 parties on the 27th of September.

4 [10.27.16]

5 Now, taking into consideration what the Prosecutor has just said  
6 about this witness, that there's no willingness to start with  
7 this witness because it's not their witness, we believe now that  
8 we will be formally withdrawing our request. The question is only  
9 whether, in accordance with Rule 87, you need to have us do that  
10 in written or whether we can do it through these oral  
11 submissions. I leave that up to the Chamber.

12 Of course, we are willing to withdraw our July 24, 2014 request,  
13 but taking into consideration what the Prosecution has responded  
14 to -- to our email, we now believe that we will formally withdraw  
15 2-TCW-960 as witness.

16 [10.28.30]

17 JUDGE LAVERGNE:

18 Yes, thank you, Mr. President.

19 A question for the Nuon Chea Defence. Rule 87.4 sets standards<,  
20 criteria,> <for summoning> witnesses, so do you consider that  
21 this witness is no longer relevant to the case?

22 MR. KOPPE:

23 The witness is relevant to the case, but it's not relevant to our  
24 theory of the case, if you would like to put it this. We, as the  
25 Chamber is aware, are of the strong view that rebellions and coup

13

1 d'états were staged, that the Northwest Zone played an important  
2 role in this, and based on our book, we thought that this  
3 particular witness could contribute to the evidence in relation  
4 to that theory.

5 Now it seems that he cannot, that he's not even probably the same  
6 person as referred to in Thet Sambath's book, so there's no sense  
7 -- it doesn't make sense for us to now have him appear as a  
8 witness; therefore, formally withdrawing him.

9 The question only is whether it's sufficient to do that now  
10 orally here in Court or whether you need, as was the situation  
11 with two character witnesses, in a written form.

12 [10.30.05]

13 JUDGE LAVERGNE:

14 Perhaps I should make a remark. It appears that an oral  
15 application is possible.

16 As regards the substantive matters, we are not in a common law  
17 system <where we'd> have Defence witnesses and Prosecution  
18 witnesses. When a <witness> is proposed by <a party> and chosen  
19 by the Chamber, that person becomes a witness of the Chamber. As  
20 to whether we should proceed to hear the witness, we have to look  
21 at Rule 87.4's criteria.

22 MR. KOPPE:

23 I agree with that observation. It has, indeed, now become the  
24 Chamber's witness, but we don't find him relevant any more, so  
25 it's up to you if you still want to call him.



14

1 [10.30.58]

2 JUDGE FENZ:

3 Yeah. And I think since we have a formal request now to withdraw,  
4 whatever that means, in our system, perhaps we can have comments  
5 by the other parties on that and on the question whether this  
6 person is still relevant for the proceedings.

7 MR. KOUMJIAN:

8 Well, certainly, first of all, I take Judge Lavergne's point.  
9 This is a civil law system. It's up to, Your Honours, to decide  
10 what's relevant.  
11 I agree, basically, with Counsel the witness has relevant  
12 evidence. He has strong evidence about the killing -- a  
13 deliberate policy to kill Lon Nol soldiers. However, we have a  
14 lot of evidence already on the case file, already heard in Court.  
15 We believe it's duplicative, and it's not, in our view, the best  
16 witness partially because contradictions between the statement to  
17 OCIJ and what's written in the book.  
18 We think there's no question it is the same person in the book,  
19 although he's indicated he has a much lower position than Thet  
20 Sambath claimed he had, or wrote that he had in the book, and  
21 that would be the only other relevance. But I think overall, he  
22 talks about issues relevant to the case, but we think there's  
23 already a great amount of evidence on those issues before the  
24 Chamber, and we are -- and we leave it to, Your Honours, but we  
25 also wish to have the most efficient and fastest trial and

15

1 complete this trial as efficiently as possible.

2 [10.32.30]

3 MR. PRESIDENT:

4 And what about the Lead Co-Lawyers for civil parties? Do you have  
5 anything to make?

6 MS. GUIRAUD:

7 Thank you, Mr. President. We will rely on the discretion of the  
8 Chamber since it is now up to the Chamber to decide whether the  
9 evidence of this witness is relevant.

10 MR. PRESIDENT:

11 And the Defence for Mr. Khieu Samphan?

12 [10.32.58]

13 MS. GUISSSE:

14 Yes. Thank you, Mr. President.

15 I, indeed, note that it is up to the Chamber to ascertain the  
16 need for this witness to appear <or not>. I also note that the  
17 reason why the Chamber had scheduled the appearance of this  
18 witness was that the Nuon Chea defence team had made the request,  
19 based on particular criteria, which apparently are no longer  
20 relevant now because <we are questioning the identify and content  
21 of this witness's testimony.>

22 Under those circumstances, it appears that it is normal to <join>  
23 the Nuon Chea defence team's request; if we are calling the  
24 witness because we thought the witness was going to testify on  
25 this matter or another, <and then it turns out that the witness

16

1 cannot testify on those matters, then>, therefore, <it is> not  
2 necessary for us to call that witness to appear <before the  
3 Chamber and waste precious time in this trial>.

4 MR. PRESIDENT:

5 The Chamber is grateful to the oral submissions by the parties on  
6 the three topics. And in order to deal with the issues, the  
7 Chamber will now take a short break and will decide on some of  
8 the issues as soon as possible before we resume, and then we can  
9 proceed to hear the expert smoothly.

10 [10.34.49]

11 MR. KOUMJIAN:

12 Is it possible to raise one very brief, minor matter. In the  
13 expert's thesis, that's E3/1794, I brought it to the attention of  
14 your court officers that one -- two pages appear to be missing  
15 from the annex. And I don't know if the expert has the thesis --  
16 complete thesis with her, but I would request that, if she does,  
17 that the parties get copies of those two pages.

18 Thank you.

19 JUDGE FENZ:

20 We have expected that request. We already have obtained the  
21 pages. They will be sent per email in an attachment per email to  
22 the parties or have already been sent, so that's on the way.

23 [10.35.35]

24 MR. PRESIDENT:

25 Thank you.

17

1 JUDGE FENZ:

2 And later, obviously, filed into the case file, but that takes  
3 too long, so that's why you'll get it for the time being per  
4 email.

5 MR. PRESIDENT:

6 Thank you.

7 The Chamber now will take a break from now and the Chamber will  
8 resume at 10 past 11.00.

9 (Court recesses from 1036H to 1108H)

10 MR. PRESIDENT:

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

12 The Chamber now decides on the request by the parties. The  
13 Chamber decides to admit into evidence the book, <"Love and Dread  
14 in Cambodia">, by the expert, 2-TCE-81, and the document is  
15 E3/10677.

16 The Chamber also admits the two pages per request by the defence  
17 team for Khieu Samphan, and the ERN number for the document is --  
18 that is, the page for the ERN number is 01330847 to 48, and the  
19 document is designated as E3/10676.

20 Regarding another request, the Chamber will issue its decision in  
21 due course.

22 And court officer, please invite the Expert, 2-TCE-81, into the  
23 courtroom.

24 (Witness enters the courtroom)

25 [11.11.37]

18

1 QUESTIONING BY MR. PRESIDENT:

2 Q. Good morning, Madam Expert. What is your name?

3 MS. LEVINE:

4 A. My full name is Peggy LeVine.

5 Q. Thank you. And when were you born?

6 [11.12.14]

7 A. I was born on the 21st of January, 1952.

8 Q. And what is your nationality?

9 A. I have two -- two nationalities, Australian and United States.

10 Q. Thank you.

11 And where is your permanent address?

12 A. Permanent address is in Victoria, Australia.

13 Q. Thank you. And what is your current occupation?

14 A. My current occupation has a number of roles. I'm a registered

15 clinical psychologist and clinical supervisor in Australia and

16 New Zealand. I'm also an anthropologist with a specialization in

17 medical anthropology. I'm an associate professor at Monash

18 University and University of Melbourne, where I supervise

19 primarily PhD students.

20 I'm also a permanent research affiliate with the Shoah Foundation

21 at the Centre for Advanced Genocide Studies in Los Angeles.

22 [11.13.59]

23 Q. Thank you, Madam. And what religion do you follow?

24 A. I have no religion. However, I honour my Jewish ancestors.

25 Q. Thank you. The greffier made an oral report this morning that,

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

19

1 to your best knowledge, you are not related, by blood or by law,  
2 to any of the two accused or to any of the civil parties. Is that  
3 correct? Are you related or not to any of the two accused or to  
4 any of the civil parties in this case?

5 A. I am not related.

6 [11.14.58]

7 Q. Thank you. And Ms. LeVine, pursuant to Rule 31.2 of the ECCC  
8 Internal Rules, in your capacity as an expert to testify before  
9 this Chamber, you are required to take an oath or to make an  
10 affirmation according to your religion before your testimony. Do  
11 you consent to that?

12 A. I do.

13 MR. PRESIDENT:

14 And <the international> greffier, please proceed with the process  
15 of taking the oath for the expert.

16 You may proceed.

17 THE GREFFIER:

18 Good morning, Expert. Can you please stand up and repeat after  
19 me?

20 I solemnly swear that I will assist the Trial Chamber honestly,  
21 confidentially, and to the best of my ability.

22 MS. LEVINE:

23 I solemnly swear that I will assist the Trial Chamber honestly,  
24 confidentially, and to the best of my ability.

25 THE GREFFIER:

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 Thank you.

2 [11.16.20]

3 BY MR. PRESIDENT:

4 Q. Thank you, Madam Expert.

5 The Chamber and the parties would like to thank you for coming  
6 here to testify, which will assist the Chamber in ascertaining  
7 the truth in relation to important matters before this Chamber as  
8 well as for the Cambodian people.

9 The Chamber would like now to ask you some questions in relation  
10 to your academic background and your work.

11 Madam LeVine, could you describe to the Chamber your academic  
12 background?

13 [11.17.05]

14 MS. LEVINE:

15 A. With regard to my education, I have a Bachelor of Science in  
16 Sociology that I received from Virginia Tech University in 1974.

17 I have a Masters of Psychology degree that I received in 1976  
18 from Pepperdine University in California. I have a Doctorate of  
19 Education, primarily in psychology, with trauma and culture  
20 specialization, that I received from Virginia Tech University in  
21 Virginia in the United States, in 1984.

22 And then I have a Doctorate of Philosophy in medical anthropology  
23 that I received from Monash University in 2007.

24 Q. Thank you. And have you been to Cambodia before and, if so,  
25 when did that happen and for what purpose?

21

1 A. I first came to Cambodia in late 1995, and then again in early  
2 1996. I was invited by Ms. Hema Nhong, who at the time was the  
3 Chair of Psychology at the Royal University of Phnom Penh. That  
4 was my first time inside Cambodia.

5 Q. Did you stay and work in Cambodia? And, if so, when and how  
6 long did you stay?

7 A. Pardon. I didn't get the beginning of your question.

8 [11.19.01]

9 Q. You were invited to Cambodia in relation to a university, and  
10 the Chamber would like to ask whether you came to work in  
11 Cambodia for a certain period of time and, if so, how long did  
12 you work in Cambodia and the purpose of the work?

13 A. My initial time in Cambodia was short. I don't have my  
14 passport history with me. I believe I was here for two weeks in  
15 that first instance.

16 I came specifically to learn what was happening at the  
17 university. I would like to say as background Ms. Hema had come  
18 to Australia on an AusAID scholarship. She was a student of mine  
19 in one of my classes that I taught in cross-cultural psychology.  
20 She was trying to bring cross-cultural psychology practices into  
21 Cambodia.

22 And so my reason for initially coming to Cambodia was to have  
23 discussions with her and her faculty, and to meet her students  
24 and to talk to her about the future development of her program.

25 [11.20.24]

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*



1 Q. Thank you. So far, have you done some studies on research in  
2 relation to Cambodia, in particular in relation to the regime of  
3 Democratic Kampuchea?

4 A. Yes. That research I stumbled into, I would say, as a result  
5 of my association with colleagues inside Cambodia. But my first  
6 -- my first personal inquiry into Cambodia and Democratic  
7 Kampuchea and things that happened during that time was in 1980.  
8 I was working at a mental health centre in Arlington, Virginia,  
9 near Washington, D.C. as a clinician. And at that time, my  
10 clients were refugees coming into the United States. And it was  
11 through my association with my clients that I started to read  
12 about, ponder about things that happened in Cambodia. And it was  
13 the first time I started hearing about weddings.  
14 I did not start my formal research until after I came to Cambodia  
15 in 1997, is when I started my formal investigation into this  
16 project.

17 [11.21.58]

18 Q. Can you tell the Chamber the reasons why you decide to write  
19 about marriage in Cambodia, and how much time did you spend on  
20 researching this issue in Cambodia?

21 A. A total of eight years I spent on this topic. It's difficult  
22 to decide where to start.

23 I'm going to start with my association at the Royal University of  
24 Phnom Penh because that's when I -- that's when the seeds were  
25 planted for me to begin doing this research.

1 I had met with colleagues, and one of my colleagues, I had a  
2 lunch with him and his wife, from the university. And they were  
3 quite affectionate with each other and quite kind to each other.  
4 And in that lunch, I asked them how they met. And they told me  
5 that they met during the Khmer Rouge period and that they were  
6 married in that time. And I'm the one that used the word  
7 "forced".

8 I said, "Oh, you were married in the forced weddings". And the  
9 couple said, "No, our weddings weren't forced". And that really  
10 confounded me because up until that moment, everything I had read  
11 about the weddings had led me to believe that they were forced.

12 [11.23.30]

13 So then, moving a little bit forward, I had met people at Takhmau  
14 because, again, I was a clinician. And I started doing some  
15 consultation at Chum Neas Hospital in Takhmau, a centre that Dr.  
16 Bhoomi runs, if I can say that. And I met other colleagues there  
17 who just casually told me about their weddings, and their stories  
18 were very much like the couple that I met at the university.

19 So then I think my first entrance into my formal study was me  
20 sort of calling myself on the table. I wanted to understand how I  
21 came to believe that the weddings were forced, so I went into the  
22 literature and I did a very -- a very thorough investigation into  
23 the literature of any time that word was used.

24 I went into historical documents, socio-political commentaries,  
25 biographies, sensationalist journalism, and even some documentary

1 films. And what I found was the word was often being used, and  
2 when there was sampling involved, the sampling was often biased.

3 [11.24.50]

4 So then I thought, oh, this is a very big topic, and I want to  
5 know more about it, and I want to do a bit of immersion on this  
6 topic and I want to understand the structure and the function and  
7 the meaning of the weddings across time and place as if I were a  
8 cartographer. I wanted to map what happened with this phenomenon  
9 that we call weddings under DK.

10 So, that was the first bit of research I did into those  
11 documents, and then I decided to study the tradition of weddings  
12 in Cambodia. And I did that by going into many, many old  
13 documents.

14 I spent quite -- my speaking of French is not very good at all,  
15 but my reading is still pretty good, so I went to the French  
16 Cultural Centre and spent many hours there going over many, many  
17 documents looking at cartographers' work, looking at Delaporte's  
18 work from 1893, when he was creating an atlas. And those who were  
19 coming to Cambodia for many different reasons were documenting  
20 their observations of traditional wedding practices.

21 [11.26.09]

22 So I, again, immersed myself in that. I started to attend  
23 traditional weddings in Cambodia so I could get an understanding  
24 of weddings. I spent a lot of time trying to map the weddings  
25 before 1970, before the Lon Nol regime, because I was aware -- by

1 talking to, again, colleagues at the beginning before I started  
2 my formal research, I was aware that 1970 was a very profound  
3 time of change in this country. And during those times of  
4 profound change, people were being moved out of some rural  
5 regions and going into the city to study, and rituals were  
6 changing a bit in 1970. So I stayed with looking at documents  
7 before 1970.

8 And then that led me to my study where I decided to go back and  
9 do a second Doctorate on this topic so that I could get ethics  
10 clearance, so that I could really think through duty of care,  
11 confidentiality. I did not want to be associated with an NGO or  
12 any government organization.

13 I independently funded my research. I wanted to have the capacity  
14 to have the time so I could immerse myself in this study. And I  
15 got a scholarship to do a PhD.

16 [11.27.28]

17 I started that PhD at University of Victoria in New Zealand.

18 Admittedly, things happened in the department. My two supervisors  
19 left their position, and at that time David Chandler was  
20 returning to Australia from the United States. And he was a  
21 professor at Monash University moving into retirement, but I  
22 approached him about my topic and asked him if he would consider  
23 taking me on halfway through my Doctoral work as a student so  
24 that he could be my supervisor, and he agreed to that.

25 And so I transferred my PhD to Monash University, which meant

1 that my work needed to go through ethics clearance again to make  
2 sure that it was reliable and that it was a valid, culturally  
3 reliable study.

4 [11.28.24]

5 Q. Thank you.

6 And Madam Expert, regarding the topic of your Doctoral thesis,  
7 can you tell the Chamber the title of that Doctoral thesis and  
8 the book that you referred to for your thesis?

9 A. The title of my PhD study is "A Contextual Study into the  
10 Weddings and Births under the Khmer Rouge: The Ritual  
11 Revolution".

12 Admittedly, as a result of immersing myself in the research in  
13 weddings and travelling with people to locations where they were  
14 wed, I discovered many things about the births and decided to  
15 then include that, extend my PhD time so that I could study the  
16 births as well during that period.

17 The book that I did that came out of that PhD is titled "Love and  
18 Dread in Cambodia: Weddings, Births and Ritual Harm Under the  
19 Khmer Rouge". It was published with the National University of  
20 Singapore Press in conjunction with University of Washington  
21 Press.

22 I deliberately chose a university press that had an independent  
23 international review process of my work before it could be  
24 considered for publication.

25 [11.30.01]

1 Q. Thank you. And in your thesis, that is, your Doctoral thesis  
2 in relation to wedding and births under the Khmer Rouge regime,  
3 can you tell the Chamber whether you received any support from  
4 any organization or any individual?

5 A. I was on a scholarship for my PhD, but it was up to me to  
6 determine how to spend that. I lived on that scholarship and used  
7 that scholarship money to do my own research.

8 I do have a clinical private practice. At times, I would use my  
9 own clinical private practice funding to fund my time in Japan --  
10 I mean, sorry, my time in Cambodia.

11 During that time that I was doing my research, I did take on a  
12 position for a little less than two years as a full professor in  
13 Japan, where I taught a number of things. And during that time  
14 when I was in Japan, I applied for grant money for travel and I  
15 did receive grant money to allow me to travel to Cambodia.  
16 That's the scope of the funding that I had received for that  
17 study.

18 [11.31.29]

19 Q. Thank you.

20 And can you also tell the Chamber the sources that you referred  
21 to for writing your Doctoral thesis, and also please tell the  
22 Chamber how many people and who they were that you <interviewed>  
23 for the purpose of writing your thesis.

24 A. So the number of formal respondents that I had for my study  
25 was 192. However, I did not include people in my formal study

1     that I spoke to when I went to villages.

2     For example, when I was in the second, third stage -- second,

3     probably, stage of my study when I was trying to document

4     ethnographically wedding rituals, birth rituals, when I would go

5     to a village to do a formal interview, I would oftentimes speak

6     to elders in that village and have them describe to me the

7     rituals from times before 1970. And I could record those rituals.

8     And that was part of my ritual collection, but that was not a

9     sample that I used for my formal study into the mapping of

10    weddings under DK.

11    [11.32.50]

12    With regard to the bibliography, I honestly have to say that I

13    can get the Court this information after the break, I have not

14    counted the documents that are in my Doctoral thesis. I'm sure

15    there's hundreds, but I can calculate that for you.

16    I would like to let the President know that I have travelled to

17    Cambodia with all of my hard data with me. That, which is in the

18    back of my thesis, of the 192 people that were part of my formal

19    sample, I have a synopsis in the back of my thesis. I did want my

20    research to be as transparent as possible, but if there is a

21    question that I am asked that is not in this document here today

22    and if I'm a little bit sketchy about my response, I can crunch

23    those numbers for the Court with my hard data that I brought. My

24    hard data, I've also brought my videotapes and my audiotapes with

25    me.

1 And I hope I've answered your full question.

2 [11.34.06]

3 MR. PRESIDENT:

4 Thank you, Madam LeVine.

5 It is now convenient time for our lunch break, and the Chamber  
6 will take a break now and resume at 1.30 this afternoon in order  
7 to continue our proceedings.

8 Court officer, please assist the Expert at the waiting room  
9 reserved for experts and witnesses, and invite her back into the  
10 courtroom at 1.30 this afternoon.

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

14 The Court is now in recess.

15 (Court recesses from 1134H to 1332H)

16 MR. PRESIDENT:

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

18 Before the Chamber proceeds to hear the expert, the Chamber would  
19 like to inform that the Chamber grants the request by Nuon Chea  
20 <Co-defence team>, to provide the binder to the expert and the  
21 binder should only include the admitted documents.

22 The Chamber would like to issue a ruling in relation to <the  
23 witness> 2-TCW-960. The Chamber still maintains the decision of  
24 its own, and that witness -- the Chamber is scheduled to hear  
25 <the testimony of> that witness accordingly based on the



1 schedule.

2 And the Chamber requests the Expert to answer slowly to the  
3 questions so that the interpreters can fully interpret your  
4 answers. As far as you are concerned, the Court here is using  
5 three official languages -- working languages, English, Khmer and  
6 French.

7 Under Internal Rule 91 bis of the ECCC, the Trial Chamber first  
8 gives the floor to the Co-defence team for Mr. Khieu Samphan to  
9 put questions to the expert. The combined time for the defence  
10 team for Mr. Khieu Samphan and Nuon Chea defence team is three  
11 sessions.

12 You may now proceed.

13 [13.34.39]

14 QUESTIONING BY MS. GUISSÉ:

15 Thank you, Mr. President. I would like to inform the Chamber  
16 that, as is our custom on this side of the defence teams, Khieu  
17 Samphan will start and use most of the time allotted for  
18 examining the expert and then would leave the rest of the time to  
19 the Nuon Chea team if it has any follow-up questions for the  
20 witness.

21 Q. Good afternoon, Madam <Peg Levine>. I am Anta Guisse,  
22 International Co-Counsel for Khieu Samphan, and it is in this  
23 capacity that I'll put some questions to you.  
24 You have told the President <about> the publications, the first  
25 <being> your <dissertation>, "A Contextual Study into Weddings

31

1 and Births under <The Khmer Rouge>: The Ritual Revolution",  
2 <document E3/1794, and the book you published based on this  
3 thesis, "Love and Dread in Cambodia: Weddings and Births and  
4 Ritual Harm Under the Khmer Rouge", document E3/10677.

5 [13.36.00]

6 For practical purposes, when I will refer to the first document,  
7 E3/1794, I'll refer to your thesis. And if I want to refer to  
8 your book published in 2010, I will be referring to your book. I  
9 just say so, so that you should know what I'm referring to. But  
10 generally, I will simply refer to your thesis.

11 Let me also recall that I know that you do speak French, and it  
12 may well be that you may understand <some of what is said even  
13 before hearing> the translations, but may I request you to  
14 observe a pause between <my> questions and any answers you may  
15 want to offer, for <the> purposes of translation.

16 First of all, regarding your publications, your thesis and your  
17 book <from> 2010, can you tell the Chamber what are the essential  
18 differences? Are there many?

19 What are the differences between the two publications? Are there  
20 any additions in the subsequent publication?

21 [13.37.24]

22 MS. LEVINE:

23 A. Thank you. Yes, my first answer relates to an unfinished  
24 question in the first session, my PhD thesis has 178 references  
25 in the bibliography, and my book has 184, so several more.

1 There were a couple of other publications that came out between  
2 the time that I submitted my thesis. A thesis is submitted and  
3 goes for a period of time. In Australia, our theses are sent out  
4 to international examiners, so it takes a while for them to come  
5 back. So from the time I submitted my thesis in 2006, it did not  
6 really finish its completion till 2007, so between that time of  
7 2006 and the time my book came out, that was submitted for  
8 publication in 2009 -- that takes a year. In that time frame, I  
9 added seven more publications. Most of those were documents that  
10 were in the media where the word "forced" was used.

11 The difference between the PhD thesis and the book is the  
12 audience. So for example, knowing that I would expose myself a  
13 bit and become a bit vulnerable if I published my data for other  
14 researchers to have access to, I made the decision to do that in  
15 my thesis. And so the end of my thesis has 192 from my formal  
16 sample, with a synopsis around the data, whereas the book has  
17 just my first sample of 11 couples, 22 subjects, and their  
18 summarized data.

19 [13.39.04]

20 There's less detail around my literature review in the book than  
21 there is in the thesis, and perhaps less -- less analysis where  
22 the reader can follow the steps by which I came to conclusions in  
23 the book than there is in the thesis. Those would be the major  
24 differences.

25 Q. If I were to sum up what you have just stated, your book

1 focuses on a bigger segment of <the> public, and your thesis<, as  
2 a research project,> is more scientific, should I say so as a way  
3 of summarizing what you just said?

4 [13.39.54]

5 A. Yes, I would agree with that, and I would add one more thing,  
6 that my book allows -- I mean, excuse me, my thesis allows the  
7 reader to see the steps by which I moved my methodology forward  
8 from a sample that was selective to a sample that was random for  
9 more generalization across the population. That would be another  
10 major difference.

11 Q. I will specifically refer more at length to your methodology  
12 subsequently, but before I get there, I would like to put a  
13 question regarding your background.

14 We have in your file your resume in its entirety and the list of  
15 your numerous publications. And to inform the Chamber, I am  
16 referring to document E3/433.1.

17 You <are trained in> philosophy, medical anthropology<,  
18 psychology> and sociology. My question to you is as follows.

19 In the manner in which you conducted your research, did you apply  
20 the research methods in all those disciplines, or did you focus  
21 on a particular <field>? And I'm talking of your thesis here.

22 A. My apologies. My research and thinking and analysis on a  
23 regular basis is informed by a multi-disciplinary foundational  
24 background, you might say.

25 When I started my PhD and I was at Victoria University, I had to

1     qualify as an anthropologist with regard to my capacity to  
2     understand and operationalize ethnography. After doing that and  
3     then transferring to Monash University into Monash Asia Institute  
4     in Asian Studies, the second half of my thesis, I think, was much  
5     more multi-disciplinary, but I did follow the foundational  
6     principles of ethnographic research from an anthropological  
7     background.

8     [13.42.55]

9     Q. I am sorry if I may sound perplexed sometimes. It is because I  
10    have to follow the interpretation, and sometimes the terminology  
11    is not always easy.

12    I have another question. <I am not by any means a specialist in  
13    academia, but your --> the <wording on> your thesis is <Doctorate  
14    of Philosophy.> I do not know whether it's philosophy in the same  
15    sense in French, which<, to me,> is a lot more restrictive than  
16    anthropology.

17    Is the meaning in English <speaking academia> different from the  
18    meaning in French? Can you be more specific on that subject?

19    A. The Australian PhD, Doctorate of Philosophy, very much follows  
20    along the lines of the American PhD, which means that you can do  
21    a Doctorate of Philosophy and specialize in a specific  
22    discipline.

23    [13.44.02]

24    Q. Thank you for this clarification. I would like us to look at  
25    your research approach <for your thesis>. You <spoke about -- and

1 also mentioned> in the forward to your thesis -- the manner in  
2 which you <became interested in the marriages>. <It was a bit by  
3 chance at the outset.> You said you came to Cambodia to work in  
4 another area, and it was only following some discussions you had  
5 with your colleagues that you became interested in the specific  
6 subject of marriage.

7 You state, and you pointed out again this morning, that initially  
8 you had this bias a priori, saying that marriages under  
9 Democratic Kampuchea were forced marriages, and during your  
10 discussions with your colleagues, you looked at the subject from  
11 another standpoint and your reflections and approach changed.

12 My question is as follows. In light of the bias you had initially  
13 and the research standpoint you adopted, what <were the pitfalls  
14 you had to avoid in your field research?> How did you envisage  
15 the research, and what precautions did you take in order to  
16 examine the subject as objectively as possible?

17 [13.45.46]

18 A. At first, I startled myself by stumbling upon a belief that I  
19 had, that I couldn't validate. That was my -- that was the first  
20 moment for me because I consider myself to be a rational person  
21 who tries to weigh many different sides of a story before I have  
22 an opinion. So, I realized in that moment when my Cambodian  
23 colleagues who, through their lived experience, challenged me,  
24 that I had some work to do to track how it is that I came to  
25 believe this.

1 Now, if I can digress for a moment, in 1980, when I first was  
2 working with Cambodian refugees in the United States, the first  
3 wedding stories that I heard in the United States were not from  
4 Cambodia. The first wedding stories I heard when I was in the  
5 United States that led me to do research on Cambodia were two  
6 people, a man and a woman, who were clients of mine in a mental  
7 health centre who told me about their wedding in the refugee Thai  
8 border camps.

9 [13.47.08]

10 So people were in the Thai border camps for long periods of time.  
11 This particular couple wanted to marry. They met each other in  
12 the camps and they wanted to marry. And they were told that they  
13 had to marry in a Christian service so that they could be  
14 registered for host country passage.

15 And when they came to me, they were very confused about their  
16 identity. They felt -- they felt Buddhist on the inside, but in  
17 order to have particular services, they acted Christian on the  
18 outside.

19 They never had a traditional ceremony in that context.

20 It was that first case of hearing that wedding in that context  
21 that led me to start reading on Cambodia. And in my readings on  
22 Cambodia, I came across documents such as work by Elizabeth  
23 Becker, who used the word "forced".

24 So I was reading a lot of historical documents in many different  
25 places trying to get information, and the word "forced", I think

1 subliminally, just stuck with me.

2 [13.48.17]

3 But when I was challenged by my colleagues when I came to  
4 Cambodia the first time, having only had experience of Cambodian  
5 refugee narratives being told to me, after that time, that's when  
6 I decided to go back into those historical documents and to see,  
7 was there a study done on this subject. If there was a subject  
8 (sic) done, was it done with multi-phased sampling rather than  
9 judgmental or selective sampling? So that's what started me on  
10 this project.

11 And admittedly, when I started to get more and more data to the  
12 contrary of the word "forced", and things were starting to brew a  
13 bit in Cambodia about the subject, and there were early  
14 solicitors, lawyers who were looking at that problem and  
15 sometimes seeking me out for conversation, I discovered in those  
16 conversations that, oftentimes, my topic of inquiry was less than  
17 appreciated, which then gave me more determination to move  
18 forward with a PhD on this topic.

19 I hope that answers your question.

20 [13.49.59]

21 Q. Yes, partly. The part underpinning my question was as follows.  
22 As regards <these pitfalls and the fact that>, <if I understand  
23 correctly, the theme was a --> I don't know whether the term  
24 "<hot topic>" <is --> <in any case, seeing how> the subject of  
25 marriage under Democratic Kampuchea <was a contentious topic and



38

1 the source of discussions and debates,> how did you <approach>  
2 your research, and what precautionary measures did you take in  
3 <your research methodology in order to> not to rely on a  
4 pre-conceived idea, but to rely on the material you had at your  
5 disposal?

6 I hope my question is clearer.

7 <Yes, there is always a time lag,> to allow for translation both  
8 in English and in Khmer.

9 A. I started my research by dividing it into three phases. The  
10 first phase was exploratory.

11 So I'd like to clarify. The first Doctoral study that I did was a  
12 pure quantitative study, but now I was moving into a qualitative  
13 study.

14 And in order to do a qualitative study, one requires a lot of  
15 measures to make sure that study is reliable and valid. So in  
16 that regard, I decided to do my study with what can be called  
17 multi-phased sampling.

18 [13.51.55]

19 I chose my first sample with only two criteria. I wanted to  
20 interview couples who were together, in part so I could have male  
21 and female and find consensus between the two if I spoke to them  
22 individually and then compared their stories. And, secondly, the  
23 other criteria that I had was that they were married inside  
24 Cambodia and had no refugee status, so -- which meant I did my  
25 study inside Cambodia. Those are the only two overriding criteria

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 that I selected for my sample.

2 And so then I went from a purposive sample that was selective --

3 and I would like to qualify selective sampling because on can

4 approach selective sampling from two perspectives. Purpose of

5 sampling, excuse me, from two perspectives. One is selective, and

6 one is judgmental.

7 [13.53.03]

8 Sometimes, in qualitative research, a researcher will choose a

9 judgmental approach to a study because they want to canvass --

10 let's say somebody wants to study opinions about abortion in a

11 country. So they might select a sample from either a pro-abortion

12 NGO or an anti-abortion NGO just to be able to get a sense of the

13 influence, if you will.

14 I chose to not use a judgmental sample as my first port of call.

15 I chose to use a selective sample, which is used in early stages

16 to explore a phenomenon. So I was looking at this phenomenon

17 called weddings under DK.

18 So, in that regard, I chose couples so that I could understand

19 how they experienced the weddings; where they experienced them;

20 how they described them without me influencing that description.

21 Asking questions that were not leading from a selective

22 perspective, and trying to get a sense of couples who were

23 married in the same places with different leaders, so I might be

24 able to understand within a village structure what influences

25 there may have been that interacted with my respondents'

1 experiences. So that was how I originally chose my first sample.

2 [13.54.48]

3 Now, I will say that my first couple that I traveled with was a  
4 convenience couple, so under selective sampling, we can choose a  
5 selection of convenience. The reason I chose this one couple was  
6 because it was the first couple that challenged my use of the  
7 word "forced". So I chose them as the first couple to travel  
8 with, to interview three times together, separately, to get a  
9 sense of the consensus.

10 I travelled to the work camps with them where they were. One was  
11 in the boys' camp and one was in the girls' camp. And then I  
12 heard their story at their camps about how they were each called  
13 for a wedding. I travelled with them to the wedding site in a  
14 village where there were other people living who were married in  
15 that same place at different times. And I travelled with them the  
16 road they took that they walked the night after they were married  
17 when they were told that they could go to the woman's parents'  
18 home to stay for three days.

19 [13.56.01]

20 So that was my first -- my first sample. Again, a sample of  
21 convenience, so I could really just get more of a sense of where  
22 I was going to go next.

23 Then I moved that into the second phase, which, going from a  
24 convenience sample to a selective sample.

25 What I discovered when I was in that village was that there were

41

1 other couples that had been married there at different times by  
2 different leaders. They told different stories about what their  
3 wedding was, the structure, the procedures. And I basically  
4 snowballed, if you will -- maybe dung balled. I don't know what  
5 term to use when there's no snow in Cambodia.

6 But I -- to use the term in the literature, I snowballed my  
7 sample then, only wanting to talk to couples who were married  
8 under DK but who were in villages at times when different leaders  
9 presided.

10 [13.57.15]

11 So, my first sample was much larger from the Central Zones. I  
12 traced things in the administrative zones. Much larger in that  
13 Central Zone and Southwest Zone than other zones, so that was the  
14 first sample of 22.

15 In analyzing my data, I tried to keep that separate from moving  
16 on next to a more random sample, which I can speak more about as  
17 well if you'd like me to.

18 Q. Before we talk about the <random> sampling issue, let us talk  
19 about the first type of sampling that you say was a convenience  
20 sampling, particularly in the Central Zone <and the Southwest  
21 Zone, these 22 people>.

22 I did understand that you interviewed these couples on several  
23 occasions. My first question is whether it <was spaced out over  
24 time? Meaning> over several <weeks> <or> years. <Because> you  
25 said that your research went on over a period of eight years.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 [13.58.40]

2 And secondly, you said specifically that you travelled with them.

3 "I travelled with them", you said.

4 Why was it important for you to travel with them to the venue of  
5 the marriages, and what did you gather from such trips in terms  
6 of research?

7 A. Again a nice critical question. That first couple, I met with  
8 them over three years, in part because when I wrote up my  
9 summary, I brought my summary back to the couple to make sure  
10 that they agreed with what I summarized. So that's one reason I  
11 worked with them for such a long period of time.

12 Secondly, I travelled and filmed them. I actually had a French  
13 film person who did filming when I travelled with them as a way  
14 of having visual and auditory data, so the travelling with them  
15 to the different sites and speaking with them on the different  
16 sites, I have all of that on film. And that was very useful for  
17 me to be able to not only analyze content data -- most research  
18 that is done solely on written transcripts is usually  
19 content-based data in the final analysis.

20 I wanted to -- I wanted to triangulate content data, process data  
21 and context data.

22 [14.00.22]

23 Now, again, to digress a moment, because I had already done a PhD  
24 study and because I had been a PhD supervisor and a senior  
25 researcher for 25 years, I designed this study so that I could

1 triangulate that data because I, again, was seeing comments about  
2 weddings under DK based only on content-based data.  
3 So for me to triangulate that data was essential for me to use  
4 film. That's the first thing I'd like to say. And I used film  
5 quite a lot for many other interviews.  
6 Second, or third, important reason for me to choose to return to  
7 sites with my respondents, as a psychologist and a  
8 trauma-informed psychologist, I'm very aware of how place history  
9 stimulates memory. And so it was important for me, when I was --  
10 when I was interviewing, to be able to hear the history in one's  
11 home and then travel with one to the site to see, did the history  
12 I was hearing change from the time I heard it in someone's home  
13 to the time I was with them standing on the site and yes, it did.  
14 That required a lot of analysis on my part to determine which is  
15 the real story and that is why I went back to people again and  
16 again and again to get that reliability check from them about the  
17 story.  
18 [14.02.02]  
19 The other thing I want to say about that was that in terms of  
20 ethics of my work, I had a duty of care to the safety, the  
21 psychological and the spirit-based safety of the people I was  
22 travelling with and interviewing. And I did work with a  
23 psychiatrist that is known to the courts, Dr. Lina Huot, because  
24 he was a -- more of an independent psychiatrist. I worked with  
25 him so that if I was concerned that someone might have bad dreams

44

1 that night or they needed some other assistance psychologically,  
2 I asked their permission to refer them to Dr. Lina and Dr. Lina  
3 made visits or made follow-up contact with those people.

4 [14.03.01]

5 Q. I have other questions to put to you regarding this first  
6 sample of 22 people, but since you spoke about it again, I'd like  
7 to <go back to that>.

8 This morning, when you were answering the questions by the  
9 President and you used the word "ethics" again, you said how  
10 important it was for you, in your research, to have academic  
11 supervision over it for ethical reasons. And you spoke also about  
12 the fact that it was important to have your work reviewed in an  
13 independent way and in a transparent way, if I use the words I  
14 heard this morning. And finally, you said that you did not want  
15 to have any funds from NGOs.

16 So my question resulting from everything you said this morning  
17 and for what you just said now is: Why was it so important for  
18 you to have this academic, independent review and to be  
19 financially independent, as well, from NGOs; why was it so  
20 important for you?

21 [14.04.33]

22 A. Pausing just a moment, because it's a very complex question  
23 for me and my experience in association with, at times, NGOs in  
24 Cambodia sometimes as a consultant and the word "independent  
25 consultant" sometimes gets compromised. So for example, I was a

45

1 consultant to a project where I did, I thought, a thorough  
2 survey, but I think that I never saw the final report because my  
3 final report may not have been in favour with what some of the  
4 funding sources may have wanted to receive.  
5 So I have had experiences -- and that's not just inside Cambodia;  
6 it's in other countries as well -- where when NGOs are struggling  
7 very hard to keep the organization going, sometimes; not always,  
8 sometimes, there are compromises to take on projects with funds  
9 that compromise -- compromise outcomes or what I would consider  
10 to be neutral outcomes. I think that's not unknown.  
11 So, in that regard, I really wanted to not be associated with any  
12 agenda by any NGO, one way or the other, on this particular  
13 topic. This is a very -- has become and has been a very heated  
14 topic and I felt that heat very early on in just cursory  
15 discussions that became emotional on the part of, perhaps,  
16 someone soliciting an interview with me. So in that regard I  
17 wanted to be very contained in my research.  
18 [14.06.27]  
19 Admittedly, I did go to the Documentation Centre Cambodia a  
20 couple of times for documents early on in my research. That was  
21 only in the early stages of my research, but other than that, I  
22 tried to stay pretty neutral.  
23 And with regard to me asking for ethics guidance by a committee  
24 that -- two committees that sat in two different universities  
25 that were not invested in any discipline or any research study;

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*



46

1 they were just there to determine if the study meets criteria for  
2 a reliable, valid, and culturally-informed study, I wanted that  
3 endorsement; again, because I -- I just was experiencing the  
4 intensity of this topic.

5 [14.07.26]

6 And one other reason I think I was so determined to try to -- we  
7 -- we can't be perfect a hundred percent of the time, but to try  
8 to do the best I could with regard to this study, is because I  
9 kept hearing one narrative after another of people's experiences  
10 where they described their weddings as being real and the more  
11 the topic of forced came on to the -- to the agenda, the more  
12 those people that I was interviewing started to feel ashamed and  
13 so I worked very hard to just see if I could track data that led  
14 to an outcome rather than me leading my data to find an outcome.  
15 So I wanted to try to see how much I could gather that which  
16 could represent better, not -- not best; there are more studies  
17 to be done on this topic, but that could represent better the  
18 general population of Cambodia.

19 Q. Now, I would like to turn back to this first sample of 22  
20 people whom you interviewed in one specific location and I  
21 understood that there was a first couple; the couple that set off  
22 your research, the couple with <whom> you travelled. However, I  
23 do not know if you followed the same process <of filming and  
24 travelling with them,> with the 21 other couples <from this  
25 initial sample>. <Could you clarify this point>?

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

47

1 A. As much as possible. So in that sample, the -- the book is the  
2 easiest place to find that sample because I only put those in the  
3 back of my book in coded colours for the couples.

4 I had one -- one couple that was married in Phnom Penh. It was a  
5 soldier, who ended up marrying his former fiancée and they took  
6 me to the site where they were married in Phnom Penh, but that  
7 couple led me to find someone in Siem Reap.

8 [14.10.09]

9 So it was really that, sort of, snowballing, but with -- but that  
10 couple not leading me to someone in Siem Reap; it was more that  
11 they didn't have -- they did not have the experience in being  
12 interviewed with me that I was interested in anything other than  
13 what their experience was of how they met and what happened next.  
14 And so then they said, "Oh, but -- but we know someone who was  
15 married in Siem Reap." And that's kind of how that sample  
16 happened. Now, I ended that sample by what we call in qualitative  
17 research "saturation", which is how I -- which is how I ended my  
18 second sample of 180 people that I surveyed. Once I started to  
19 get a repetition of themes, then I finished that sample. So the  
20 repetition of themes that I started to get was differences in  
21 place and time in how weddings were conducted based on the  
22 leader, who either chose the couple or based on the leader who  
23 approved of the couple who the parents chose. Once I started to  
24 get some saturation of my data, I then developed a survey that I  
25 used for the 180 people in the second sample.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 [14.11.47]

2 Q. So if I understood you well, regarding the first sample of 22  
3 people, you based yourself on general discussions -- not  
4 necessarily following any kind of pre-established form, and then  
5 after these 22 interviews, you might have had some material to  
6 come up with something more structured in terms of questions for  
7 the second sample that was more random. Did I understand your  
8 methodology properly?

9 [14.12.23]

10 A. I'll give just a little bit more detail. Because that first  
11 couple that I interviewed and travelled with, the couple that  
12 challenged me initially, through that first couple; I developed  
13 my questions for the other 10 couples, though they were the  
14 questions I used for the first couple. And if I may, I'll just  
15 read those questions; they're on page 4 of my book.  
16 "Tell me when you first met your spouse. Tell me what was  
17 happening in your life before you met. Describe the wedding day  
18 in as much detail as possible. Was it a real marriage? What  
19 happened after you married? Were you told to have sexual  
20 relations by anyone before or after your wedding? What keeps you  
21 together? What and who protected you? What protects you now?  
22 Kindly describe your own or a family member's pregnancy during  
23 that time. Can you tell me about the delivery of your child?  
24 Please tell me about the first few days following delivery.  
25 Kindly describe the care for your child and others' children in

1 the commune.

2 [14.14.12]

3 These questions came out of that first interview, travelling  
4 interview. Initially, I was only going to be doing the wedding  
5 stories, but when I travelled with that first couple, on the  
6 road, I became very sick; I ate eggs that were not very nice. So

7 that whole day of the interview, I would have to go into the  
8 woods because I had an upset stomach and when I did that, women  
9 looked after me on that day; they rubbed me; they cared for me.

10 And I said to the woman who I was travelling with, "Oh, is this  
11 how women treated you during the Khmer Rouge when you gave  
12 birth?" And she said, "No, not at all; no one touched us." And  
13 she said, "We can take you to where I gave birth if you'd like to  
14 do that."

15 It was that first couple that had me then start, for the rest of  
16 my research, tracking the wedding stories and the birth stories.  
17 That is how that happened and that's what happens sometimes when  
18 you just start out with a qualitative method and then I stayed  
19 with that.

20 Q. Fine, so if I understood you well, these questions that you  
21 just read out are questions that you asked all of the people you  
22 spoke to; the 197 people who are part of your <thesis>.

23 A. That's correct. However, for the other 160, I created a survey  
24 so I could get more data, things around the rituals for people to  
25 describe the rituals in details. Those were the formative

1 questions; the survey had more detailed questions, with those  
2 questions as the major outline.

3 [14.16.33]

4 Q. You also, this morning, <in an answer to the President,> spoke  
5 or said that, aside from the 197 people who -- whom you studied  
6 in <greater detail>, you also questioned elderly people in the  
7 villages you visited in order to speak about marriages before  
8 1970. So before I get back to what you gathered regarding  
9 traditional marriages before 1970, I'd like to know if, aside  
10 from these questions on marriages before 1970, you also asked  
11 them questions on their own marriages or on their own experiences  
12 with marriages under DK even if these people were not necessarily  
13 included in your study. Is this something that you did or did you  
14 just simply speak to these other people about traditional  
15 marriages?

16 [14.17.42]

17 A. First to clarify, it was 192 people in my study. Secondly,  
18 because I formulated my methodology and my progressive sampling,  
19 I did not waiver from that.  
20 The people that I interviewed in the villages; again, well over a  
21 thousand, were people who were not married during Democratic  
22 Kampuchea. They were people who were elders, oftentimes who  
23 sometimes helped arrange some of the marriages of young people  
24 during DK. But they spoke to me about their weddings, many of  
25 them were married before 1960 in terms of the age of people that

51

1 I was interviewing, and spoke to me about how their marriages  
2 were arranged, what the day was like, what they wore, whether  
3 there was a "poh peil" (phonetic) or just traditional music.  
4 I just tried to gather as much data to sit beside the  
5 anthropological and ethnographic studies that I had read; mostly  
6 -- most of them have been done in French. I know that Ebihara's  
7 -- May Ebihara's work is most referenced a lot in some of the --  
8 the studies that have come out of Phnom Penh.  
9 But I wanted to see was what they were describing consistent with  
10 what I was reading because what I was reading, of course, was  
11 oftentimes ethnographic studies are determined by the village in  
12 which the researcher is doing their study. So I wanted to see  
13 what rituals, actually, were part of most places and what rituals  
14 were specific to a region in Cambodia.  
15 So, it was really just about confirming what I was reading again  
16 and again and again, and also looking at how elders would  
17 describe their weddings and comparing that regionally. And then  
18 that gave me a database from which I could see whether those in  
19 charge of those weddings during DK were allowing some rituals to  
20 flow in and others, maybe, perhaps not.  
21 [14.20.17]  
22 Q. Well, I'd like to put a few questions to you, specifically  
23 about arranged marriages <in the> Khmer tradition, but before  
24 that; I would like to react to what you just said when you quoted  
25 a segment from your <thesis>, so document E3/1794 at English ERN

1 00482443.

2 And you speak about the issue of marriage under DK and you say in  
3 English, "Social pressure to describe the Khmer Rouge weddings as  
4 forced has been unyielding."

5 Maybe my accent is a bit problematic, so let me say it again. "To  
6 describe the Khmer Rouge weddings as forced has been unyielding."

7 And following that you refer to two anecdotes; in particular, the  
8 way that you were approached by journalists who knew that you  
9 were working on the question and who, therefore, used the word or  
10 the term "forced marriage."

11 [14.21.48]

12 And you also say, and I will quote again in English, "In my  
13 reply, I suggested that this is a complex topic and that  
14 classifying Khmer Rouge weddings as forced in a country where  
15 arranged marriages are common is perhaps misleading." End of  
16 quote.

17 So <first, let's discuss> what you heard regarding the way  
18 marriages were arranged before DK. and <later> we will see what  
19 happened under DK. But you, in the interviews you conducted and  
20 in what you read in the various books, various <ethnographic or>  
21 anthropological books that you used, well, what was the degree of  
22 <consent> between the spouses when we are speaking about arranged  
23 marriages?

24 Let me explain to you. Before you, an expert came to testify, Ms.  
25 Nakagawa, who explained that in traditional marriages, marriage

1 was, above all, a family affair more than an issue between two  
2 individuals. So my question is; based on your interviews with the  
3 people who got married before 1970 and based on your research,  
4 generally speaking, how can you describe arranged marriage in a  
5 traditional way?

6 [14.23.47]

7 A. Firstly, just to respond to your middle comment regarding Ms.  
8 Nakagawa's statement, yes, it's a family affair, but not one  
9 family; families' affairs, community affairs. So I -- I just want  
10 to say that it's not just about families; it's about families and  
11 community usually. And oftentimes, even today, someone outside  
12 the family will participate in arranging marriages or arranging  
13 engagements oftentimes. Unfortunately, there was no engagements  
14 arranged under DK. So that's my first comment regarding Ms.  
15 Nakagawa's comment.

16 [14.25.00]

17 With regard to arranged marriages, again, I went through the  
18 literature with regard to the ethnographic studies. There were  
19 differences, certainly, across the different studies so -- one  
20 second, please. So for example, in some of the ethnographic  
21 studies on weddings by foreigners, they noticed different  
22 patterns in the amount of time that communities took for wedding  
23 activities; anywhere from one day to three days to seven days in  
24 some cases and in some regions and that has changed across time  
25 and place as well.



1 With regard to ritual objects and ritual progression, I was  
2 interested in not just studying the rituals; I was interested in  
3 studying the sequence of rituals. That's part of my process data,  
4 not just the content of what's present at a wedding. I was  
5 interested in, again, the sequence in which objects are  
6 introduced, music is introduced, music is withdrawn, hair is cut,  
7 betel nut is introduced. Again, I was interested in the -- in  
8 mapping the sequence because I wanted -- because I did that also  
9 with my respondents. When they talked about their weddings, I  
10 documented the sequence by which events happened to them.  
11 So interestingly, there were just so many differences in -- in  
12 the sequencing of the wedding in terms of what happened before  
13 the wedding under DK, in what happened during the wedding, and  
14 what happened after the wedding. There were very, very -- there  
15 are many, many differences that I found in my study that I can  
16 speak to at -- at some point.

17 [14.27.16]

18 With regard to the loss of access to tradition, it was profound;  
19 in terms of traditional sequencing and traditional rituals, that  
20 was profound. But I have separated out, in my study, the issue of  
21 ritual erosion from the issue of whether weddings were forced or  
22 not. Well, actually, I worked very hard to not even ask that  
23 question; were they forced or not, but I did come to a  
24 conclusion, that they were not forced. And that was basically  
25 because of how people described their weddings to me, their

1 experiences to me, their agreement with the choice of the person;  
2 whether that agreement was with the choice of the mother or the  
3 father or the brother or the uncle or the auntie who sometimes  
4 went to a leader and asked permission for a man or a woman to  
5 marry. They were usually in agreement.

6 [14.28.45]

7 Q. I will get back, more specifically, to these different  
8 accounts that you heard during your research. One point that I  
9 omitted to have you specify regarding your methodology, I believe  
10 I understood that you do not speak Khmer or in any case, not  
11 fluently, so necessarily, you relied on an interpreter. So can  
12 you tell us how you chose the interpreter and how you worked with  
13 the material you gathered, the Khmer material you gathered; how  
14 did you manage that Khmer data?

15 A. I -- the reason that I tried very hard to use audio taping of  
16 the interviews and digital film of the interviews was that I had  
17 a recording of the interview. Yes, I travelled with an  
18 interpreter. In -- in fact, regardless of how good any of my  
19 languages are, I would not do research unless it were my first  
20 language, anyway, for fear of not having some understanding of  
21 some nuanced meaning.

22 So, I travelled with an interpreter. That person interpreted that  
23 material for me. I went back to Australia with my material and --  
24 as I did even when I was at the Shoah Foundation in my research  
25 -- I got an independent translator to translate that first

56

1 translation. And the reason for that is because the person who  
2 was translating for me and travelling with me, themselves, was a  
3 survivor and so it was important for me to have a fuller sense of  
4 the transcript from someone who could translate Khmer who didn't  
5 have that experience and who lived in another country. So that is  
6 how I did my research.

7 [14.30.59]

8 Even though I read French and I went to the Cultural Centre, I  
9 took -- I took copies of all the documents and I had a person  
10 with French as their first language make sure I had them  
11 independently translate that. Of course, it was much better than  
12 my translation and I used usually that translation.

13 When I had the second translator translate the Khmer first  
14 translation, I had them do that without looking at the first  
15 translation transcript; a very important -- a very important  
16 issue and thank you for raising that.

17 [14.31.47]

18 Q. In reading your <thesis>, I also understood that as part of  
19 the process whereby you identify persons using the initial  
20 approach; that is, the sampling of persons interviewed, you said  
21 you had recourse to students who assisted you in your research.  
22 My question is; what was the role of those students? Furthermore,  
23 did you systematically meet the persons those students met?  
24 <Were> all the 192 persons interviewed in your thesis, <to have  
25 an exact figure,> were they interviewed by you, personally, or

1 did you have them interviewed by other persons; that is, some  
2 kind of second-hand interviewing?

3 A. Thank you for that. Yes, I did use students to assist me;  
4 students from the Royal University of Phnom Penh, students who  
5 were in their last year of university who had done their research  
6 course. They were not students of mine. They would not -- they  
7 were not going to be graded by me. They were volunteer students.  
8 There was no second gain for them. I did not instruct them to  
9 choose people based on any particular persuasion about the  
10 weddings. I met with them four times, trained them in how to use  
11 the survey, trained them in how to stay with the original  
12 questions and to not add any other questions other than saying,  
13 "Can you tell me more about that?" That was a question they asked  
14 a lot.

15 [14.33.45]

16 They brought that material back to me, usually in Khmer. That was  
17 translated and then I checked the translation of that translation  
18 and then I took all of that information and I put it into the  
19 surveys. I did not, with those interviews, other than with seven,  
20 return to re-interview that cluster -- that sample. So I --  
21 that's very important to state upfront. I used the same method  
22 for the remaining sample.

23 MR. KOUMJIAN:

24 Thank you. Your Honours, based on something the witness has just  
25 said, I just wanted to raise this before the break so we could

1 take advantage of the break.

2 I understood from her answer -- last answer in one a few minutes  
3 ago, if I understood correctly, that she developed a survey with  
4 questions that these students were to ask and I think it would be  
5 very helpful to the parties and to Your Honours to have a copy of  
6 the questions that the students were to ask. I presume these go  
7 beyond the 13 topics from page 4 of her book that she read. So I  
8 would just ask if the President, Your Honour, could possibly ask  
9 her during -- if -- during the break, if she has that in English  
10 and Khmer to provide that to the legal officers so parties could  
11 get copies.

12 MS. GUISSÉ:

13 At present, I don't have any particular remarks in light of what  
14 has been said.

15 JUDGE FENZ:

16 Can we ask -- I think I saw the Expert nod, so do you have this  
17 -- this questionnaire and are you willing to -- to provide it?  
18 Thank you. Then we'll ask our legal officers to collect it during  
19 the break.

20 [14.35.53]

21 MS. LEVINE:

22 I'd like to make a statement about that. Maybe the word "survey"  
23 isn't completely accurate. The students were given the initial  
24 inquiry of those 13 questions. Those were the questions that they  
25 had. Those were the questions that every single subject -- I

59

1 prefer the word "respondent" -- was given. They did 102 of those.  
2 I did 90 plus the -- the 22. Yes, I have a copy of that.  
3 It's more -- it's more a -- a form that I have that I will make  
4 available to the courts where they recorded that information,  
5 based on those 13 questions, into a format that could be easily  
6 analyzed. So it's just a two-page format that looks like that. It  
7 has things like one column; ceremony details, food, drink, music,  
8 speech, seating, promises to Angkar, clothes, krama, colour,  
9 other and they filled in this form, but I certainly will make  
10 this document available to the Court, yes.

11 [14.37.13]

12 BY MS. GUISSÉ:

13 Mr. President, I have one last question for the expert before we  
14 take a break if you'd allow me.

15 Q. As regards to figures -- I'm sorry I have to repeat this -- I  
16 didn't quite understand your answer in light of the question I  
17 asked, that is, how many interviews were conducted by those  
18 students since, <in which> you, yourself, did not meet the  
19 persons interviewed and how many <interviews did you perform  
20 yourself>? I didn't quite understand <the figure, can you repeat  
21 it please?>.

22 MS. LEVINE:

23 A. That's fine. I did 90 of these forms with the related  
24 questions plus the 22, so that's 112 that I did myself. The  
25 students did 102. I will clarify that when the students went out

60

1 into the field, it was more so that I could get regional samples.  
2 When they went into the field, we were in phone contact and we  
3 consulted and if they had any questions, they could contact me  
4 and I followed up with -- randomly, I choose seven random samples  
5 from those 102 surveys they did; really, more or less, to do a  
6 reliability check on their work.

7 [14.38.46]

8 Q. Very well. If I did understand you correctly -- and I'm sorry  
9 if I'm wrong -- of the 102 <interviews conducted> by your  
10 students, <you verified seven. Is that correct>? Were the  
11 interviews conducted by the students recorded as well?

12 A. Admittedly, only one-quarter of the students recorded the  
13 interviews.

14 Q. As regards the rest of those interviews, does it mean that you  
15 worked on the basis of notes only?

16 [14.39.46]

17 A. Yes, it does. They recorded -- their recorded answers to the  
18 13 questions and then, again, this form was developed with as  
19 much data as I could get to start collecting on such as one  
20 column you will see says, "Pregnancies from 1975 to 1979, Number  
21 of Pregnancies, Number of Live Births, Number of Stillbirths, and  
22 Place of Birth." So this form was developed towards the end of my  
23 90 interviews that I did, so the students could then take these  
24 forms into the field with these 13 questions to help, if you  
25 will, do another validation check on the material; the -- the

61

1 details of the weddings and the births.

2 I think the form will be self-explanatory to the courts.

3 MS. GUISSÉ:

4 Mr. President, I see you want us to take the break now.

5 MR. PRESIDENT:

6 Thank you. There is a request from the International

7 Co-Prosecutor regarding the written record of the interviews and

8 you said that you would provide the document to the legal officer

9 of the Trial Chamber; then the document or the list can be

10 circulated to parties for the basis of questioning.

11 It is now time for break. The Chamber will take -- shall break

12 from now until 3 p.m.

13 Court officer, please assist the expert in the waiting room

14 during the break time and invite her back into the courtroom at 3

15 p.m.

16 (Court recesses from 1442H to 1501H)

17 MR. PRESIDENT:

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

19 The Chamber would like to inform the parties that the interviews

20 conducted by the year-four students to assist the expert

21 regarding the marriages in the DK are available, but the expert

22 does not bring the document along with her and she promises to

23 bring for the Chamber, the relevant parties tomorrow.

24 And the floor is now given back to the defence team for Mr. Khieu

25 Samphan to resume the questioning.



62

1 Again, <for> the records of the interviews, conducted by the  
2 students and the record of the interviews were requested by the  
3 International Co-Prosecutor, the expert confirms that she has all  
4 the relevant documents, but she does not bring along with her  
5 today. <What she currently has are documents with her annotations  
6 on them, which might not be clear enough for the relevant parties  
7 to review, but> she has the clean version <which is the original  
8 copy> at her resident and she promises that she will bring the <>  
9 relevant documents for the Chamber tomorrow morning and the  
10 documents will also be disseminated to <the relevant> parties.

11 Do you wish to add something, Judge Lavergne?

12 We want the expert to provide the documents right now; however,  
13 the documents <> have some annotations <> on them, <but she does  
14 have the clean copy at her resident>.

15 [15.03.51]

16 JUDGE FENZ:

17 I think to clarify it for English; we are talking about the clean  
18 copy of the questionnaire.

19 JUDGE LAVERGNE:

20 In order to be even clearer because in French we're speaking  
21 about questionnaires in the plural or at least that's what I  
22 understood -- maybe the Expert can contradict this if I'm wrong  
23 -- but what she is willing to bring is the form for the  
24 questionnaire; not all of the answers.

25 I see that the Expert agrees, so you can make <a> note <of> this

1 in the record.

2 [15.04.35]

3 BY MS. GUISSÉ:

4 Q. Well, let me get back to where we were, Ms. LeVine. Therefore,  
5 you explained, if I understood the figures well <because there  
6 was a problem with the French>, that you said that you conducted,  
7 firstly, 90 interviews <in person> and 102 that were conducted  
8 <by> the students who worked with you, which makes up the hundred  
9 and ninety-two interviews of your study; am I clear with the  
10 figures?

11 MS. LEVINE:

12 A. Yes, but just to fine tune that, I did the 22 individuals  
13 which were 11 couples, initially, and then I did 90 interviews,  
14 where I used the form that I created after the interviews with  
15 the 11 couples and then I had students -- so I could get  
16 saturation in my sampling -- I had students do a hundred and two  
17 of those forms with the 13 questions that I've read out loud  
18 earlier

19 Q. Well, maybe I'm not very good at math, but if you conducted --  
20 okay, well, let's start from the beginning. So among the 90  
21 interviews that you said you conducted personally, do you include  
22 the 22 initial ones or do the 90 interviews correspond to the  
23 second sampling? I'm sorry, but I'm not very good with math.

24 [15.06.33]

25 A. Sorry, yes you were -- you were correct in your calculations;

64

1 the 90 included the 22 and the students did 102, which adds up to  
2 192. Thank you for that clarification.

3 Q. Fine. Now, things are more logical to me. Now, regarding the  
4 interviews, aside from the 22 first ones of your chosen sample,  
5 so now, we're speaking about the random sample of the other  
6 interviews, did you make a conscious geographical choice <on the  
7 location of the interviews > or was it at random?

8 And maybe to refresh your memory a little bit and to refresh the  
9 memory of the Chamber's and of the party, I'm referring, in  
10 particular, to a map with the locations where you worked. And so  
11 this is document E3/1794, on page 8 in roman numerals. That is to  
12 say English, ERN 00482430. So it's page 8 in roman numerals at  
13 the very beginning of the <thesis> and these are the locations  
14 and the <number> of the people you interviewed per location. I'm  
15 going to try to read this out slowly.

16 [15.08.20]

17 So, 5 people in Phnom Penh; 3 people in Siem Reap; 53 people in  
18 Kandal province; 21 in Prey Veng province; 8 in Svay Rieng; 7 in  
19 Kampong Cham; 1 in Koh Kong; 28 in Takeo; 18 in Battambang; 8 in  
20 Pursat; 7 in Kampot; 18 in Kampong Speu; 6 in Kampong Thom; 4 in  
21 Kampong Chhnang; 1 in Ratanakiri; 2 in Preah Vihear; 1 in Ourdor  
22 Meanchey; 1 in Malai Mountain.

23 So, these are the locations you identified and these are the  
24 number of people corresponding to these different locations.

25 So let me repeat my question please: Was there a specific choice

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 here in terms of geography, or was this done at random?

2 [15.09.50]

3 A. My first sample had a large proportion of people who were

4 married in the Southwest, so I have to hold that over to the side

5 a bit because it increased the numbers in the Southwest. I --

6 even though I did a random sampling, I'm aware that I had a large

7 number of people who were married in Kandal province. And I still

8 can't speak for how that happened other than I think that my

9 snowballing probably had a familiar factor that led people in

10 that region to then lead me to somebody else in that region. So I

11 -- I can't give a hundred percent rationale for that factor.

12 What I can say about that, however, is it became an advantage for

13 me in my data analysis of the weddings because of a number of

14 things. One is I have noticed in most of the research that has

15 been done on this topic, there has been a high prevalence of

16 subjects from that region, so it allowed me -- it has allowed me,

17 say, to compare my study to say, Mam's study or perhaps a study

18 that my Japanese colleague has done.

19 So that -- that region has allowed me to really, if you will, go

20 in and look at what has been missing in other studies.

21 Oftentimes, what's been missing in other studies has been the

22 time and place data. So when I look at other people's work and I

23 see a collection or a booklet of extracts from transcripts and I

24 see a high proportion of -- of violence being presented, I can

25 look at my Kandal study and say, "Oh, I imagine that perhaps

66

1   there could have been a time bias in that outcome because in  
2   late-'77 and '78, it was a very bleak time there." However,  
3   before that period and after that period, it became very  
4   different in how the weddings were organized and what happened to  
5   people after the weddings. So it became a nice artifact for me to  
6   have that large sample in the end for analysis, but I do think  
7   that it's unbalanced and yet it has been helpful.

8   [15.12.55]

9   Q. Well, things are moving by so fast that I'm going to try to  
10  press ahead and maybe get back if I have time afterwards.  
11  Well, earlier, we spoke about arranged marriages <in the> Khmer  
12  tradition and you spoke about the fact that it was essentially an  
13  affair of families and you insisted on the plural. You said that  
14  it could be taken in a broader way, that it involved the  
15  community at large. And in the <thesis>, you spoke about the  
16  importance -- when we're speaking of traditional marriages and of  
17  marriages in Cambodia, in general -- of not having a Eurocentric  
18  vision. In fact, you used the expression "Euro-American," if I  
19  base myself on the words you used, and in particular, with the  
20  idea that love is supposed to be a premise for marriage.

21  [15.14.00]

22  <We discussed a topic, that once more, followed along the same  
23  lines of those discussed with the Expert> Nakagawa, <who>  
24  explained that the notion of love could be an extra after  
25  marriage, but regarding considerations to arrange a marriage in a

1 traditional context; it was not necessarily a priority.

2 So my question is: Can you tell us and explain to the Chamber how  
3 or what is the difference in concept, as an anthropologist,  
4 regarding the notion of love and <its place> as a preliminary  
5 condition <in the context of> an arranged marriage?

6 [15.14.53]

7 A. From an anthropological perspective, there are two terms we  
8 often use; emic and etic. Emic is the point of view from within  
9 the culture itself. Etic is the point of view of looking at a  
10 culture as an outsider.

11 I worked very hard to keep getting closer and closer to recording  
12 the emic views of my respondents. So that meant that I had to  
13 take my views of love and -- and other notions of what it is that  
14 creates a partnership and move those a bit to the side while I  
15 listened to how my respondents described their bonds.

16 I think the word "bond" is probably a more culturally responsive  
17 term than the word "love". What bonds people? What bonded people  
18 during this period? Love was rarely discussed; it's an artifact,  
19 if it happened at all for the couples that I interviewed. And  
20 again, I interviewed people. I started with couples who are still  
21 together and in those 13 questions, one of the questions is: What  
22 kept you together?

23 [15.16.13]

24 I have rank ordered what has kept people together in my data  
25 analysis, but without rumbling through pages; one thing that kept

1 people together was the experience of the other person's  
2 kindness. That was essential to people staying together that, "We  
3 both worked hard and I worked a little bit harder and longer in  
4 the day, so when I came back to our hut, my wife counted out more  
5 grains of rice for me because I worked harder." Those -- those  
6 were the kinds of responses people gave about their bonds.  
7 The other thing was terms that, again, from an emic perspective,  
8 "Ku Prean"; "The Buddha arranged our marriage before we were  
9 born." It's a very interesting concept to get one's head around  
10 especially around the -- the Khmer Rouge period because I  
11 actually had one couple say together in front of me, "So we  
12 wonder, if this period hadn't happened, would we have met?" It's  
13 a very interesting question to ask when someone has the  
14 experience of "Ku Prean"; "What keeps us together?"  
15 Other things that people said kept them together had nothing --  
16 well, first of all, what -- what had nothing to do with them  
17 being together was whether they had a disability; though I really  
18 didn't find any in my sample, whether someone was beautiful or  
19 ugly; it really was inconsequential to the kindness of the bond  
20 that kept people together.  
21 [15.17.57]  
22 I had thought, as a psychologist, before I went into my study  
23 that what would have kept people together, if I had hypothesized,  
24 would have been the co-experience of surviving extreme, extreme  
25 traumatic experiences. That was rarely mentioned.

1 What -- what kept people together was the potential to build a  
2 family; that was important to them regardless of how they arrived  
3 at that place together, touch -- to be able to have safe touch.  
4 Touch was missing throughout the Cambodian period, so the -- the  
5 sense of being able to have somebody just kindly touch someone,  
6 safely touch someone; that was very important and that was  
7 mentioned frequently in my study.

8 [15.18.48]

9 So love, I -- I think is a -- is a bonus. Yes, I certainly had  
10 people who grieved someone that they loved because they were  
11 arranged with someone else or they may have been angry about  
12 that, but they never -- they never, in my sample anyway -- in my  
13 sample, I didn't have anyone say, "Oh, because I didn't love this  
14 person, it meant I was forced to marry them." It was a very  
15 separate concept. I was surprised by that, but again, I just  
16 asked the open question.

17 Q. Well, in fact, regarding this issue of love <and, potentially,  
18 the notion of choices being made by the families which --> may  
19 explain this prevalence of bonding over love, so let me refer to  
20 what we <have already> heard before this Chamber. <Expert  
21 witness> Nakagawa explained a phenomenon that we <also> heard  
22 witnesses speak about before this Chamber<, sometimes>. That is  
23 to say that -- and the expert was speaking about people outside  
24 of DK, she was speaking about marriages outside of DK -- and she  
25 said that sometimes, the first time the <wife> met her husband



1 was the day of the marriage itself. And I'm referring here to  
2 Nakagawa's statement of 13 September 2016, a little bit before  
3 11.03.01 in the morning and this is what she said when she was  
4 answering a question and I will quote in English.

5 [15.20.46]

6 So the question that was put to her was, "What was the level of  
7 participation of women in the choice of a husband before the  
8 decision of marriage?" And this is what she said:

9 "It depends on the parents as to how much information they gave  
10 to their daughters. The many women that I interviewed, their  
11 wedding day was the first time that they met with their husband,  
12 so they knew very little about their husband before the marriage.  
13 But again, they don't regard, the women -- they don't regard as  
14 unfortunate marriage because they are happy to accept and follow  
15 the decision by their parents." End of quote.

16 So my question is going to be <two-fold>. In the interviews you  
17 conducted regarding marriages before 1970, do you have examples  
18 of people who really knew each other and only met on the day of  
19 their marriage? And the second part of the question is, during  
20 the DK period whether these kinds of examples and was there a  
21 difference in the ways people spoke about this? That is to say,  
22 was this phenomenon experienced differently under DK than in the  
23 period before 1970?

24 [15.22.35]

25 A. Usually, traditionally, there's an engagement period,

71

1 sometimes that's called "half marriage", when people are formally  
2 engaged and then after that half marriage or that engagement  
3 period, a wedding proceeds, usually, traditionally, it proceeds  
4 at certain times of the year usually outside of the rainy season.  
5 So, traditionally, there's an engagement period.  
6 The length of that engagement period varied, in terms of the data  
7 that I have, varied dramatically. The engagement period might  
8 just be one week in certain agricultural regions, or it could be  
9 three months, six months.  
10 Interestingly, to digress, yesterday I spent my morning filming  
11 an engagement, traditional Khmer ceremony where the couple had  
12 their ceremony yesterday with many, many formal rituals and they  
13 will be wed in November. So their parents, I believe, had a much  
14 longer engagement period based on anecdotal information I had at  
15 that ceremony.  
16 [15.24.07]  
17 Under Democratic Kampuchea, there was no engagement period.  
18 However, having said that, there are couples that were in an  
19 engaged arrangement that happened before the Khmer Rouge went  
20 into Phnom Penh and they, some of them, did marry that person  
21 they had been engaged to, by going to a leader who had suggested  
22 that they were to marry someone else and telling the leader -- in  
23 one case I can recall about a wedding that happened in Phnom Penh  
24 with a soldier and his now wife from the Southwest.  
25 He was told as a soldier he was to marry someone and to love

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

72

1 someone and he said, as did a couple of others, I think perhaps  
2 very cleverly, "I know you're asking me to marry this person and  
3 to love this person. I don't love them yet. I love someone else,  
4 but if you want me to love them I will work very hard to do  
5 that." And the leader ended up having that person marry the  
6 person they had been engaged to prior to the regime. So, I do  
7 have some cases of engagement, but they usually were under those  
8 conditions.

9 [15.25.43]

10 Q. Well, therefore to finish with my previous question. So  
11 Nakagawa's accounts that she gathered in <some cases of marriages  
12 outside of Democratic Kampuchea, in> which women would see their  
13 husbands <for the first time> on the day of their wedding, <did>  
14 you, in the interviews you conducted regarding the pre-1970  
15 marriages, <did> you did not gather these kinds of accounts? <Is  
16 this what I should gather from your response?>

17 A. I just want to make sure I understand the sample that we're  
18 speaking to here with regard to Ms. Kasumi Nakagawa's research.  
19 That which you're asking me to respond to is about her conclusion  
20 she came to on people's weddings under DK or before DK?

21 Q. Well, <in any case, before or outside of Democratic  
22 Kampuchea,> this specific answer was regarding a question outside  
23 of DK. She was explaining that the fact that parents would choose  
24 the spouses <-- she even used the term "blindly" --> she said  
25 that young women then would blindly follow the choice of their

1 parents and therefore <a lot> of these women said that they had  
2 seen their husband for the first time on the day of the marriage.  
3 So my question was, since you questioned people about pre-1970  
4 marriages, did you encounter the kind of cases that Kasumi  
5 Nakagawi speaks about, <yes or no>?

6 [15.27.48]

7 A. Not at that level of conclusion, no, but also again with  
8 regard to sampling, I would need to know what study she was  
9 referring to because I have examined her sampling protocol, so --  
10 and that's one question. And also, you know, I -- in my research,  
11 I did -- I worked very hard to not have a gender bias in my  
12 research. In other words, I was very clear to include men in the  
13 same questions that I asked women.

14 Q. Well, now regarding specifically the accounts that you  
15 gathered regarding the DK period, you developed what you call  
16 "the typical accounts", and we can see this on page 49 of your  
17 dissertation. Document E3/1794, English, ERN 00482481; and this  
18 is what you say, I will quote in English:  
19 "I kept comparing things between pre-'70 wedding traditions and  
20 those implemented by the Khmer Rouge. Typical wedding  
21 descriptions from my research are given below and illustrates the  
22 layers of cultural breakdown of tradition in the DK periods." End  
23 of quote.

24 [15.29.44]

25 So here you provide three specific examples, so I deduct from

74

1 this that this is what you call the typical marriages of that  
2 period. You use the <example> of a marriage in 1977, in Kampong  
3 Chhnang, in which the groom went through his mother who went to  
4 see the brother of the bride and accepted on account of her  
5 sister and then they went to request Angkar's permission. So what  
6 I'm interested in is the process of <requests and> authorization.  
7 And then you speak about a <second case, a> woman in Takeo who  
8 says that her couple was made up of two Base People and it is  
9 through the village leader that the marriage was arranged.  
10 And you also mention a third example in Kampong Speu, and you say  
11 that these were two people who knew each other since grammar  
12 school even if they hadn't thought about getting married and it  
13 was the two camp leaders for girls and for the boys who arranged  
14 the marriage because they knew that they came from the same  
15 place.  
16 [15.31.24]  
17 So, when you speak about "typical wedding", does this mean that  
18 these three ways of arranging marriages as you mention here,  
19 whether through the family <and> then <asking for> authorization  
20 from Angkar -- and we'll get back later to this notion of Angkar  
21 -- but whether it be first by asking permission from the family  
22 <and then having that request validated by Angkar or not,> or  
23 whether it be by having a village chief arrange the marriage  
24 <himself>, or whether it be having group <or camp> leaders  
25 arrange <the> marriage <between> people coming from the same

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

75

1 place, were these aspects that you found throughout the 192  
2 interviews that you conducted? Is there <a trend> that emerged  
3 from this, from the way that marriages were arranged <or, in any  
4 case, organized>?

5 [15.32.28]

6 A. I think I used those examples as an illustration of the  
7 complexity, that things didn't happen just one way. I think  
8 that's what I was trying to illustrate. In fact, I could have  
9 given many, many other examples that may be, if I were to really  
10 stretch it, because I've been really going through preparing  
11 here, I've discovered new themes by going through my data again.  
12 But, I imagine if I were to think of how many typical ways there  
13 were under DK in which weddings happened, I'd probably -- this is  
14 what I'm trying to do now with my data again, I'm going back into  
15 it -- I could probably could think of seven scenarios that  
16 happened most often, but they were very different and they did  
17 depend on time and place.

18 So if I could give one other example, say, from Kandal for  
19 example for another complexity. There was a man who was in Kandal  
20 and the district head had chosen a partner for him, and he said  
21 that he disagreed with that choice. And that was in late '78; it'  
22 really important that I reference that date in Kandal because of  
23 things that happened in '78, so -- sorry, I want to step back a  
24 minute -- that was in early '78, because '78 was a very different  
25 time. Late '77 and early '78 was a very harsh time in Kandal.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 [15.34.03]

2 So to clarify, in early '78, he was advised by the district head  
3 to marry someone. He refused, and he was sent to a labour camp.  
4 When he finished his time in the labour camp, he returned back to  
5 that same area, but that former district chief was no longer  
6 there. He had heard that he had been killed. A new district chief  
7 was there and he got to choose his partner under the new district  
8 chief that was presiding. And the person that he chose, the  
9 families knew each other.

10 So, the reason I give you that example is because it's so  
11 difficult to say what was typical during this period and what I  
12 attempted to do was find that typical narrative. But, again, I  
13 kept finding again and again and again that when I accounted for  
14 time and place and who chose -- who chose the wedding and who  
15 presided at the wedding -- not always the same people -- and who  
16 attended after the wedding and maybe even gave a prescription for  
17 sex, even that was a different person.

18 I tried to just on the form that you'll receive tomorrow, I tried  
19 to get as much documentation as I could, again, on the structure  
20 and the function of the wedding.

21 [15.35.46]

22 Q. This precisely is a very interesting point in light of what  
23 you mentioned in the study in the sense that there may be  
24 variations with regard to time and place and the persons in  
25 charge of the marriages.

1 So my question in that regard is as follows -- and this may be  
2 related to the form. Was the issue of the leader or the village  
3 chief or the unit head or the person in charge of arranging  
4 marriages, was that something specifically important, and is that  
5 something that you were able to factor into the changes, whether  
6 we're talking of the rituals or the manner in which the marriages  
7 were organized?

8 <There you described the possibility of> <participation>, <in any  
9 case, by> the families, <that if the future spouses knew each  
10 other>, it <was possible to intervene before this or that village  
11 chief.>

12 [15.37.07]

13 Were you able to conduct an in-depth study in order to identify  
14 the names of local officials or any variations that might have  
15 existed <between> the village, the commune, the district; that  
16 is, the <level at which> the <marriages took place>?

17 It's a long question. I'm talking of variations in terms of the  
18 geography and the identity of the persons who arrange the  
19 marriages. Were you able to obtain any specific information in  
20 that regard?

21 A. Firstly, I want to state up front that I did not conduct my  
22 research as a witch hunt. It's really important that I say that.

23 I was not looking to find the names of leaders.

24 At times, the leader's name was given to me, and on one occasion,  
25 actually, because I was confused about a name that came up a



1 couple of times. In 2004, I went to the Document Centre and  
2 brought information there to the director wanting to understand a  
3 little bit more about what was happening in a particular  
4 location.

5 [15.38.37]

6 I was asked by the director the name of my respondent and I  
7 refused to give that information, and then I was told if I would  
8 just give the place and the date of the wedding that perhaps the  
9 person could be identified, which I refused to give.

10 I really think that after that period I became much more closed  
11 in my record-keeping and realized that I did not want to  
12 participate in naming perpetration in my research. I wanted to  
13 stay very clearly within the boundaries of trying to understand  
14 the phenomenon of weddings, the phenomenon of birth, how it  
15 happened, where it happened.

16 In my research, I use the word -- I'm using it more in writing  
17 that I'm about the publish -- I use the word "reconstitution of  
18 weddings" rather than "regulation of wedding". And I use that  
19 because, again, the time-place data I had was so distinct.

20 [15.39.46]

21 For example, in Kandal -- if I can stay with that given that it  
22 was my largest area of population -- in 1979, there was a leader  
23 in a location who allowed traditional music to be played at the  
24 end of the wedding and people could have a secret ceremony. They  
25 were given their own cottage after the wedding. So there was --

1   there was such a profound level of reconstitution of the weddings  
2   that were following a lot of the movements, including even the  
3   purges, during the Khmer Rouge period, and I didn't want to focus  
4   on, again, looking for perpetration or naming force because I was  
5   fascinated by the overlay of how things happened under DK. And  
6   the weddings are a big key to understanding the function and the  
7   structure at a much, much deeper level historically. I was  
8   interested in that historical dimension.

9   [15.40.59]

10   Q. I would like to follow-up on a point you referred to earlier,  
11   that is, the instructions that people engage in sexual  
12   intercourse, <within the scope of> the narrative you received.  
13   <You told this Chamber - and it also appears in your thesis -->  
14   that you specifically integrated a question with a view to  
15   finding out whether the couples, or the persons interviewed<, in  
16   any case,> had been instructed to have sexual intercourse. In  
17   your thesis, document E3/1794, and the ERN in English is 00482538  
18   and it is on page 101 of the thesis.  
19   You state that of the 192 persons interviewed, 76 of them had  
20   stated that they had been told in one way or another that they  
21   had to have sexual intercourse. And if I may go a bit faster,  
22   I'll read out what you say on the subject in your thesis, and  
23   it's on page 108 of your thesis. The ERN is 00482540, in English;  
24   and, apparently, there is a French translation which is very  
25   partial, 00950456; and in Khmer, it's 00894148.

1 And this is what you state and I'm quoting in English:  
2 "Because the notion that the Khmer Rouge restricted and/or forced  
3 married couples to have sex has been controversial. I inquired  
4 formally during each interview, 'Were you told to have sex at the  
5 time of your wedding?' Forty per cent of respondents said yes,  
6 though it appears that the husband was more often told alone  
7 without the woman present. Eight people who married in Prey Veng  
8 reported that they were 'teased' about having sex in ways  
9 consistent with current Khmer wedding custom wherein sexual  
10 relations are often enacted in dramatic skits during ceremonies.  
11 Nearly 30 percent stated that they were under surveillance. Most  
12 said that they pretended to have sexual relations by lying close  
13 to each other. No one reported being threatened by death if they  
14 did not succumb. Most striking, however, is the finding that  
15 prescriptive sex seemed more common during and after the rainy  
16 season in 1978 in certain regions (which was just before the  
17 invasion by the Vietnamese), with the trend apparently spreading  
18 out from Kandal province." End of quote.  
19 As regards this long citation, <it is so that the Chamber, the  
20 parties and yourself are all aware of> what you said on the  
21 subject. So, <you> stated that 40 per cent of the persons  
22 interviewed said they were instructed to have sexual relations.  
23 Can you tell us whether you gathered that information from the  
24 forms that were filled out? <And out of> these 40 per cent, <how  
25 many said these> were threats, or <did> you make a distinction

81

1 <between threats and general recommendations for> marriages? <Or  
2 is> that something <compulsory>? <Of these 40 per cent,> were you  
3 able to come up with <a> percentage, <for whom that meant  
4 receiving> instructions?

5 [15.45.22]

6 A. Thank you for the question. I did go back into my data before  
7 coming here in preparation, and I would like to add another  
8 statistic to that which I recorded here. The 40 per cent is  
9 actually 39.9 percent, but I did move it forward to 40 per cent.  
10 Of that 39 percent, .09 percent reported compliance to that  
11 request. So, I just really think that's an important statistic. I  
12 went back into my data.

13 When that was listed on the form -- it may seem as if it's a  
14 sensitive question but it wasn't for my subjects. I'm aware that  
15 people have said that people aren't so comfortable talking about  
16 sexuality or sexual behaviours, but for the cohort that I spent  
17 time with that seemed to be just a question they answered among  
18 other questions.

19 Now, of course, I have no way of knowing whether some people  
20 didn't report compliance when they did comply, but in terms of  
21 what people told me in successive interviews was .9 percent --  
22 .09 percent, excuse me -- for compliance. And of those, half of  
23 them knew each other prior to their marriage. So I think that's  
24 another important factor.

25 [15.46.51]

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 I also want to state something else just statistically again. In  
2 that last sentence in terms of rainy season and the trend  
3 apparently spreading out from Kandal province, when I went back  
4 and re-read by PhD in preparation for today, I went back into  
5 that hard data to see if I could pull something else from that.  
6 And what I found was that most of the sex prescribed in Kandal,  
7 was in 1978. Again, the period that I highlighted as a very harsh  
8 period, 24 out of 53, it's a very high number, but in 1978.  
9 Again, I think that's really -- that illustrates a bit of what  
10 was happening at that time with the particular leadership when  
11 more couples are being married there as well. So up to 200  
12 couples are being married in that region whereas before by late  
13 '77, we have the first period with a lot of couples being  
14 married.

15 [15.48.05]

16 So, I can only interpret, but something was going on in that  
17 region. I would tend to think something was going on based on the  
18 leadership in that reason, but I'm still working that through and  
19 I probably will be looking at that this evening. So thank you for  
20 that.

21 With regard to another comment on this quote that you had stated,  
22 the teasing of sex. I think that's very important, if I can say a  
23 bit about tradition. Again, if I can even reference my yesterday  
24 when I went to the couple's traditional engagement, there were  
25 references to fertilization of the field, the rice field, so the

1 go-between on the woman's side asked the go-between on the male  
2 side about the fertilization, capacity to fertilize the field.  
3 There were a number of suggested dialogues that happened in front  
4 of the parents before the children to be wed arrived between the  
5 go-betweens about whether this was going to be a good match or  
6 not.

7 In the weddings that I have attended during the times of my  
8 research, there were often skits that were suggested of sexual  
9 activity as well, just hints. Oftentimes, the wedding room is  
10 prepared for the couple on the night of their wedding. The bed is  
11 sometimes laid out with silk and flowers are put in the room and  
12 the bed with the expectation -- I think we can say across the  
13 world -- one expectation of a marriage is consummation of a  
14 marriage.

15 [15.50.01]

16 Of course, I'm not wanting to make the implication that the way  
17 in which this happened under DK was tasteful, but consummation of  
18 marriage, typically in the Western world when we talk about the  
19 honeymoon period, is expected.

20 So I wanted to reference that in terms of the expectation of  
21 consummation of marriage in weddings internationally. Not to say  
22 that the style, again, at times, wasn't crass, because it was.  
23 But I did want to make that again from this emic/edic perspective  
24 since we're talking about sexuality and prescription. I use the  
25 word "prescription for sex", people were given a prescription for

1 sex.

2 [15.50.52]

3 Yes, some people reported that there were people listening to  
4 them during that time in the night, but nobody in my sample said  
5 that the next day someone asked them did they have sex or not.

6 No-one in my sample were threatened with death if they did not  
7 comply to the request. So I can only speak from my sample.

8 Q. I have a general question, specifically on the subject of  
9 interviews you had regarding marriage in the pre-1970 period, <In  
10 traditional marriages, did they have to tease the <future>  
11 spouses and <make lewd skits -- or in any case discourage or>  
12 encourage them to consummate the marriage. Was that something  
13 that was talked about by the persons you interviewed regarding  
14 the period before 1970?

15 A. Yes, that did come up because I was interested in -- I was  
16 interested in the -- again, the sequence was important. And so  
17 the sequence with the marriage oftentimes leads to a discussion  
18 of sexuality. Of those that I interviewed -- and I have to say I  
19 did not keep -- I did not keep the hard statistics on the  
20 post-wedding dialogues, however, most people said that it was  
21 just expected. I married this person and it was expected that we  
22 would have children for our family. And oftentimes there was an  
23 unexpected -- I mean, or sort of an expected, unexpressed  
24 assumption that the woman would be pregnant within the first year  
25 after marriage.

1 [15.53.18]

2 I would just like to make one other international comment on  
3 this, with regard to this sort of bringing in the emic and the  
4 edic.

5 In the Roman Catholic Church today, if a person does not  
6 consummate their wedding within the first year it can be grounds  
7 for annulment. So, I think when we're talking about what happens  
8 afterwards, after marriage, I think we need to hold the whole  
9 international portrait at the same time of the expectation  
10 post-wedding -- is that eventually whether some -- usually it  
11 happens, usually there's a long period of time in which sex  
12 happens after a wedding if it is done through a matchmaker and  
13 the couple doesn't know each other. At least I found that in my  
14 research with couples under DK. If they knew each other ahead of  
15 time -- and I can't at this moment, but the quote is in my thesis  
16 in the back -- where one person said, well, yes, they told us to  
17 have sex but we wanted to do that anyway. They knew each other,  
18 they were in love with each other before they were arranged to be  
19 married.

20 So I think all of those factors need to be factored in to this  
21 dialogue.

22 [15.54.56]

23 Q. You broached a point a while ago, that is, the preparation of  
24 the huts of the couples, the honeymoon <or bridal hut> -- I don't  
25 quite recall the term you used. Was that something that came up



1 also regarding marriages before 1970, that is, the fact that  
2 there were specific places that were devoted to the couples after  
3 the marriage <for a certain period of time, and what were you  
4 able to glean> from a traditional standpoint?

5 And I'll then talk about what you refer to as a "honeymoon hut"  
6 <in your thesis. But first I'm interested in the period before  
7 1970>, and so I want you to talk about the specific places that  
8 were reserved for the married couples.

9 A. In traditional weddings, it's often the case that the couple  
10 returns to the mother's home after the wedding or they're  
11 together for three days, usually in the mother's home after the  
12 wedding.

13 Now, one can only assume that those three days most likely would  
14 mean that that's the time they consummate their wedding. Maybe it  
15 just means that they get to know each other and they continue on  
16 in their engagement period, but those three days are typical of  
17 what happens in a traditional wedding, based on my interviews and  
18 based on my reading of many ethnographic studies.

19 [15.56.43]

20 Again, in my sample, the reason I will keep going back to Kandal  
21 is that that is the area that had most of those what I call,  
22 honeymoon huts or wedding huts. That was the area that had the  
23 most being built, again, during that very harsh time.

24 So .08 percent of those weddings that happened in Kandal had  
25 people go to huts; 35 percent of people returned to their parents

1 homes. If people -- now, again, in going back into my interviews,  
2 it seems as if there was a trend. If people were able to go to a  
3 parent's home after the wedding, if they were -- because people  
4 did do that, not always, but if they had parents living nearby  
5 then they would go to the home.

6 [15.57.34]

7 In Kandal, people went to the mother's home in the regions where  
8 some of those huts were being built, but the people that went  
9 into those huts were people that didn't have families that they  
10 could return to for those days after the wedding. That is a  
11 thread that I found in my research.

12 So, I can't conclude anything, but the question I've been asking  
13 myself is -- a rather kind of macabre question in a way -- the  
14 question I've been asking myself is, did the -- were the Khmer  
15 Rouge recreating that three-day period that people traditionally  
16 had with their families in these new communes that they were  
17 building? Because sometimes when people went into those huts for  
18 those three days, some people later on in late '78 and early '79,  
19 they were actually given huts that they stayed in and they stayed  
20 together in.

21 It's a fascinating period that we really need more research on. I  
22 think I've only just lifted the lid into that data base, but the  
23 question does beg to be asked again since I'm looking at purpose.  
24 What was the purpose of that? Was it about a new reconstitution  
25 of how weddings were going to happen? I'm not sure.

1 [15.59.00]

2 BY MS. GUISSÉ:

3 This will be my last question before we adjourn, Mr. President.

4 Q. Specifically, you've talked about marriages at certain places,

5 <particularly> where there were major work sites, there were

6 <collective> marriages in large numbers. My question does not

7 arise from your thesis, but it is something that is worth

8 reflecting upon.

9 Did you establish a link between the fact that at certain

10 locations where there were collective lodgings, dormitories, near

11 the work sites, and huts <being> constructed in these areas <to

12 provide people with the privacy that they would otherwise not

13 have enjoyed> in mobile units <or units where there were

14 collective work sites? So the question is, based on your travels

15 and what you were able to understand from the answers given to

16 you, did you see such thing or> did you hear anything regarding

17 that, and were you able to establish a link in that -- as regards

18 this particular subject?

19 [16.00.14]

20 MS. LEVINE:

21 A. The only thread that I was able to follow was that the more

22 communal systems of living were being built. It seems as if huts

23 were being built around that area and the huts -- again, if the

24 regime ended at a time when something very different was starting

25 to happen and it leaves the question open were those huts

1 strategically going to be part of a new communal system or not.

2 MS. GUISSÉ:

3 Mr. President, I think we can stop here. I'll continue tomorrow  
4 morning.

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 The Chamber will adjourn the proceeding now and resume tomorrow,  
8 that is Tuesday, 11 October 2016, starting from 9 o'clock in the  
9 morning.

10 Tomorrow, the Chamber will continue to hear the testimony of the  
11 current expert, Madam LeVine.

12 So, parties, please be informed and attend the proceedings.

13 And, Madam LeVine, the Chamber is thankful of your testimony,  
14 however, it is not yet concluded, and please return tomorrow  
15 starting from 9 o'clock in the morning.

16 [16.01.49]

17 Court officer, please work with WESU to arrange for the Expert to  
18 her accommodation and invite her back into the courtroom tomorrow  
19 at 9 o'clock.

20 Security personnel, you are instructed to take the two accused  
21 back to the ECCC detention facility and have them returned to  
22 attend the proceedings tomorrow before 9 o'clock.

23 The Court is now adjourned.

24 (Court adjourns at 1602H)

25