



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

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 February 2013
Trial Day 157

Before the Judges: NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
YOU Ottara
Jean-Marc LAVERGNE
Claudia FENZ
THOU Mony

The Accused: IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy
Matteo CRIPPA
DUCH Phary

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

SONG Chorvoin
Keith RAYNOR

PICH Ang
Élisabeth SIMONNEAU-FORT
Christine MARTINEAU
HONG Kimsuon
KIM Mengkhy
SIN Soworn
TY Srinna

For Court Management Section:

UCH Arun
SOUR Sotheavy

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. KARNAVAS	English
MR. KIM MENGKHY	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. PIN YATHAY (TCCP-116)	Khmer
MR. RAYNOR	English
MR. SON ARUN	Khmer

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1 P R O C E E D I N G S

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 As per scheduled, today, the Chamber will commence hearing the
6 testimony of TCCP-116.

7 Duch Phary, could you report to the attendance of the parties and
8 individuals to today's proceeding?

9 THE GREFFIER:

10 Mr. President, for today's proceeding, all parties to this case
11 are present, except the accused Ieng Sary, who is present in the
12 holding cell downstairs due to his health reason.

13 And the accused Nuon Chea is absent due to his health issue and
14 is being treated at the Khmer Soviet Friendship Hospital.

15 However, the accused Nuon Chea submitted his letter of waiver for
16 today's proceeding of hearing the testimony of the civil party
17 TCCP-116. The letter of waiver will be submitted and included in
18 the case file.

19 As for the civil party to be testified today -- that is, TCCP-116
20 -- is present awaiting to be called by the Chamber.

21 Pich Ang, the National Lead Co Lawyer for civil parties, will be
22 late this morning.

23 There is no reserve witness or civil party for today's
24 proceeding.

25 Thank you, Mr. President.

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1 [09.07.18]

2 MR. PRESIDENT:

3 Thank you, Mr. Duch Phary.

4 The Chamber would like to inform the parties and the public that
5 the Chamber received a request by Nuon Chea -- that is, E257/2 -
6 through his defence counsel to waive his direct presence in the
7 hearing of the testimony of the civil party TCCP-116, and as he
8 requested to waive his direct presence in hearing of the
9 testimony of the said civil party, as he has his health issue,
10 the Chamber decides to hear the testimony of this civil party --
11 that is, TCCP-116 - in Nuon Chea's absence, pursuant to Rule 81.5
12 of the Internal Rules of the ECCC.

13 Also, parties, the Prosecution, and the Lead Co Lawyers for civil
14 parties are reminded that the time allocation has been
15 recalculated. The first party to question this civil party is the
16 Lead Co Lawyers' team, and that is the amendment to the
17 announcement made on the 5th by the Chamber that the Prosecution
18 shall lead the questioning of the civil party. But due to the
19 nature that this person is a civil party, the floor is therefore
20 given to the Lead Co Lawyers for the civil parties first.

21 Court Officer, could you invite the civil party TCCP-116 into the
22 courtroom?

23 (M. Pin Yathay enters courtroom)

24 [09.10.54]

25 QUESTIONING BY MR. PRESIDENT:

1 Good morning, Mr. Civil Party.

2 Q. What is your name?

3 MR. PIN YATHAY:

4 A. My name is Pin Yathay.

5 Q. Thank you.

6 When were you born?

7 A. I was born on 9th of March 1944.

8 Q. Thank you. Can you tell the Chamber your place of birth?

9 A. I was born in Udong district, Kampong Speu province.

10 Q. Where is your current address?

11 A. Currently, I live in Tuol Kork district, Phnom Penh.

12 [09.12.09]

13 Q. Where is your permanent address?

14 A. My permanent address is in France; in Paris.

15 Q. Thank you.

16 Mr. Pin Yathay, what do you do for your living?

17 A. I am an engineer, and currently am retired.

18 Q. What is your father's name?

19 A. His name is Chhao.

20 Q. And what is his family name?

21 A. (No interpretation)

22 Q. And your mother's name?

23 A. Siv (phonetic) Lorn.

24 [09.13.28]

25 Q. What is your wife's name and how many children do you have?

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1 A. My current wife is Malika, and I have three sons.

2 Q. Thank you.

3 Mr. Pin Yathay, in your capacity as a civil party before this
4 Chamber, you may make a statement of suffering and harms
5 inflicted upon you, psychologically, physically, and materially,
6 which are the consequences of the direct crimes inflicted upon
7 you and which led you to file your complaint to become civil
8 party in this case regarding the crimes alleged the three
9 accused, Ieng Sary, Nuon Chea, and Khieu Samphan, during the
10 period of Democratic Kampuchea, and that is your right. And you
11 will be given the opportunity to do so at the conclusion of your
12 testimony, if you wish to do so.

13 [09.15.05]

14 Can you briefly tell the Chamber regarding the events from 17
15 April 1975 to the 6 January 1979? Where did you live and what did
16 you do?

17 A. In 1975, before the arrival of the Khmer Rouge, I was an
18 engineer as a civil servant at the Ministry of Public Works. I
19 became employed by that ministry after I left my school with my
20 engineering certificate -- that is, in 1961, and I worked until
21 1975, and I remained in Cambodia since.

22 But, in fact, I graduated as an engineer in 1965, and before
23 that, during 1961 to '65, I was a student in Canada in a
24 polytechnics in Montreal. And in 1975, I worked as an engineer
25 even during that wartime.

5

1 Q. Please, briefly describe your whereabouts, for instance, on 17
2 April 1975, and the subsequent years during that period. Just
3 describe briefly, because you will be questioned by various
4 parties during your testimony.

5 A. On 17 April 1975, my family and I were in Tuek L'ak. We were
6 at my parents' in-law's house on Tep Phan Street in Phnom Penh.
7 [09.17.57]

8 Early that morning, due to the confusing situation, as people
9 were everywhere en route, we prepared our belongings and put on
10 into our car and drove to the centre of the city. I stayed with
11 my cousin at his house near Silep Market. So we were there on the
12 17th, but later on, we were told to leave the city. So we left
13 for Ounalom Pagoda because Huot Tat, the Samdech Supreme
14 Patriarch, was my uncle, and he stayed there, so we decided to go
15 to that pagoda.

16 We stayed overnight at Ounalom Pagoda, and next day we were asked
17 to move on, but first, we returned to Silep Market to pick up
18 some belongings, then we left the city along Monivong Boulevard.
19 We stopped for a few days near the faculty of law, then we
20 reached Koh Thom and to Chheu Khmau. Chheu Khmau was located in
21 Kandal province. We stayed at Chheu Khmau in Kandal province for
22 three months. I can describe in detail regarding the living
23 condition in Chheu Khmau.

24 [09.19.48]

25 And after three months living in Chheu Khmau, we were asked

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1 whether anyone wished to return to our native village, for
2 instance, in Kampot or Kampong Speu, then we would be sent to our
3 native village. Since my family came from Udong in Kampong Speu,
4 we raised our hands to volunteer to return to our native village.
5 We left Chheu Khmau. We sometimes travelled on foot and sometimes
6 on a vehicle in the expectation that we would reach our native
7 village, but about 15 kilometres we were asked to turn to the
8 left and we reached a small river that the vehicle could not
9 cross. Then we were asked to cross on foot and we were taken in
10 an oxcart. Then we stopped at Samar Leav district in Takeo
11 province. We stayed there for about three or four months until
12 September 1975. At that time, the entire family members of mine
13 were 18 -- that is, to start with -- including my parents, my
14 children, my wife and her relatives.

15 [09.21.32]

16 By that month -- that is, September 1975 -- the village chief
17 asked whether anyone wanted to go to Battambang province. We
18 thought that Battambang was a good province with plenty of food
19 and it was adjacent to the Thai border and we hoped that if we
20 were to go to Battambang we would have the opportunity to have a
21 better life condition. So we volunteered.

22 Next day, the 18 of us were transported in oxcart and then we
23 rested in a pagoda along National Road Number 3. We stayed there
24 for two weeks and we met other people travelling back and forth,
25 and in fact, not only people from Samar Leav village were sent,

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1 but other people from other villages were sent as well. There
2 were thousands of travellers.

3 We waited there for two weeks and then there were about two -- 20
4 to 30 trucks, and we were asked to board the trucks for
5 Battambang destination. So we departed, but we lost our hope from
6 that day because we were packed into the truck, unlike the
7 previous time that we were transported. There were about 80 to
8 100 people per truck; we were standing, packed. And as you know,
9 September 1975 was a rainy season, so sometimes we were soaked in
10 the rain and we were dried by the heat of the sun.

11 [09.23.52]

12 We travelled on the truck, crossing Phnom Penh, and we noticed
13 that the city was empty, except those Khmer Rouge soldiers
14 patrolling the street. Then we turned to National Road Number 5,
15 and we travelled along that road past my native village in Udong.
16 We reached Sala Lekh Pram, and then we reached Kampong Chhnang,
17 and the truck did not stop. They did not stop for people to
18 relieve ourselves. We had to manage to relieve ourselves while
19 the truck was still travelling. And then once we passed Kampong
20 Chhnang, we stopped overnight and we continued the journey next
21 day.

22 I still had hope, at the time, that -- because I was also an
23 engineer and road we were on - we were on track to the
24 destination as we were on National Road Number 5 leading to
25 Battambang province. Because previously we were sent to Takeo,

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1 but this time we were sent along National Road Number 5. So we
2 were kind of hoped that we would reach the province. But when we
3 reached the bridge at Pursat province, the truck stopped. The
4 Khmer Rouge got off and they held a meeting among themselves, but
5 the truck did not go to Battambang province; it took a left turn
6 and we were on that road for up to 40 kilometres when there were
7 no longer no roads leading somewhere; we were stopped and asked
8 to get -- to get off the vehicle at Leach.

9 [09.26.06]

10 There were about 2,000 of us, so we were asked to get off the
11 trucks at Leach and gathered in a camp near the river. There were
12 thousands of people from other places, and people had been there
13 before us as well. And next day, more trucks arrived. We were
14 divided later into groups. Some had to cross the Pursat River to
15 the other side, and others were sent to other places, while my
16 group were asked to travel on foot until we reached a main
17 forest. There was only a small path and we just filed along --
18 walking along that path. We were asked to stop at that forest
19 while it was also raining at the time.

20 [09.27.06]

21 Next day, we were told that: "Comrade, you all have to stay here.
22 You will stay here at that place." That place was known as Veal
23 Vong. It was to the north of Kravanh Mountain. There was forest
24 everywhere.

25 And, at that time, we were distributed rice ration on a daily

1 basis and they observed whether we would be able to live there.

2 So we had to queue in line in order to get the ration and the

3 ration was one can of rice for two people and the distribution of

4 the ration was done on a daily basis for two days.

5 And on the third day, they allocated us plot of land in the

6 forest and we were given about 25 metres plot of land for that

7 piece -- that is -- for my family, and my parents were allocated

8 another plot of land. If I am not mistaken, we stayed in the Veal

9 Vong forest; we stayed there from September to December of 1975.

10 It meant we stayed there for four months.

11 [09.29.01]

12 It was a miserable -- the most miserable place that I

13 experienced. I knew the geography of Kampuchea pretty well, since

14 I was an engineer, and I was wondering why the Khmer Rouge put us

15 in the middle of nowhere, where we could not do anything, and

16 there were plenty of areas where we could engage in the

17 production or that we could find means to survive, and that they

18 could also assist us, for example, by providing us with medical

19 assistance or medicine, but there was nothing, except the rice

20 ration.

21 So we were given a plot of land, which was the forest, and we had

22 to clear the forest by ourselves, and if some of us were good,

23 they built a decent house to stay, but we were from the city; we

24 were not good in building a shelter. And I observed, during the

25 four-month period, amongst the 5,000 people living in the camp in

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1 that forest, one third died.

2 [09.30.20]

3 Out of the 18 members of my family, two of my younger children
4 died; my mother-in law died; my elder -- my younger brother died
5 due to starvation and disease. They died because they were made
6 to work too hard and we were offered, at the beginning, one can
7 of rice for two people, but later on that ration was for six
8 people and then eight people.

9 So the poor people, who were supposed to be protected by the
10 Khmer Rouge, died sooner than the rich people because they had
11 nothing to exchange for the food. And my family was from a
12 wealthy family, because we brought along with us a lot of
13 clothes, and with that we could exchange the clothes for some
14 foods or rice. So we could live longer than the other who were
15 unfortunate, but still, four members of our family couldn't make
16 it.

17 My other relatives were made to work in the youth group, but
18 because they learned that I had some rice, they had to come
19 secretly at night to have -- to share the food, but they were
20 then noted and arrested.

21 [09.32.24]

22 And my brother-in law, on one occasion -- who was a teacher in
23 the previous regime, he, while working as a teacher -- got an
24 accident, a motor accident, and he was later on mentally
25 challenged, and he was stopped. And during the Khmer Rouge, he --

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1 because he was not a kind of able person, mentally, he talked
2 some things improper, and the Khmer Rouge were not happy about
3 this and then because of his wordings they believed that he were
4 criticizing the Khmer Rouge so he was taken away and has
5 disappeared ever since.

6 MR. PRESIDENT:

7 Mr. Civil Party, thank you.

8 Lead Co Lawyer for the civil party, you may now proceed.

9 MR. PICH ANG:

10 Good morning, Mr. President and Your Honours.

11 Mr. Kim Mengkhy and Counsel Christine Martineau will be putting
12 questions to the civil party. However, Counsel Christine
13 Martineau would like to have a few words first, Mr. President.

14 [09.33.59]

15 MR. PRESIDENT:

16 You may proceed.

17 MR. KIM MENGKHY:

18 Good morning, Mr. President and Your Honours.

19 I am representing Mr. Pin Yathay in this case. May we humbly ask
20 that our client is stopped to go into details of what he would be
21 saying now, because, indeed, we will be putting a lot questions
22 to him and we would like to avoid some repetition if he has to
23 say all already. Could you kindly instruct the civil party to
24 stop?

25 MR. PRESIDENT:

12

1 Thank you, Counsel. Indeed, we can conclude this session by
2 question from the Bench now, and we would like to now hand over
3 to counsels for the civil parties to put these questions.

4 [09.35.08]

5 QUESTIONING BY MR. KIM MENGKHY:

6 Thank you, Mr. President, and very good morning to Your Honours
7 and everyone, again.

8 Mr. Pin Yathay, I am Kim Mengkhy, and my colleague, Counsel
9 Christine Martineau, will be putting some questions to you
10 concerning your civil party application before this Chamber.

11 Q. The first point of my line of questioning is relevant to the
12 brief information you had already offered to the Chamber.

13 However, we would like you to reiterate your roles or occupation
14 during the Khmer Rouge.

15 What did you do and what were you asked to be responsible of?

16 MR. PIN YATHAY:

17 A. As I already mentioned, I was an engineer at the Public Works
18 Department. In 1965, after my graduation, I started working at
19 the Ministry of Public Works immediately and I had to deal with
20 construction at the Kirirum Dam Site. Later on, I was asked to
21 work as the chief of the department, a new job, and later on, I
22 became the deputy chief of the -- another department for
23 materials and supplies. Four years later, I became the head of
24 that department. So when the Khmer Rouge took power, I was still
25 the head of that department, and I was supervising about 1,000

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1 workers, including engineers and technicians.

2 [09.37.36]

3 Q. Thank you. The next question to you is about your work in
4 Phnom Penh.

5 As a civil servant, were you familiar with the resistance
6 movement of the Khmer Rouge prior to 1975?

7 A. Not only were -- was I, as an engineer to know about this
8 movement, other ordinary citizens also were aware of this
9 movement because the fightings were on and people knew about
10 this.

11 Q. Can you please tell the Chamber about the conflicts, as you
12 emphasized, the conflicts that happened before the collapse of
13 the Lon Nol's regime?

14 A. We were not at the front line; we were in the rear. We learned
15 about this information through radio broadcasts. We heard about
16 the fightings, about who won the victory, and who captured any
17 part of the cities. We did not see this personally because, as I
18 told you, we were at the back.

19 Q. A week prior to the collapse of the Lon Nol regime, were you
20 informed of the arrival of the Khmer Rouge soldiers?

21 A. We learnt something about this through radiobroadcasts and the
22 newspapers. We learnt that the Khmer Rouge soldiers are -- were
23 approaching us and that the information about this was
24 intensified -- was increasing. In other words, we knew that they
25 would be coming very soon. And we also heard gossips, rumours,

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1 about their coming to town, and at that time, we also learned
2 that Mr. Lon Nol was not in good health, and if I'm not mistaken,
3 he left the country on the 1st of April for a foreign country.

4 [09.41.02]

5 And we also heard other rumours about the ceasefire, the
6 immediate ceasefire. And we also learned about the first trip of
7 the first Prime Minister, Long Boret, to Thailand, and we heard
8 about the negotiation between him and the Khmer Rouge. We were
9 told about the ceasefire, but the feeling at that time, our
10 feeling was so mixed. We learned that the war would be over
11 because negotiations were underway, there would be a newly
12 reformed regime, and we hoped that peace would be brought to us
13 and we would live happily.

14 [09.41.52]

15 Q. Thank you.

16 My next question is: On the 17th of April 1975, which was the day
17 when the Khmer Rouge soldiers came to Phnom Penh, what did you
18 know about the new regime ruled by the Khmer Rouge? Were you
19 surprised to see the Khmer Rouge soldiers in the city?

20 A. On the 17th of April 1975 -- I already mentioned briefly about
21 this -- we took the truck from Tuek L'ak location into the middle
22 of the town, and we saw a lot of people coming from outside of
23 the city into the city, and we saw some soldiers who were armed.
24 We were not intimidated by them because we were coming to the
25 city all together.

15

1 At Silep Market, when I met my relatives there, we know that the
2 situation was calm, nonetheless, but then the Khmer Rouge
3 soldiers were coming and we rushed to see them. And we saw the
4 white pieces of cloth hanging at different places in town, and we
5 learned from that -- we knew the fighting was over and I saw the
6 first Khmer Rouge soldiers on the street.

7 [09.43.48]

8 We were lining on both sides of the road, clapping our hands to
9 cheer the arrival of the soldiers. We congratulated them,
10 although these people -- I mean the Khmer Rouge -- did not crack
11 a smile, but we congratulated them joyfully. And when we left our
12 home for Ounalom pagoda, things was -- were calm. We took a ride
13 on the trucks with the Khmer Rouge.

14 But, at that time, what I noted was that "cyclo" drivers or
15 motorists were rather gentle, quiet, unusually, because people
16 tried to behave themselves, perhaps to convince the Khmer Rouge
17 soldiers that we were civilized people, people of law and orders,
18 things like that.

19 [09.45.04]

20 We paid homage to the monks -- Buddhists monks in the Ounalom
21 Pagoda. We saw the head monk, who was surrounded by a lot of
22 people, and also we saw two generals who were kneeling down
23 paying homage to the head monk, asking him for some advice or
24 update information. Indeed, everyone were there was there to get
25 some update information, and Mr. Chhim Chuon was one of the

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1 generals and he was also surrounded by many bodyguards. The
2 laypeople were also seen in the complex of the pagoda, and again,
3 the head monk was fully surrounded by all these people, including
4 us, to ask for some information.

5 And at that time there were two questions we would like to get
6 responses from the head monk, first, about the Samdech Supreme
7 Patriarch's advice. I remember the two generals; the other person
8 was Mao Sum Khem. They asked him the question. They said, as the
9 supreme military commander, what should they do? Did they need to
10 go in hiding or face the worst? And I also asked the question to
11 the monk. I asked him why we were asked to leave city. Why was
12 such evacuation taking place? The head monk didn't have any
13 answers to this. He advised us to make a telephone call to the
14 opposition party people who then had to call to the Red Cross of
15 Cambodia.

16 [09.47.25]

17 At that time, the head of the Red Cross of Cambodia, Ms. Samreth
18 (phonetic) was the head, and Mr. Chau Sau was the head of the
19 opposition party. We called them both. Mr. Chau Sau didn't give
20 us any response because he didn't know anything, but Ms. Samreth
21 (phonetic) said that we should go to Le Phnom Hotel, the place
22 where we could take refuge, the place where foreigners and other
23 people would be recommended to take refuge.

24 And I wish to also continue that a lot of things happening on the
25 17th of April, because we heard through radio broadcasts that the

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1 civil -- military personnel and the prime minister had to meet at
2 the propaganda department at 4 p.m., and Samdech Huot Tat knew
3 about this so he advised these two generals to go and meet other
4 people at that place. And I also was expecting good news from
5 that meeting at 4 p.m.

6 [09.49.00]

7 By 4 p.m., these two generals had already left. I don't know
8 whether he met with people, but Samdech Huot Tat sent his
9 representative, venerable So Hay, to meet with other people at
10 that gathering at 4 p.m. On the same day, at 6 p.m., venerable So
11 Hay returned, and we were so anxious to know what happened.

12 Q. I apologize for interrupting your speech. Due to time
13 constraints, I would like to ask you to please describe your
14 general activities and the events of the evacuation of the 17th
15 of April, but please be brief on this.

16 And, secondly, can you kindly add also, in particular in relation
17 to Samdech Huot Tat and the two generals, what happened to them?

18 A. Actually, when you asked me to be brief, I had already been
19 very brief. So I would like to also add that at 6 p.m., we did
20 not have anything to do so we had to sit down and converse with
21 other people because we were expecting venerable Hay to return
22 and we were anxious to know what would be the news he brought
23 from the meeting.

24 [09.51.24]

25 Then he told us that in the meeting no topic of evacuation of the

1 city was being discussed. He said he was in the meeting, sitting
2 next to one of the senior leaders of the Khmer Rouge, although he
3 said the person did not wear any insignia to tell that he would
4 be the high ranking official of the Khmer Rouge, but he could
5 tell that he was a senior person. And at that time he told us
6 that Prime Minister Long Boret was present in that meeting.
7 And one of the senior persons in the meeting talked or chaired
8 the meeting and they did not -- or he did not say anything about
9 the evacuation but he heard from the meeting that the new regime
10 needing technicians, workers, and every one of us to rebuild the
11 country. Why should there be an evacuation? So he said that any
12 rumour about evacuation was a kind of tactic by the American
13 Imperialists to divide us. And he also reiterated that he would
14 like to reassure people in the meeting that such a thing didn't
15 happen; such evacuation didn't happen. Although we learned from
16 this venerable that the information was not substantiated in the
17 meeting, we were not really convinced after all, because we could
18 see a lot of people could -- were seen coming into the city.

19 [09.53.33]

20 You also asked me, Counsel, about another question about the fate
21 of the Samdech Supreme Patriarch and the two generals. My
22 response is: I don't know, because, on that day in the evening,
23 we spent some time at the pagoda when he was there, when the
24 Samdech Supreme Patriarch was there, but we left and we did not
25 know what happened to him.

1 Q. Thank you. I have a few more questions, which I wish you to
2 also describe to us the brief information -- or general
3 information about your journeys to Chheu Khmau. How long did it
4 take for you to travel all the way from Phnom Penh to Chheu
5 Khmau, and tell us also the condition of the people?

6 A. On the 18th of April 1975, which is the following day of the
7 17th, at dawn, we woke up on Ounalom Pagoda. We woke up because
8 the Khmer Rouge soldiers came to tell us who took refuge at the
9 pagoda; that we had to leave the city as soon as possible because
10 Angkar needed to clean up the city, and also it is important for
11 every one of us safety, because they said they heard the
12 Americans might drop bombs.

13 [09.55.45]

14 However, we were asked to leave the city for three days only and
15 for that we were advised not to bring along a lot of belongings
16 because we were told that we would return after three days. We
17 were convinced that three days would be sufficient to leave the
18 city, but I was not convinced that there would be bombs dropped
19 by Americans. Why Americans bother to drop bombs on Phnom Penh
20 when they already left the city and the country? They left this
21 country as early as of April, and the war was over, why should
22 they bomb us? That's the first question I asked myself. But,
23 again, as I told you, I was convinced that three days was
24 convincing to leave the city.

25 [09.56.51]

1 And then another question came into my mind. I asked myself if
2 bombs were to be dropped on the city, but why should we have to
3 leave the city for three days? Why bombs would only be dropped
4 for the period of three days? But that was just the question. We
5 had no choice but to leave the city.

6 When we were at the Ounalom Pagoda, we were close to the
7 riverfront, and we thought to ourselves that if we had to leave
8 the city we had to leave barehanded. So, at that time, I decided
9 that we had to make sure we'll reach our cousin's house near
10 Silep Market, to the south of the city, so that we could grab
11 something that we could carry with us on the way during the time
12 when we were leaving the city. Then we returned from Silep
13 Market, where we could bring some food, some mattress, and
14 dishes, pan and pots, and we had to travel on Monivong Boulevard
15 heading southwards.

16 [09.58.18]

17 At that time, Monivong was packed. We could move very slowly
18 because the street was congested by the big crowd of people. We
19 could drive our cars; there was three vehicles. I was with a car
20 and my brother-in law and my cousin also brought their cars and
21 two bicycles, so we could travel slowly but surely. And again,
22 people from all walks of life joined the move. We were surrounded
23 by all kinds of people, people who were patients in -- who were
24 seen pushed on the hospital bed, and we were heading on Monivong
25 Boulevard.

21

1 And then we arrived at the Law Faculty, and it was about noon
2 when we reached the Law Faculty. So we entered the faculty to
3 rest. Actually, we started since around 8 or 9 in the morning, we
4 travelled pretty slow due to the congestion and we reached the
5 Law Faculty around 1 p.m. We stayed there and we went up to the
6 first floor. And people, once seen us go inside the faculty,
7 followed us. So we rested there and we had our meal.

8 [10.00.27]

9 Q. Thank you. You just said the Khmer Rouge made an announcement
10 for people to leave the city of Phnom Penh in order to clear the
11 city. What was your understanding when you heard that
12 announcement?

13 A. I was also unclear as to whether they had to clear the
14 remaining belongings or to clear the road or anything, but it
15 means -- whatever it was it means that they had to work in the
16 city. We did not have the idea of asking them about what they
17 would do as our main focus was on the fate of our family.

18 Q. Thank you. Also, on the 18th, you stated that you were asked
19 to leave the pagoda, and what happened to the monks or the
20 clergymen or the nuns? Were they also asked to leave the pagoda?

21 A. (Microphone not activated)

22 [10.01.55]

23 MR. PRESIDENT:

24 Mr. Civil Party, please observe a pause until you see the red
25 light on the microphone.

1 MR. PIN YATHAY:

2 A. As far as I knew, everyone was asked to leave, including the
3 monks and the laypeople. However, Samdech Huot Tat said that he
4 would not go anywhere because of his advanced age. He was more
5 than 80 years old, and there were also other monks staying with
6 him who decided not to go, but I did not know what happened to
7 them after I left.

8 BY MR. KIM MENGKHY:

9 Q. Thank you. During the initial few days that you travelled
10 between Phnom Penh and arriving at Chheu Khmau, how many days in
11 total, exactly?

12 [10.03.15]

13 MR. PIN YATHAY:

14 A. We tried to stay at the Law Faculty for the first three days
15 in hope that we would return to the city, but on the fourth day
16 we were told by the Khmer Rouge to continue our journey, and that
17 we did, along Monivong Boulevard. And we reached Monivong
18 Boulevard -- Monivong Bridge and it was closed, so we could not
19 cross to the other side of the river. Then we took the right
20 turn, along the road leading to Takhmau, and we followed that
21 road, which was also along the river, the Bassac River, if I am
22 not mistaken. Sometimes we rested and then we continued our
23 journey.

24 We continued our journey, we started and we stopped until we
25 reached Koh Thom. So we were asked to stop at Koh Thom and we --

1 and they checked for our documentation and then we were asked to
2 show them the documents that we had. I showed them my I.D. card
3 and other document and the document for my car. So we were asked
4 to show them whatever documents that we have in our pocket, so we
5 emptied our pocket and show them. Then they put those documents
6 on the side of the road and then we were asked to continue our
7 journey.

8 [10.05.22]

9 We were stopped again about 1 kilometre. We were asked about our
10 names, how many family members, our age, and our occupation. We
11 were kind of not afraid at the time. We told them the truth, our
12 names, age and occupation, and I told them I was an engineer and
13 my younger brother said he was a teacher.

14 And they also said if we have any money in riel or in U.S.
15 dollars, to tell them, and if we had a foreign currency we had to
16 surrender it to Angkar and we can keep the riel currency. So for
17 those who had the currency, hand it over to them, and I,
18 personally, I had 3,000 dollars with me. So they took away the
19 money and I just kept quiet.

20 [10.06.52]

21 When we arrived in Koh Thom, we were asked to put our cars to one
22 side. Let me go back a little bit. In fact, we had two motorbikes
23 and one bicycle. One motorbike belongs to my cousin and another
24 one belongs to my other sister. And one day Angkar requested the
25 motorbike belonging to my younger brother -- younger sister and

1 then we only had a motorbike left.

2 And before we reached Koh Thom, my cousin knew some people in
3 Takeo province, and actually he left us at the junction there. So
4 he requested Angkar to leave with his family toward that road.

5 Then on my side I only have my family, my wife's relatives, and
6 the parents' in-law. So, by then, we only had the cars and a
7 bicycle, and in Koh Thom we were asked to leave the vehicles
8 there and we were given a kind of a receipt so that we could pick
9 them up later. So I kept the receipt.

10 So then we only had one bicycle left. And in Koh Thom, my younger
11 brother knew a family and he asked to stay with that family. And
12 for us, the 18 member family took a motorboat to Chheu Khmau. And
13 we arrived at Chheu Khmau on the 27th of April, if I am not
14 mistaken. So it took us 10 days.

15 [10.09.02]

16 MR. PRESIDENT:

17 Thank you, Civil Party.

18 Counsel for civil party, you are reminded to put concise
19 questions for brief responses rather than detailed ones. And for
20 that reason, the Chamber actually asked the civil party to
21 briefly describe what happened during the period. So it is
22 advised that you should only ask brief questions to the civil
23 party because on the -- your side, together with the Prosecution,
24 you only have one morning session, and the afternoon session will
25 be allocated to the Defence.

1 BY MR. KIM MENGKHY:

2 Thank you, Mr. President, for your instruction.

3 I now will ask brief questions to you, Mr. Civil Party.

4 Q. Can you describe the miserable situations of other people
5 during the evacuation?

6 MR. PIN YATHAY:

7 A. Of course, at the time, everyone was miserable. We were in the
8 same boat, and, in fact, we were kind of fortunate as we had a
9 car so the children could travel on the car. For other people,
10 some had their sick family members, so the situation was worse
11 than us.

12 Angkar did not care about the welfare or well-being of us or to
13 give us or assisted us with any medicine.

14 [10.11.35]

15 The situation was rather difficult, and of course, everyone
16 minded his or her own business. We had our food and the food was
17 only for our family and that applies to the rest of the
18 travellers. And we also had some riel currency with us, and
19 sometimes we kind of exchanged goods with the currency that we
20 had. At that time, currency was still used, but further down,
21 away from Phnom Penh, the riel currency was no longer accepted.
22 I also observed that two women hanged herself -- themselves in
23 two separate locations. I also saw people who were too exhausted
24 to move on so they stopped along the side road. Life, at the
25 time, was miserable, in particular for those who separated from

1 their family members. Some children separated from their parents.

2 So, for us, we were kind of fortunate as we stayed together.

3 [10.13.11]

4 Q. Thank you.

5 You responded to my question regarding your journey to Battambang
6 province. Can you describe to the Chamber, the reason for you to
7 leave for the province, and why you decided to go?

8 A. Before I went to Battambang, I lived at Samar Leav village. We
9 were asked to go to Battambang, and, in fact, we volunteered to
10 go and not everyone wanted to go. And as I said earlier, we
11 decided to go to Battambang because we thought that Battambang
12 was abundant with food and it was close to the Khmer-Thai border,
13 and we also knew at that time, Vietnam was under the control of
14 the communist, and that we could not flee to Vietnam. And we
15 thought that if the situation became worse, and we wanted our
16 freedom, the only option for us was to go to Battambang province.

17 Q. Thank you. My next question is related to the transportation
18 of travellers, and your family to Battambang province. Can you
19 tell us how many vehicles were used and how many families were
20 actually put onto those vehicles?

21 [10.15.55]

22 A. There were many people. It is my estimation that there were
23 between 20 to 30 trucks, and each truck was packed with about 80
24 to 100 people. So, the rough estimation is that there were about
25 2,000 to 3,000 people, altogether. Only a small number of people

1 were from Samar Leav, but other people were from various other
2 villages, and it means that we were all from the Southwest Zone.

3 Q. Did they determine that people who had to go were those who
4 also lived in Samar Leav village, or the only for New People?

5 A. Everyone was a new person. They did not evacuate the Base
6 People. Why did I say so? Because it was easy to identify by the
7 clothing they wore. They were the city people, they dress in
8 colourful clothing, and the majority of the Base People could
9 easily be identified and they also had their houses in the
10 village.

11 [10.17.50]

12 Q. Thank you. You said that you travelled across Phnom Penh
13 city. Can you tell us which area did you travel past, and what
14 did you observe?

15 A. We travelled crossing Phnom Penh. We actually travelled around
16 National Road Number 3, then we reached National Road Number 4,
17 along Pochentong Airport. We saw a red flag flying above the
18 Pochentong Airport and when we reached Pochentong Market, it was
19 quiet; just empty houses with no people. Some houses had their
20 doors closed and the grass was growing. We did not see any dogs,
21 or cats and we saw some Khmer Rouge people dressed in black. And
22 when we reached the Tuol Kork traffic junction, which is now the
23 new sky bridge, there was no traffic at all on the road.

24 [10.19.35]

25 There was no one, it was empty. But then, when we reached that

1 junction, we turned left heading toward Tuol Kork, then we
2 travelled along Lambert Road. It was quite a small road. At the
3 time, it was not as wide as it is now, but we could not see
4 anyone. Then we came out near the French Embassy, and then we
5 almost reached the Chrouy Changva Bridge, at the time, and it was
6 destroyed.

7 So we travelled along the road along the river, crossing
8 Kilometre Number 6, crossing Preaek Pnov, and I also observed
9 that some small factories were operational. I saw Base People and
10 some Khmer Rouge people dressed in black working in those small
11 factories.

12 [10.20.55]

13 Q. Thank you.

14 Can you tell us more about your journey up to your destination at
15 Leach, Pursat, and Veal Vong near the base of the Kravanh
16 Mountain; can you describe the daily living condition and the
17 experience that you had when you were there?

18 A. As I indicated earlier, Veal Vong was a big jungle at the base
19 of the Kravanh Mountain. We were asked to build our shelter by
20 ourselves, and Angkar did not give us any tools. We had to manage
21 it by ourselves. So I built a shelter of tree leaves and tree
22 trunks. In fact, the 18 members of my family were divided into
23 two groups and I stayed with my children, my wife, and my younger
24 cousin who assisted me a lot in building that shelter, or shed.
25 And it was not a proper one as we got wet when it rained. So we

1 worked every day; we cleared the land for farming. We had to cut
2 the trees to dig up the tree trunks and root and we were allowed
3 to stop one day every 10 days In order to find food. So we went
4 into the forest to find food; some went fishing; some could catch
5 some crab and sometime we battered the food, and other peoples
6 exchanged their clothing for food. And the Khmer Rouge families'
7 had rice with them, but for the evacuated people, like us, we
8 only had some belongings or properties, and we would barter those
9 belongings with the Base People or the Khmer Rouge for rice.

10 [10.23.44]

11 And several weeks later, thousands of people passing by my camp,
12 and then they went further to settle in the deeper forest. The
13 life there was the most miserable life that I had experienced. I
14 could never imagine that we would survive in the forest. There
15 were a lot of sick people and some became poisoned with the foods
16 that they ate. There was no medical assistance provided by the
17 Khmer Rouge. The only thing they did to help us was the rice
18 distribution and, as I said earlier, initially, we were given one
19 can of rice per two people, but later it was one can for six. And
20 I was fortunate that we had some belongings to barter; that's why
21 not many of our family members died during that period. And those
22 who died, from my observation, and it seems this is my
23 observation that the more people died, the Khmer Rouge seemed to
24 satisfy with that because it means that it - the food ration
25 would be better. The food ration was given in proportion to the

30

1 number of people who were living. For example, if the rice they
2 obtained from the upper level were for 4,500 people, and only
3 4,000 people survived; it means they would have the rice rationed
4 for themselves for those 500 people who died.

5 [10.25.57]

6 And please don't say that the Khmer Rouge were not corrupt, they
7 were also corrupt. They tried to obtain the rice for themselves.
8 And, as I said earlier, we bartered them with our belongings for
9 rice, and for those who did not have any belongings, then they
10 would go to the forest for food; to go fishing or to dig bamboo
11 shoot, and then they would exchange those food for rice. And
12 other people who could not do it or did not know how to find
13 food, those people were the first who died.

14 MR. KIM MENGKHY:

15 Thank you. And I thank you very much, as I have no longer
16 questions for you, and I would cede the floor to my international
17 colleague to have questions for you if she wishes to do so. Thank
18 you.

19 MS. MARTINEAU:

20 Good morning, Mr. President; Your Honours.

21 Mr. President, I can see that we have now reached 29 minutes past
22 10.00; I'm wondering if you might think it was not preferable for
23 us to take a break now before I start putting questions to Mr.

24 Pin Yathay.

25 [10.27.34]

1 MR. PRESIDENT:

2 Thank you, Counsel.

3 The time is appropriate for a break, and, of course, we cannot
4 continue further than that, otherwise we would have some
5 technical issues with the DVD recording, as we experienced
6 earlier.

7 We'll have a break now and return now - at a quarter to 11.00.

8 Court Officer, could you assist the civil party during the break
9 and have him returned to the courtroom at the said time -- that
10 is, a quarter to 11.00?

11 (Court recesses from 1028H to 1049H)

12 MR. PRESIDENT:

13 You may be seated. The Court is now back in session.

14 Once again, the floor is given to the assigned lawyer for civil
15 party to put questions to this civil party. However, you are
16 reminded that the questions shall be brief and precise.

17 And also, Mr. Civil Party, please listen to the questions
18 carefully and limit your response to the questions only. And
19 please do not make any additional comments further from what is
20 being asked of you. Thank you.

21 The floor is now given to the assigned lawyer for civil parties.

22 [10.50.35]

23 QUESTIONING BY MS. MARTINEAU:

24 Thank you, Mr. President.

25 Mr. Pin Yathay, I will ask a few questions regarding your long

1 journey which you spoke about. You talked about your life during
2 the Khmer Rouge period in your book. You said you arrived in
3 Chheu Khmau. For 10 days you had been going across different
4 regions from Phnom Penh to that region in Chheu Khmau. You were
5 deprived of your papers; you were deprived of your vehicles, and
6 you arrived in that village.

7 Q. My first question is as follows: Who were the leaders of that
8 village?

9 [10.52.08]

10 MR. PIN YATHAY:

11 A. At Chheu Khmau, only the Khmer Rouge cadres who were in the
12 leadership of that village.

13 Q. Regarding the persons who were deported from Phnom Penh -- and
14 I understand that you were not the only one who left Phnom Penh
15 -- were all those persons who had left Phnom Penh on the 17th of
16 April, rallied together, and if so, what did they tell you?

17 A. As I indicated earlier, thousands of people left Phnom Penh
18 city, and along the road and through our journey we came across
19 many villages; they were mainly empty. And when we reached the
20 first village in the Liberated Zone and we knew it was a
21 Liberated Zone because people were living in that village and
22 they were known as the Base People and most of them dressed in
23 black.

24 In that first village in the Liberated Zone, that village was
25 located in Prey Touch. So we were there on the tenth day of our

1 journey and during the previous days the villages were empty.
2 Only in Prey Touch, people were living in the village. And at
3 night, some people would seek refuge in those houses and we knew
4 it was the Liberated Zone. And they did not -- people there did
5 not go anywhere because they were the Base People. And that's how
6 we knew it.

7 [10.54.30]

8 Q. (No interpretation)

9 What was your--

10 MR. PRESIDENT:

11 (No interpretation)

12 BY MS. MARTINEAU:

13 Q. You were assembled in that village. What was the objective of
14 your deportation to that village? They brought you to that
15 village and you were not a member of that village community. You
16 referred -- that village community was referred to as the Old
17 People. Why did they deport you to that village? Did they explain
18 to you why?

19 MR. PRESIDENT:

20 Madam Civil Party Lawyer, please repeat your last question, since
21 there was no English translation. Thank you.

22 [10.56.43]

23 BY MS. MARTINEAU:

24 Q. Yes. I was asking Mr. Pin Yathay whether, upon their arrival
25 in the village in which the inhabitants were referred to as the

1 Old People... My question was whether the deported persons were
2 referred to by a particular name and how the integration of the
3 people who had just arrived was organized in that village by the
4 Khmer Rouge?

5 MR. PIN YATHAY:

6 A. As I said earlier, when we left Phnom Penh, we reached the
7 first village where people resided, that was in the Liberated
8 Zone in Prey Touch, and that in Prey Touch, people were living
9 there because it was the Liberated Zone. And when we were in Prey
10 Khmau (phonetic), people were also referred to as Base People or
11 Old People because they lived in the Liberated Zone.

12 [10.57.53]

13 But we knew ourselves that those people who lived in Chheu Khmau,
14 they had their own houses and they remained in the houses, and
15 for us -- the New People -- were greeted and we were given a
16 decent meal with food, rice, and soup -- that is -- after the
17 initial checking of our names. And we were asked to stay
18 overnight at the Chheu Khmau Pagoda, since we arrived in late
19 afternoon. The next day, we were asked to live in a house and
20 immediately we were called for a meeting.

21 Then in the meeting, they said that "you comrades from Phnom
22 Penh, you did not receive the education yet, and that you used to
23 work in the old regime and Angkar did not mind about that, but
24 please try to focus on your education and try to engage in the
25 revolutionary work and then you will be taken care of by Angkar".

1 And then they continued their explanation that we were now in the
2 new regime. And they did not say that we were New People, but we,
3 ourselves, knew that we were New People because we came from afar
4 -- that is, from Phnom Penh.

5 [10.59.34]

6 And in the first political meeting, they explained to us that we
7 were not yet educated and that we had connection with the old
8 regime but we would not be mistreated by that and that we had to
9 refashion ourselves in conformity with the Revolution. For
10 example, a gentleman with a long hair had to cut his hair.

11 Q. Thank you. What work did you have to do to refashion
12 yourselves? Did you work with the Old People or on your own, and
13 how was your community in Chheu Khmau organized?

14 A. On the second day, when we were called, we were given a house
15 to live in. Actually, we were asked to live with the Base People
16 at their respective houses. For larger family -- families like
17 us, then we were asked to live in a larger house. But as in the
18 case of my family, because we were -- we had a lot of family
19 members, then we were asked to live in a monk residence, which
20 was pretty large in that pagoda.

21 [11.01.21]

22 So we kind of restricted in term of freedom and we did not want
23 to do anything wrong, so we were kind of fortunate, as we lived
24 separately in a monk's residence, and next day after we were
25 woken by loudspeakers to commence our work. And we worked in

1 separate groups. Men worked in men's group; women worked in
2 women's group; and children worked in women's group -- in
3 children's group. And we did not mix with the Base People. Only
4 those cadres, they monitored us. They were with us. They
5 monitored the progress of our work, but they worked more actively
6 than us because they had experience in that.

7 Q. After the three months in the village, you received an offer
8 to go back to your native village. You had already been promised
9 that you would be able to go back to Phnom Penh after three days,
10 but you picked up immediately on this new proposal straightaway.
11 Why? Weren't you a little suspicious?

12 [11.03.15]

13 A. The expectation to return to Phnom Penh was over because they
14 knew that the three-day period was no longer realized, as we were
15 in Chheu Khmau for 10 days. And it was our hope that we had to
16 risk for a better living condition. For that reason, we
17 volunteered to leave Chheu Khmau. And, of course, we had at least
18 80 per cent expectation that we would be returned to our native
19 village.

20 Q. In fact, as you told us just now, you didn't go back to your
21 native village, and after a fairly easy phase, you ended up once
22 again in a very difficult predicament in the Takeo region, if I
23 am correct on this. Did anybody explain to you why you were sent
24 to Takeo, and how did that all of that function? Was the
25 organization in Takeo different to the way things were done in

1 Chheu Khmau, and did you understand the deception that was going
2 on in the minds of those in charge of you?

3 A. We lived for three months in Chheu Khmau Village, and when we
4 were asked to go to our native village, along the journey, we
5 stopped at Samar Leav in Takeo province. The Khmer Rouge cadres
6 came to meet us and said that they knew that we were heading
7 toward our native village, but they reminded us that the month
8 was the transplanting month and we were asked to stay there for a
9 while, and that we would engage in farming for a while. That's
10 what they said. And they did not tell us how many months that we
11 had to stay there before we were allowed to go to our native
12 village.

13 [11.06.10]

14 The difference between that place and Chheu Khmau Village was
15 that, at Chheu Khmau, the majority of us were allowed to live
16 together with the Base People, but at Samar Leav, it was
17 different. Old People did not allow the New People to live with
18 them. So we were asked what we did during the previous regime and
19 then we were put into that group, for example, public servants
20 would be allowed to group with the public servants, and the
21 soldiers were allowed to live with the soldiers' group, and the
22 business people were allowed to put into that group. As for us,
23 we were allowed to live in a monk's residence and we were - we
24 belonged to the public servants group.

25 And the work was similar in nature, but the type of work we were

1 assigned was different. We farmed but there was inadequate water.
2 We were asked to build the dam as well. The work fashion was
3 rather similar but the type of work was different. It could be
4 due to the geographical differences.

5 [11.07.50]

6 Q. Can you tell us about the children and the sick in the
7 village? You had children who should have been of school age. Was
8 there any kind of school for the children? Was there any kind of
9 care proposed for the sick?

10 A. Neither at the new village or Chheu Khmau village was there an
11 education for children. For example, my eldest son, who was 9
12 years old at the time, was assigned to work in the children's
13 group.

14 There was no medical assistance or hospital. For example,
15 everyone had to rely on whatever we had. If we had a headache,
16 for instance, we had to find if we had a pill for that. Angkar
17 did not provide us with medical assistance. The only thing they
18 did was to distribute rice ration; the second, to assign us work;
19 and the third was political education. We had to attend a meeting
20 -- a livelihood meeting every three to four days. It was a kind
21 of criticism or self-criticism meeting.

22 [11.09.26]

23 Then, gradually, they would educate us about the new society and
24 the task that we had to engage ourselves in. That political
25 session started or commenced every three days, and once in a

1 while a major meeting was convened.

2 In Chheu Khmau, no such situation existed. In Chheu Khmau, for
3 instance, thousands of people would gather to build a dam. And
4 people in my village were responsible for a 500 metre segment of
5 the dam. And at the conclusion of building -- at the completion
6 of the dam, senior people -- it could be from provincial level or
7 from the upper level -- held a meeting.

8 Q. Since you're talking about senior people, in the first phase
9 of your deportation, did you meet high-ranking people or did you
10 recognize any senior people?

11 A. You're referring to senior peoples from the Khmer Rouge side
12 or from the former Republican regime?

13 Q. No, Khmer Rouge.

14 [11.11.19]

15 A. Senior people from the Khmer Rouge side, I did not meet them
16 in person, I saw them from a distance. For example, when we were
17 resting at the Law Faculty, I saw them in a convoy or vehicles
18 travelling toward Phnom Penh City. And the second time was at
19 Samar Leav.

20 I happened to see them as I had a former colleague by the name of
21 Chan, his wife was from Battambang, but he had his parents living
22 in Samar Leav. Because he was a New Person he was not allowed to
23 live with his parents, so he lived nearby where I lived, and
24 occasionally when we worked at the worksite, during the lunch
25 break, he would go and visit his parents, and sometimes I went

1 along.

2 And one day I met a Khmer Rouge who was the in-law of that
3 comrade, Chan, and that Khmer Rouge cadre was about 35 years old,
4 but he had a motorbike and he had two pens in his pocket. That
5 was the Khmer Rouge cadre that I met and I knew that he worked at
6 the provincial level at the time.

7 [11.13.01]

8 Mr. Pin Yathay, I will continue with my questions. After the
9 slightly harder phase, by comparison to the previous one, it was
10 suggested that you go to Battambang; that seemed like El Dorado,
11 Paradise, and you accepted to go there.

12 My colleague, when he was asking you questions, elicited the
13 response from you that the journey was a very difficult one. You
14 talked to us about hundreds even thousands of people on arrival
15 and on the roads. You saw people who were walking by the road, or
16 in ox carts, or in trucks. Can you describe the predicament of
17 these people and of your family for that matter? These people who
18 were going from Takeo to the Pursat region over the space of two
19 weeks, if I am correct?

20 A. For the 15-day period, in fact, we came to rest at Angk Roka
21 Pagoda to wait for the trucks to pick us up. And, in fact, for
22 the journey, we stopped overnight after we passed through Kampong
23 Chhnang. As I said earlier, for the first evacuation, the
24 condition was better, but for the second evacuation, we were
25 packed into a truck and there was no covered roof. And, in fact,

1 on the truck that I travelled, two people fainted and
2 subsequently died.

3 [11.15.15]

4 It was difficult and, of course, at that time, our expectation
5 degraded and I observed that starting from September 1975, which
6 was the second phase of evacuation, was a critical period. And,
7 by then, we realized that Angkar had a preconceived plan for
8 Cambodian people; in particular, for the New People. Of course, I
9 can talk further on my analysis on this point if you wish me to
10 do so.

11 Q. Well, your analysis is certainly of great interest to us, Mr.
12 Pin Yathay, but I would like to ask you one or two specific
13 questions at this stage on the region that you arrived in the
14 jungle area, which you, in one of your books, called "The Jungle
15 of Death".

16 [11.16.36]

17 Can you tell us, please, about the organization of labour there,
18 everybody's daily work? Tell us about that.

19 A. Regarding -- the work assignment for people was similar to the
20 one that was done at the previous location. However, the work was
21 harder as we had to clear the forest for farming. So it was
22 rather hard compared to building the dam at Samar Leav. In the
23 first location, we stayed with the Base People at their existing
24 houses or at the monk's residences. But, in the forest, we had to
25 build a shelter by ourselves and of course I did not have the

1 expertise in that. And we did not have the tools to do so we had
2 to try our best to make a temporary shelter that we could
3 probably live for a week, but if we were to live for 5 to 6
4 months then it would not be an ideal shelter. And the work was
5 rather harder and we were monitored by soldiers – soldiers with
6 guns. At that time, the soldiers did not do the work with us but
7 they stood guard watching us work. And, of course, the meetings
8 were in a similar nature. The rice ration distribution is the
9 same and, of course, there was no school.

10 [11.18.48]

11 Q. Thank you. Was the discipline very severe? And did you witness
12 arrests or disappearances in the course of the period in the
13 jungle, either in that first phase in Veal Vong? Because you were
14 moved from Veal Vong to Doun Ei, and then to a third place, but
15 it was, roughly speaking, the same region. So, could you explain
16 to us how life was at that stage?

17 A. Would you like me to talk about her situation at Veal Vong or
18 at the second and third locations?

19 Q. My question really, was asking you if during this second
20 evacuation phase when you were moved into the forest and where
21 you were shifted from one place to another. Can you tell us,
22 generally speaking, during that whole period until your final
23 decision to run away from the region and from Cambodia itself;
24 did you feel that there was strong repression? There were
25 arrests, disappearances and so forth. And for that matter, were

1 you, yourself, the subject of violence?

2 [11.20.42]

3 A. Allow me to respond by focusing on main events because there
4 were many events that happened during the time.

5 In Veal Vong, there were two events that I would like to touch
6 upon. At that time, for those people who did not have rice to eat
7 because they did not have anything to barter and the rice ration
8 was reused from two people to six people per can.

9 One day, Angkar did not distribute the rice ration; it had been
10 missing for two days. Then there was a strike and there were
11 about 150 to 200 people joining the strike. And, as I said, in
12 that camp, there were about 5000 people so 200 people was a small
13 amount. So they protested and asked for the reason why rice
14 ration was not distributed. That was the first time that they
15 dare to ask the Khmer Rouge.

16 [11.22.01]

17 At that time, the village chief came to tell them, "Comrades, you
18 have been educated for months. Why you still conform to the old
19 regime's fashion? And, of course, only for two days that you did
20 not have rice ration, you protested. That was not the nature of a
21 revolutionary and that you destroyed the order of the people in
22 Veal Vong."

23 And then, they asked the protestors to be patient and that the
24 rice would be -- arrive in a few days' time. And, as it turned
25 out, in a few days' time, the rice arrived. And, later on, I

1 observed that four or five people who led the protest -- and they
2 were teachers -- and as I said earlier, my younger brother was
3 also a teacher but I asked him not to involve in the protest. And
4 later, my younger brother told me that the four or five teachers
5 disappeared one or two weeks later. But, of course, we had no
6 evidence to say whether those teachers had been arrested or they
7 fled. And we asked the village chief about them and the village
8 chief said he knew nothing about them.

9 [11.23.40]

10 And the second event that I'd like to say was about the rumours I
11 heard since we were at the Angk Roka Pagoda. We heard about
12 rumours from those people who came from various zones. The rumour
13 was that Prince Sihanouk would return to Kampuchea and that he
14 would not return alone. But he would return with one condition,
15 and the condition that he would impose was that for the Khmer
16 Rouge to agree to one condition before he would return to the
17 country. And that rumour spread to Veal Vong when I was there as
18 well.

19 So, one day, during the meeting, the village chief asked the --
20 actually said that Prince Sihanouk would return soon and form a
21 new government for the rebuilding of the country. And that Angkar
22 would require technicians, expert people in the field of
23 engineering or in medicine, or those people engaged in post
24 graduate studies or senior military officials that they should
25 register themselves so that they could go and work for the new

1 government.

2 [11.25.45]

3 And there were about 40 people who raised their hands to
4 volunteer to go. And a few days later, the 40 were trucked to
5 Phnom Penh but, of course, we did not know where they were taken
6 to as their families were awaiting their news. And then there was
7 rumour that they were smashed by Angkar, but of course we did not
8 have any evidence to say so. It was only a rumour.

9 And so, I continue from Veal Vong to the next village because,
10 based on your question it linked to another location where I
11 stay. And that was at the end of December. At that time, there
12 was a Khmer Rouge who was from another location who came to
13 convene a meeting and ask if any offers would want to go to
14 another location. At that time, we -- my family members - raised
15 our hands, and we wanted to move to another location although it
16 was still within the Northwest Zone. About one-third of the 5,
17 000 people volunteered to go to the new village so there were
18 about 1, 000 of us. It was called "Phum" Prampi or Prampi
19 village. It was located near the river and then I was moved to
20 Doun Ei village. There were about seven villages there and that
21 happened in January 1976. It was coincidental with the time of
22 the announcement of the institution.

23 [11.28.00]

24 Q. Thank you, Mr. Pin Yathay. Let us leave it at that on that
25 period.

1 Now, I would like to ask you because you talked about your son,
2 Sudath, who was aged 11. In that third evacuation stage, was he
3 obliged to work? And what happened to him in the end?

4 A. At Doun Ei village -- I also wish to add although I am not
5 asked -- after the declaration of the - in the constitution, we
6 were asked to have communal eating. That means, we did not need
7 to have our private belongings, pots and pans, as we did. Because
8 at Samar Leav, we would eat privately but now we were asked to
9 eat communally. So, without pots and pans, it was for sure that
10 we -- if we offered some rice then we would not have any pots to
11 cook the rice, so we had to eat communally. The situation was so
12 difficult; the food ration became too little and less. At the
13 beginning, the few days -- or the few weeks when we were made to
14 eat communally, we had plenty of food to eat, we were so happy
15 because we knew that we no longer had problem with foods. But
16 that proved to be wrong later on, we didn't have enough.

17 [11.30.16]

18 Q, I'm sorry, Mr. Pin Yathay, I do have to restrain you here
19 because time is passing and the prosecutors have questions to put
20 to you as well. If you wish, please answer the question about
21 your son and then I will ask you one more question.

22 A. I apologize, as well, because I overstepped this boundary, but
23 indeed, the situation was relevant to why my son died. At that
24 time, he was about 10 years old. He had to work; every child who
25 was 9 years or above had to work. And at that time, he was so

1 hungry. We had nothing left to barter with other people for food
2 and he had to hunt for food. But because he had leg injury, I
3 asked him to keep home because - to keep him at home, and later
4 on the Khmer Rouge came to our home and learned that he was at
5 home. We were reprimanded for keeping this kid at home. We were
6 reprimanded for keeping him and they said that the kid belonged
7 to -- or the son belonged to Angkar, not belonging to us. And I
8 told them that our son had leg injury, and he could not walk to
9 work. And they said, "Look, if he couldn't walk to work, how
10 could he go in hiding?" And the following day, indeed, they
11 brought our son to work and we were told the following days that
12 he collapsed and died at work.

13 [11.32.35]

14 Q. I have just one last question, and it is a general question.
15 You experienced terrible events; the Khmer Rouge deceived you
16 throughout your journey. What did you understand, as far as the
17 objectives of the Khmer Rouge were, regarding the deportation of
18 the New People?

19 A. I thank you very much for this question. I have analysed the
20 objective of the Khmer Rouge. I did that because I need to live
21 with some hope. At Chheu Khmau, as an engineer, I was
22 well-educated. I was taught critical thinking. And I was able to
23 judge the situation concerning socialism. I also could see that
24 no country in the world would reject having all the technicians,
25 engineers, and every educated person to help the -- help rebuild

1 the country. But my hope was somehow fading when days passed by.
2 Answering to your question, what the Khmer Rouge wanted – and
3 after the regime, I had some ample time to rethink about the
4 objective of the Khmer Rouge.

5 [11.34.39]

6 During the first phase of the evacuation, my whole family
7 survived: 18 of us could still live. However, during the first
8 phase, we could also ask the question: What Angkar did to us?
9 It is a transition when the old regime was destroyed. We were
10 deprived of our private ownership. No money circulation. No
11 property. And we also were deprived of the bartering services. No
12 enterprises. No judicial systems. No school. So this was part of
13 the objective to rid of the former regime they believed to be the
14 feudalist and the imperialist regime. And they did their best to
15 rid of materialism, human resources, and everything. At that
16 time, we survived, but -- physically, we survived; mentally, we
17 dead. And it was the part of the Khmer Rouge plan to rebuild a
18 country where there was no oppressors and no oppressed people.
19 And they installed the weak. They promoted them, literally. But,
20 in reality, the weak died because they were sent to the place
21 where living condition was so difficult.

22 [11.36.58]

23 And at the same time, they also tried to control people whose
24 stance was no certain. And in part of the journeys, as I told
25 you, we wanted to go to Battambang. They made us go to Pursat,

1 instead.

2 MS. MARTINEAU:

3 Mr. Pin Yathay, you have a lot to say. Unfortunately, we do not
4 have enough time. If you have completed your testimony, please, I
5 will give the floor to the prosecutor.

6 MR. PRESIDENT:

7 It appeared to us that there was no interpretation in the English
8 channel.

9 Court officer is now instructed to assist with people concerned
10 to make sure that we hear interpreting.

11 I have been informed that things get back on track. Then we would
12 like to conclude the session by the Lead Co-Lawyers for the civil
13 parties with putting questions to this civil party.

14 And we would like to hand over now to the Prosecution, please.

15 [11.38.36]

16 QUESTIONING BY MR. RAYNOR:

17 Mr. President, Your Honours, may it please you.

18 Q. Mr. Pin Yathay, there is a clock on the wall over there. It is
19 20 minutes before 12 o'clock. Unless the Judges agree to an
20 extension of time, I have 20 minutes to ask you relevant
21 questions.

22 If you answer my questions at the length that you have already
23 answered questions, you and I will not cover the topics that I
24 want to cover with you. Can I please, therefore, ask you to
25 listen to every single question I put to you, and give the

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1 briefest possible answer that you can to every single question?

2 Can we proceed in that fashion? Yes or no?

3 MR. PIN YATHAY:

4 A. Yes, I'll do my best.

5 Q. Thank you very much.

6 [11.39.48]

7 You've written a book called "Stay Alive My Son". The reference
8 in the Court file to that book is D22/3649B. I am going to read
9 extracts from that book to you, and ask you, yes or no, whether
10 you agree with the extract.

11 The first extract deals with the evacuation of Phnom Penh, on the
12 17th of April 1975. It's dealt with on English ERN 00587559;
13 Khmer, 00588135; French, 00587830. You're talking about the day,
14 and looking around. And this is what you say, in the book:

15 "There were even some doctors and nurses, still dressed in white.
16 No one, it seemed, had escaped the round-up. One young man was
17 carrying his sick father on his back. Women carried babies on
18 their hips, the lame limped on crutches. Twice I saw patients in
19 wheeled hospital beds being pushed along by relatives."

20 [11.41.18]

21 Is that right? Yes or no?

22 A. Yes.

23 Q. Thank you.

24 At English, page 00587560; Khmer, 0058836 going to 37; and

25 French, 00587831 through 32; you talked about hearing gunshots --

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1 and you said this, still on the 17th of April. I quote:

2 "We had covered no more than half a mile when I heard a gunshot ...
3 Up the street... lay the body of a young man. He was about 18...
4 Some 15 yards away from him, a soldier stood, smoke still wafting
5 lazily upwards from his AK47. Everyone around asked each other
6 what had happened. Within a minute, word reached us that the boy
7 had forgotten something in his house. He had turned back, in
8 defiance of the soldier's order, and was about to re-enter his
9 house when the soldier shot him. The soldier had exclaimed: 'This
10 is what happens to recalcitrance'."

11 [11.43.08]

12 Is that right? Yes or no?

13 A. Yes, it is.

14 Q. Thank you. You talked about seeing bodies; English ERN
15 00587568; Khmer, 00588146; French, 00587841; and I quote:

16 "The further we'd travelled from the capital, the more exhaustion
17 claimed the sick, the injured, the lame and the old...
18 Increasingly, we began to see bodies left beside the highway,
19 until we were no longer shocked by the sight."

20 Is that correct? Yes or no?

21 A. Yes, it is.

22 Q. Dealing with the structure at Chheu Khmau, you said this:

23 English ERN 00587584; Khmer, 00588167; French, 00587859 through
24 to 60 -- I quote:

25 [11.44.51]

1 "The few Khmer Rouge officers watched over all our activities. A
2 chairman, a vice-chairman, and a secretary commanded assistants
3 in charge of education, discipline and health.

4 "The Khmer Rouge were informed about our doings by an official
5 informer..."

6 Is that correct? Yes or no?

7 A. Yes, it is.

8 Q. Thank you. Dealing with deaths at Chheu Khmau -- and you
9 arrived in Chheu Khmau in late April 1975, you said this: English
10 ERN 00587585; Khmer, 00588167 through 68; French, 00587860 -- I
11 quote:

12 "There were, of course, numerous deaths. The dead were buried
13 with the briefest of ceremonies. Husbands and wives were allowed
14 to take time off for mourning, but they no longer had the help of
15 monks."

16 Is that correct? Yes or no?

17 A. Yes, it is. That happened at Chheu Khmau.

18 Q. You moved from Chheu Khmau to Samar Leav in July 1975. So, I'm
19 now talking after July 1975 at Samar Leav. You met a Khmer Rouge
20 officer called Mit Pech, English ERN 00587601; Khmer, 00588188;
21 French, 0057879. And you said -- so, at this period:

22 [11.47.31]

23 "There, Chan introduced me to the Khmer Rouge officer, Mit
24 Pech... Pech was a highly placed man in the provincial communist
25 hierarchy."

1 I move on before I start asking the question to English,
2 00587602; Khmer, 00588199; French, 00587879 through 80, and
3 you're talking now about a question that you asked Mit Pech about
4 Khmer Rouge policy. His response, quoting from your book, is as
5 follows -- I quote:

6 "You know, undoubtedly, that Vietnam is not totally
7 revolutionary. It did not order the evacuation of the cities, as
8 we did. We know that it is dangerous to leave the cities intact,
9 inhabited. They are the centres of opposition and contain little
10 groups. In a city, it is difficult to track down the seeds of
11 counter-revolution. If we do not change city life, an enemy
12 organization can be established and conspire against us. It is
13 truly impossible to control a city. We evacuated the city to
14 destroy any resistance, to destroy the cradles of reactionary and
15 mercantile capitalism. To expel the city people meant eliminating
16 the germs of anti-Khmer Rouge resistance. This is but one of the
17 aspects of our dissension with the Vietnamese."

18 [11.49.53]

19 Is that correct? Yes or no?

20 MR. PRESIDENT:

21 Civil Party, please hold on.

22 Counsel for Mr. Nuon Chea, you may now proceed.

23 MR. KOPPE:

24 Thank you, Mr. President. Good morning, Your Honours. I've been
25 listening to the whole line of questioning about several excerpts

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1 from the book written by the witness, and every excerpt is
2 followed by a question, "is it correct, yes or no?" I presume
3 that these questions imply answering from the witness -- saying
4 did he actually write it, in his book. Not necessarily that it is
5 actually true, in the sense that it happened. I see my learned
6 friend nod, so I presume that I'm correct.

7 [11.50.58]

8 BY MR. RAYNOR:

9 Yes, that's correct. Can I move on, please?

10 Q. I'm dealing now with Veal Vong. You moved from Samar Leav to
11 Veal Vong in September 1975. And you wrote this in your book, and
12 it reflects your view. I'm on English page 00587610 -- and the
13 French is 00587891. I can see that I've neglected to put the
14 Khmer ERN. But this is what you said in the book -- I quote:
15 "In saying we wanted to leave Chheu Khmau to go to our native
16 villages, we had been tricked into identifying ourselves as those
17 with 'individualist leanings'. We had in effect denounced
18 ourselves. This third deportation was nothing more than another
19 step in our destruction as New People."

20 Is it correct that that's what you wrote in the book? Yes or no?

21 A. Yes.

22 [11.52.37]

23 Q. In describing the conditions at Veal Vong, in the jungle;
24 English ERN 00587619; Khmer, 00588220 through 21; French,
25 00587899-90, you said -- I quote:

1 "The pattern was much the same as before -- wake up at 6 a.m., a
2 break for food between noon and 1 p.m., work until 6 p.m.
3 However, for the first time we were supervised by armed guards
4 during our working hours."

5 Is that what you recall happening in Veal Vong? Yes or no?

6 A. Yes.

7 [11.53.58]

8 Q. Dealing with the numbers of people -- you've already said
9 5,000 people -- but you added this -- same page reference -- I
10 quote:

11 "Nor was the great exodus over yet. For several weeks after our
12 arrival, thousands and thousands more, all city people in their
13 tattered city clothes, all as distressed as we had been, filed
14 past our hut, plunging deeper into the forest, to make new fields
15 as we were doing."

16 Is that a correct recollection from this time? Yes or no?

17 A. Yes.

18 Q. Dealing with another question about Veal Vong -- and I'll
19 remind that you said that you arrived in Veal Vong in September
20 1975, after the trip on the trucks. In respect of people dying,
21 you said as followed -- and if I can quote the ERNs: English,
22 00587620; Khmer, 00588222; French, 00587900 into 91 -- I quote:
23 "It was not long before the dying started. Even in the first
24 week, I saw several people carrying corpses down the trail. It
25 was hardly surprising, given the amount of people in the forest

1 near us, and their state of health. The dead were buried in the
2 forest, at the edge of our newly cut fields."

3 [11.56.12]

4 Is that your recollection of what happened with the dead,
5 starting one week after you arrived at Veal Vong? Yes or no?

6 A. Yes.

7 Q. Still on Veal Vong, and still on dying; English, 00587623;
8 Khmer, 00588226 through 27; French, 00587904 -- I quote:

9 "Now, death came with increasing frequency in the forest around
10 us. The bodies were buried all around the edge of the clearings
11 by grave-diggers appointed by the village chief. Grave-diggers
12 became necessary because the families had become too weak to dig
13 the graves themselves. It was not a bad job, for it meant being
14 exempted from work for a day.

15 "There was no relief from the unrelenting labour... Time was
16 measured now by the numbers of deaths per day in the people
17 around us -- four deaths, five deaths, sometimes as many as 10
18 deaths a day."

19 Is that a correct recollection of deaths in the forest? Yes or
20 no?

21 A. Yes.

22 [11.58.10]

23 Q. Still at Veal Vong, the subject is disappearances; English ERN
24 00587626; Khmer, 00588230 through 31; French, 00587907 through
25 08. You said this -- I quote:

1 "Then I began to notice the disappearances.

2 "The first one I noticed was Ming, a Vietnamese neighbour...

3 "Then, I noticed that a number of former Republican officers who
4 had tried to conceal their identity had vanished. A couple of
5 times, a worried wife asked me, 'Have you seen my husband? He
6 went off to cut bamboo and I haven't seen him for two days.' I
7 thought perhaps they had escaped."

8 Is that an accurate record of your recollections as to
9 disappearances? Yes or no?

10 A. Yes.

11 [11.59.40]

12 Q. Dealing with how many people had died, you have already stated
13 in your evidence that one-third of 5,000 -- approximately --
14 people died. But to put some timings on this, as I said, you
15 arrived in Veal Vong in September 1975, and you left Veal Vong at
16 the end of December 1975. In respect to the time period, you said
17 this: English ERN 00587638; Khmer, 00588246; French, 00587922 --
18 I quote:

19 "By the end of November, one-third of the population of Veal Vong
20 had died." And you mentioned atrocious conditions.

21 Is that right, as to your recollection as to the number that had
22 died? And this was by the end of November. Yes or no.

23 A. Yes, that was my analysis.

24 [12.01.05]

25 Q. You moved Chamkar Trasak, on the Pursat River, arriving in

1 January 1976, English ERN 00587657; Khmer, 00588268; and French,
2 00587943. You mentioned that there was diarrhoea, dysentery,
3 fevers, malaria, and oedema. And you then said this - I quote:
4 "Day by day, conditions worsened. The rice soup became more
5 watery. Since we ate communally, we were no longer allowed to
6 have rice at home..."

7 Is that correct? Yes or no?

8 A. Yes.

9 Q. One final question.

10 You set out, in your application in this case, the numbers of
11 your family who died or went missing during this period. I can't
12 put my hand on the document, but can you summarize, please, in
13 terms of members of your family, how many died or went missing?
14 Just their names and their relationship to you, please.

15 A. At Veal Vong, four people: two died, two disappeared; my
16 cousin, who was a teenager, and my in-law, by the name of Sarun.
17 [12.03.58]

18 Q. Forgive me, please, Mr. Pin. I have found the document, and I
19 wonder if I could just put it to you, and if you could confirm
20 it, please. It will save on time.

21 Your uncle, Huot Tat; your son, Pin Sudath; your son, Pin Nawath;
22 your son, Pin Phourin; your wife, Pin Khem Any; your father, Lean
23 Chhao; your mother, Lean Lorn; your younger brother, Lean Theng;
24 his wife, Lav, and their children Visoth and Mab; your younger
25 sister, Lean Keng, her husband Sarun, and their daughter Srey

1 Vouch; your younger sister, Lean Vouch; and your cousin, Sim. Is
2 that correct?

3 A. Yes, it is. All of them either died or disappeared.

4 [12.0512]

5 MR. RAYNOR:

6 Thank you, Mr. Pin Yathay. We did it in 26 minutes.

7 Can I thank Mr. President and Your Honours for going beyond 12
8 o'clock? Thank you.

9 MR. PRESIDENT:

10 Thank you, Mr. Pin Yathay, and thank you, the Prosecution.

11 It is now appropriate time for lunch adjournment. The Chamber
12 will adjourn until 1.30 p.m.

13 Court officer is now directed to assist the civil party during
14 the adjournment, and have him returned to the courtroom by 1.30
15 p.m.

16 Security personnel are now instructed to bring Mr. Khieu Samphan
17 to his holding cell and have him returned to the courtroom before
18 1.30 p.m.

19 The Court is adjourned.

20 (Court recesses from 1206H to 1333H)

21 MR. PRESIDENT:

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

23 Before I hand the floor to the defence teams, I'd like to
24 inquire, Judges of the Bench, if you have any questions to put to
25 this civil party?

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1 Judge Lavergne, you may proceed.

2 [13.34.40]

3 QUESTIONING BY JUDGE LAVERGNE:

4 Yes, thank you very much, Mr. President.

5 Good afternoon, Mr. Pin Yathay. I'm Jean-Marc Lavergne, Trial
6 Chamber Judge. I have just a short number of questions in follow
7 up to some of the things you were saying this morning.

8 Q. First, let's turn to the evacuation of Phnom Penh. Now, if I
9 understood you correctly, you said that you made a stop at the
10 Phnom Penh Law Faculty. Is that true and can you tell us how long
11 you stayed there and if any particular events took place while
12 you were there? For example, were you witness to any arrests of
13 people?

14 Thank you.

15 [13.35.42]

16 MR. PIN YATHAY:

17 A. I left Phnom Penh on the 18th in the morning and around 1 p.m.
18 in the afternoon, I reached the Law Faculty and we decided to
19 enter the faculty and we stayed on the first floor of the
20 building in that faculty. We stayed there for three days.
21 During the period that we stayed there, I met several people whom
22 I knew and we talked about other things. I did not witness any
23 arrest, but I'm sure witness -- arrests took place. As I met --
24 in the afternoon the former minister of defence, who was also a
25 -- and the former minister of public works, who were my superior

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1 and that was Mr. Thappana Nginn. He was with his family. And
2 there was also a colonel, Um An (phonetic), who was with him, and
3 he spoke a lot about politics. Of course, I cannot tell you that
4 because it is hearsay information, but everybody knew he was a
5 general and a minister of defence.

6 [13.37.35]

7 At that time, while I spoke to him, he was outside the -- he was
8 at the compound -- within the compound of the Law Faculty, but
9 outside the building and I asked whether he was afraid or not. He
10 seems to be concerned, at the time, and then we moved to the back
11 of the building while we talked. In late afternoon, he, himself,
12 and the colonel who were with him were arrested by the Khmer
13 Rouge. That's what I was told. So I knew for sure that these two
14 were arrested, but I did not witness the arrest myself as I was
15 on the first floor while he was on the ground floor.

16 Q. Did you have the chance to talk to this general and, if you
17 did, do you know if he went to the meeting that was held on the
18 17th of April at the end of the afternoon where the senior
19 ministers of Lon Nol's government were gathered together?

20 A. No, I did not talk with him about that. However, it is my
21 conclusion that he met with them on the day earlier at 4 p.m. -
22 rather, he would not meet with them because, otherwise, he would
23 not be at the Law Faculty the next day, as I heard senior people
24 who went to the meeting were arrested.

25 [13.40.04]

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1 Q. You have told us about the Law Faculty. Is the building of the
2 faculty in the City of Phnom Penh? Is it the same building that
3 is still the Law Faculty in Chamkar Mon or is this another
4 building that is outside the City of Phnom Penh?

5 A. The Law Faculty is still the current Law Faculty. It is in
6 Chamkar Mon district in Phnom Penh.

7 Q. Mr. Pin Yathay, this morning you told us that you had seen
8 Khmer Rouge leaders while you were leaving Phnom Penh. I believe
9 you said that they were driving in a car. Can you confirm that
10 for us, please, and also tell us precisely when this occurred
11 and, if you can, tell us who these leaders were as well?

12 A. I saw them before I entered the Law Faculty. At that time, I
13 was driving my car slowly and I saw them while we were along the
14 Monivong Boulevard. At that time, the Khmer Rouge ordered us to
15 -- to go to the roadside as they are at -- the convoy of the cars
16 were coming from the opposite direction so that we had to clear
17 the road for that convoy to move. And there were about three cars
18 in that convoy and if I recall correctly, there was a black
19 Mercedes Benz and inside that car, there was a man with glasses.
20 He looked at us with a smile on his face, but, of course, it was
21 not that clear from afar as I looked at him through the car's
22 window. So, it is my conclusion that it was Son Sen who was
23 sitting in that car as there were not many people wearing glasses
24 at the time.

25 [13.43.02]

1 Q. During your wanderings, you met a certain number of
2 individuals. Do you remember meeting somebody called Ms. Yok
3 Levin (phonetic), and if you do remember, what kind of memories
4 does this bring back to you?

5 A. Yok Levin (phonetic), yes, I recall the name, but it was not
6 while I was en route out of Phnom Penh. I met the person in Chheu
7 Khmau village. The person was also evacuated to that area and the
8 person was a woman, and if I recall it correctly, she had two
9 children.

10 Q. This is not directly connected with the facts, but it may be
11 of interest notwithstanding.

12 You managed to leave Cambodia. I believe it was during 1977. You
13 took part in a certain range of activities to try and bring
14 greater understanding of the situation in Cambodia.

15 [13.44.33]

16 Can you very briefly tell us about those activities and tell us
17 if you are aware of whether those activities had any impact on
18 the leaders of Democratic Kampuchea, if there was any reaction at
19 home to your testimony outside the country?

20 A. I left on the 22nd of June 1977. Immediately, after my
21 departure, the Thai authority questioned me. They questioned me a
22 lot and there were various parties who questioned me on the Thai
23 side. There were some private investigators who questioned me and
24 some Western countries also interviewed me and some journalists
25 also questioned me.

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1 I was in prison because I had no passport at the time and they
2 detained me for about one week. Of course, the imprisonment there
3 was much better than the living condition in Cambodia, at the
4 time, as sufficient food was provided while I was in prison.

5 [13.46.05]

6 And later, I was transferred to Mai Rut Camp and from that day, I
7 was interviewed by many journalists. Of course, I would not sit
8 on my hand and quiet. Some of my family members had been killed
9 and died. For that reason, I need -- needed to spread the news
10 through interviews.

11 So, I have been interviewed on many occasions by various
12 journalists and also by Mr. Roland Paringaux from France; he was
13 from "Le Monde". And there were journalists from Korea, from
14 Japan, and TV reporters from the United States.

15 And on the 13 of October 1977, France accepted my asylum request
16 and since then I had travelled the world. I went to Paris,
17 Ottawa, Washington, to Brussels, and at each place, I would hold
18 a press conference describing the sufferings inflicted upon my
19 family members and upon other people and of those who died, of
20 those who died of starvation, and all the survivors.

21 [13.47.45]

22 I -- many questions were put to me and I recorded all those
23 questions in my notebook so that I would have more ideas to talk
24 at a later conference.

25 At that time, the superpower countries, they supported the human

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1 right, but, of course, to me, their advocacy for human rights
2 existed only in theory and I was disappointed as there was no
3 action taken regarding the situation of suffering by the
4 Cambodian people inside their country.

5 And then I wrote a book in French; that was the -- the first
6 book I wrote. It -- it was 420 pages and six or seven years
7 later, I wrote a book. The first book that I wrote was entitled
8 "Murderous Utopia" and the second book that I wrote was "Stay
9 Alive, My Son".

10 JUDGE LAVERGNE:

11 Mr. Pin Yathay, I'd like to thank you very much for testifying
12 here. I have no further questions to put to you. Thank you.

13 [13.49.15]

14 MR. PRESIDENT:

15 The floor is now given to Nuon Chea's defence to put questions to
16 this civil party.

17 You may proceed.

18 MR. SON ARUN:

19 Good afternoon, Mr. President, Your Honours, everyone in and
20 around the courtroom.

21 I and my colleague, Victor Koppe, on behalf of Nuon Chea, we have
22 no question for this civil party. I'm grateful, Mr. President.

23 MR. PRESIDENT:

24 Thank you.

25 The floor is now given to Ieng Sary's defence to put questions to

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1 this civil party if you wish to do so.

2 QUESTIONING BY MR. KARNAVAS:

3 Good afternoon, Mr. President. Good afternoon, Your Honours, and
4 good afternoon to everyone in and around the courtroom and good
5 afternoon, sir. I do have a few questions.

6 [13.50.17]

7 Q. Let me start off by asking you, the first book that you wrote,
8 did you do any research for that book?

9 MR. PIN YATHAY:

10 A. The first book was written in French. I did not do any further
11 research because everything was in my memory. I started writing
12 informations in my notebook after I was released from the prison
13 and for that reason, the book was quickly published. It was
14 published in late 1979.

15 Q. All right. And then, your second book, the one that we've been
16 discussing here today, "Stay Alive, My Son", the first edition
17 was published, I believe, in 1987; is that right?

18 A. Yes, that is correct.

19 Q. Now, for that book, did you do any research?

20 A. For the second book, I did not do any further research;
21 however, I'd like to add that the second book is also based on
22 some contents of the first book. So, for any researcher, the
23 first book is important and the second book is intended for the
24 general public.

25 [13.52.04]

1 And in fact, my first -- my first book, I requested it to be
2 translated into English, but they said that due to the large
3 number of pages -- and it is costly to translate it into English
4 -- and in order to make it shorter and focus more on the family
5 issues, then it is easier for me to base on the first book, I
6 decided to go ahead to translate the first book together with one
7 of my friends and I still have the draft English translation of
8 the first book. Then I edited that draft, added the contents
9 related more closely with my family members to make this second
10 book because my first book is mainly based on the facts and not
11 really on the family members' issues.

12 Q. Thank you, sir.

13 Now, I don't mean to be rude, but my questions are rather
14 specific and so if I want explanations, further explanations, I
15 will ask you.

16 [13.53.18]

17 So if I understand you correctly, in writing the second book, you
18 did not read any material; you did not do any research; you did
19 not rely on anything other than your memory and what you had
20 written before, which was based on your memory; is that correct?

21 A. Yes, mainly, it is.

22 Q. Thank you. Now, I notice that the second book was updated in
23 2000; am I correct in that?

24 A. It was updated, yes, but the changes was the introduction
25 only.

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1 Q. All right. That's what I want to get at. We're going to go
2 step by step.

3 So, in other words, other than the introduction, the rest of the
4 book remained the same. You did not change anything; is that
5 right?

6 A. Yes.

7 [13.54.48]

8 Q. Thank you. Now, I just have a few questions on some of the
9 things that you wrote, bear with me. Now, I understand from
10 reading your book and from what I've heard here today that after
11 graduating in 1965 with a degree in civil engineering, you began
12 to work for the Ministry of Public Works here in Cambodia;
13 correct?

14 A. Yes, that is correct.

15 Q. At some point, you became the Director of the Department of
16 New Works and Equipment; right?

17 A. I was the director, yes; not the chief, but the director. In
18 Khmer, it is "neayuok", not the "prothean".

19 Q. All right. I believe I said director, but all right.

20 And can I ask, when was it that you became the director of this
21 particular department; what year?

22 A. I cannot recall it clearly; however, it is probably in 1972 or
23 '73.

24 Q. Okay. So it was during the Lon Nol administration that you
25 advanced to that position, that you became the director of that

1 department?

2 [13.56.34]

3 A. In fact I was promoted, but before that I was already the
4 deputy director of that department before my promotion.

5 Q. Right, and we're going to get to that in a little bit.

6 And I want go a little bit forward to the point when you were at
7 the faculty of law and you ran into your former boss, General
8 Thappana Nginn. Judge Lavergne just asked you about him.

9 Now, in your book you say he was the former Minister of National
10 Defence and of Public Works, and just out of curiosity, was he
11 holding both those positions at the same time or was he Minister
12 of the National Defence at a separate time when he was the
13 Minister of Public Works?

14 A. From my recollection, and if I'm not mistaken, when the Khmer
15 Rouge entered Phnom Penh, the Minister of Public Works was not
16 him. He was, at the time, the Minister of National Defence. As
17 there was another person, it was Mr. Ung Krapum Phka, who was
18 also an engineer, and became the Minister of Public Works.

19 [13.58.23]

20 Q. Thank you. And there's maybe something lost in translation
21 here, but am I correct to assume that you did not work for the
22 Ministry of National Defence at any point in time?

23 A. (Microphone not activated)

24 MR. PRESIDENT:

25 Mr. Civil Party, please hold on until you see the red light

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1 before you proceed. You may now proceed.

2 MR. PIN YATHAY:

3 No, I have never worked at the Ministry of Defence. Ever since I
4 been graduated, I worked at the Ministry of Public Works all
5 along.

6 BY MR. KARNAVAS:

7 Q. Thank you.

8 Now, let's go back to when you first started working in the
9 Sihanouk regime, and I'm looking at what you have written -- and
10 for everyone's convenience, it's page 4 in English, but it's --
11 the Khmer ERN number is 00588112; the French is 00587808; and the
12 English, 00587540, page 4.

13 [13.59.51]

14 Here you -- you say: "Sihanouk was the self-proclaimed Father of
15 the Nation." And I -- I want to stop here for a second.

16 Why do you say that he was a "self-proclaimed"? Can you please
17 explain what you meant by that? Did he, himself, anoint himself
18 as the Father of the Nation; is that what you're telling us?

19 [14.00.19]

20 MR. KIM MENGKHY:

21 If I may be heard, please.

22 MR. PRESIDENT:

23 Civil Party, please hold on.

24 Counsel for the civil parties, you may now proceed.

25 MR. KIM MENGKHY:

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1 Thank you, Mr. President.

2 This question is not relevant. Even though my client wrote in the
3 book, when it comes to the statement, as indicated by counsel for
4 Mr. Ieng Sary, it is not relevant and it should be rejected.

5 [14.00.55]

6 MR. KARNAVAS:

7 Mr. President, the gentleman wrote a book. The book was used by
8 all the parties. It's fair game. Now, in the book he talks about,
9 for instance, about the nepotism and corruption that was rife
10 during the Sihanouk period and then he goes on to talk about
11 corruption during the Lon Nol period. He served in both those
12 administrations.

13 One of the issues that has been raised in this courtroom was as
14 to why people joined the Khmer Rouge. Some have opined that this
15 was -- they were forced.

16 [14.01.33]

17 We're entitled to present evidence to show that there was massive
18 corruption, and he does write in his book that some joined the
19 Khmer Rouge either because of the corrupt situation at the time
20 and later on, when Sihanouk urged people to join the Khmer Rouge.
21 Therefore, I'm entitled to go into this area.

22 (Judges deliberate)

23 [14.03.50]

24 MR. PRESIDENT:

25 Counsel Karnavas is now instructed to continue putting questions.

1 And please be brief.

2 BY MR. KARNAVAS:

3 Thank you, Mr. President.

4 Q. Could you please tell us very briefly, why is it that you
5 state that Sihanouk self-proclaimed himself to be the Father of
6 the Nation? How did you come to that conclusion? Why are you
7 making that statement?

8 MR. PRESIDENT:

9 Mr. Civil Party, please hold on.

10 Counsel Pich Ang, you may now proceed.

11 [14.05.05]

12 MR. PICH ANG:

13 Thank you, Mr. President.

14 I take issue with this line of questioning because the question
15 appears to be asking the civil party to give his own or personal
16 opinion on this.

17 MR. KARNAVAS:

18 Mr. President, you already ruled on the objection. This
19 objection, I don't understand. It makes no sense. The gentleman
20 had been giving his opinion all day long. Now, if he's good
21 enough to give opinions when the civil parties ask for opinions
22 or when Judge Lavergne asked for opinions or when the prosecutor
23 asked for opinions, why is it not good for the defence lawyers to
24 solicit opinions from the gentleman? After all, he wrote this
25 book. These are his words. He chose them. He's highly educated.

1 Certainly, he must have an opinion on why he chose to put what he
2 put in his book.

3 Thank you.

4 [14.06.10]

5 MR. PRESIDENT:

6 The question you just put was not really relevant, Counsel.

7 You may proceed to another question.

8 BY MR. KARNAVAS:

9 Very well.

10 Q. You talk in your book that there were tales of nepotism and
11 corruption during the Sihanouk regime. Could you please tell us
12 what you meant by tales of nepotism and corruption? Describe to
13 us exactly what was going on in Cambodia at the time.

14 [14.06.55]

15 MR. PIN YATHAY:

16 A. It was my observation, at that time, and I noted that power
17 came with some corruption. The more power people had, the more
18 corrupt they were, so that's my opinion as an ordinary citizen.

19 At that time, also, and also the following years before the Khmer
20 Rouge took control, the state's departments did not have what we
21 call the institutional power. The institutions were controlled by
22 people rather than the institutionalized power itself, so that's
23 what I noted back then.

24 Q. And this is what you noted from working within the very same
25 administration that you -- you're telling us was a corrupt one;

1 is that right?

2 A. That is my general observation. I did not refer to any
3 particular ministry.

4 Q. All right. Now, in the same passage, you go on to say that:
5 "Now, moreover, the war in Vietnam was at its height. Sihanouk,
6 eager to stay on good terms with his powerful neighbours, had
7 secretly given his agreement that the North Vietnamese could use
8 the remote Eastern areas of Cambodia for the transport of men and
9 arms to South Vietnam. This, in its turn, drew the attention of
10 the United States. Cambodia's traditional neutrality had been
11 compromised."

12 [14.09.08]

13 And then you go on to say:

14 "In reaction against these developments, Cambodia's own minute
15 band of insurgents, the Khmer Rouge, led mostly by
16 French-educated intellectuals, received a steady stream of
17 support from disaffected Cambodians."

18 Now, let me go back and ask a couple of questions on what you
19 just wrote.

20 If this was a secret agreement that Sihanouk had reached with
21 North Vietnam, how was it that you knew about it at the time, at
22 least when you wrote this book?

23 A. I wish to make it clear that the book was written when I had
24 already left the Khmer Rouge regime. I had lived during the -- I
25 had experienced living during the Lon Nol, the former Prince

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1 Norodom Sihanouk's regimes, and the Khmer Rouge one. And the book
2 was written from my collection of the past and the information
3 that I stated as secret, at that time, was no longer secret. And
4 when Prince Norodom Sihanouk was toppled down in March 1970, it
5 was at that moment that the public released -- or at least this
6 secret information was released to the public domain.

7 [14.11.14]

8 Q. All right. And so just to make sure that I understand you, up
9 until March 1970, you were not fully aware or maybe not even
10 aware of this agreement and the arms shipments that were going to
11 the North Vietnamese.

12 A. (No interpretation)

13 Q. Thank you. Now, at some point, when the Lon Nol Government
14 told everybody what was happening, did they provide specifics?
15 How much ammunition, you know, what sort of weapons were actually
16 being transported or being provided to the North Vietnamese
17 through Cambodia? Did that ever become public?

18 A. Yes, it did.

19 Q. Well, can you please tell us a little bit so at least the rest
20 of us know exactly what was happening here in Cambodia during the
21 Sihanouk era before he was toppled by Lon Nol?

22 [14.12.42]

23 A. I do not have the full recollection of this thing that
24 happened a long time ago, but I remember that there was a
25 demonstration started by a group of students against the Embassy

1 of the North Vietnam. At that time, there were the North and the
2 South Vietnamese embassies and people were not happy. The
3 students were not happy with the North Vietnam policy.

4 And we also learned, at that time, that North Vietnam took part
5 of Cambodia territory and have it used as the place to transport
6 their ammunition and other weapons and Cambodian people had to
7 move from their location because of the occupation of the
8 Vietnamese.

9 And also during the time when the conflicts that happened in the
10 South -- in South Vietnam, there were some ill-will business
11 people and also politicians who traded rice transported from
12 Cambodia into the territory then controlled by the North Vietnam
13 -- North Vietnamese.

14 [14.14.26]

15 Q. All right. Now, let me just make sure I understand all of
16 this.

17 I think you're telling us that through Sihanouk part of Cambodia
18 was lost to the Vietnamese, was occupied by the Vietnamese; is
19 that what you're telling us?

20 A. I think it is not right. The Vietnamese troop was walking past
21 the Cambodian territory and it was not a kind of -- they did not
22 temporarily - or, rather, permanently occupying the territory;
23 they just walking past the area.

24 Q. All right. Now, when you say that -- that there was "a steady
25 stream of support from disaffected Cambodians as a result of all

1 of this", when did you become aware that there was "a steady
2 stream of support from disaffected Cambodian" that were joining
3 the Khmer Rouge?

4 A. I think I do not understand your question clearly. Could you
5 please repeat it?

6 [14.16.02]

7 Q. Apologies. Here is what you write. You talk about Sihanouk
8 easy -- eager to -- to stay on good terms with his powerful
9 neighbours, had secretly given his agreement that the North
10 Vietnamese could use the remote Eastern areas of Cambodia for the
11 transportation of men and arms to South Vietnam.

12 And then later on you're saying:

13 "In reaction against these developments, Cambodia's own minute
14 band of insurgents, the Khmer Rouge, led mostly by
15 French-educated intellectuals received [received] a steady stream
16 of support from disaffected Cambodians."

17 [14.16.54]

18 So when did you become aware that the actions of Sihanouk led to
19 "a steady stream of support of disaffected Cambodians"?

20 A. I may have to go back a little bit to the historical parts of
21 the -- the Khmer Rouge was -- was formed by groups of students
22 from France.

23 Q. Let me stop here. We know the historical background. I'm
24 asking what you wrote. You're making an assertion, right or
25 wrong, correct or incorrect; I don't know, but you're making an

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1 assertion that because of what Sihanouk was doing, a steady
2 stream of disaffected Cambodians were joining the Khmer Rouge. Is
3 that something that you knew back then or is it something that
4 you learned later when you wrote your book? Which of the two?

5 A. At that time, I was aware, but not as much as I am now.

6 Q. All right. So when you say you were aware -- so as early as
7 before Sihanouk was toppled, you were aware of what -- what he
8 had agreed with North Vietnam, what was happening in certain
9 parts of Cambodia, and that Cambodians were turning towards the
10 Khmer Rouge as a result of Sihanouk's policies. That's what
11 you're telling us here today; right?

12 A. No, I think it is not right. I may have mistaken.

13 [14.19.14]

14 Q. All right. Well, let me go and let's see if we can clear it up
15 at some point.

16 On the following page, page 5 of your book, and this would be in
17 Khmer ERN 00588113 to 14; French, 00587808 to 09; and English,
18 00587541; again, page 5, going back to an earlier question, you
19 say:

20 "I rose to become Director of the Department of the New Works
21 and Equipment in the ministry, a position that protected me and
22 the family from the political and economic consequences of the
23 growing civil war."

24 [14.20.06]

25 Let's pause here. What do you mean that this position allowed you

1 to be protected, you and your family, "from the political and
2 economic consequences of the growing civil war"? What did you
3 mean by that?

4 A. At that time, I was a person who had decent income, so my
5 situation was better and I also had to have another job so that
6 we could maintain the status quo of decent living conditions, so
7 I talked about my situation as opposed to others at that time.

8 Q. All right. And may I ask, if you recall, what your salary was
9 at the time? That's question A and question B, I guess it would
10 be, were you getting paid in-- in riel or were you getting paid
11 in dollars?

12 A. I don't remember how much I got paid, but I got paid in riels.

13 Q. All right. And you're not -- you also said that you had -- you
14 were doing other work as well, so am I to assume, am I correct in
15 understanding, that aside from working as the director of this
16 department for the government, you also did private work for
17 which you were getting paid separately?

18 A. Yes, it is correct.

19 [14.22.12]

20 Q. May I ask what sort of work you were doing, who was your
21 employer, and how were you getting paid?

22 A. We created an enterprise; I -- it's in French, "un bureau
23 d'ingénieurs de conseil" or it's kind of engineering enterprise.
24 And I, at that time, was an engineer. I had to gather other
25 engineers from public works or from the Ministry of Agriculture

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1 who find it difficult to meet the ends meet to come and work to
2 earn extra money apart from their current jobs.

3 Q. All right. Maybe I'm losing something in translation, but are
4 you -- are you telling us is that while you were the director of
5 this department, privately, you're working with other engineers
6 to get other public works that are basically being paid by the
7 public domain, by the public budget, because that's what I'm
8 reading into your answer; am I correct?

9 A. At that time, at 3 or 4 p.m., we would finish our state work
10 and then we would do some part-time jobs which is an outside job
11 from the government tasks, so we earn money by working privately,
12 extra times.

13 [14.24.14]

14 Q. Okay, thank you.

15 Now, on the same page, you go on to say -- although in French it
16 would be the following page -- you say:

17 "In 1970, to great acclaim, Sihanouk was overthrown by the Prime
18 Minister and army chief, Lon Nol, who promised to root out
19 corruption and expel the Vietnamese. Sihanouk fled to Peking,
20 and, astonishingly, declared support for the guerrilla fighters,
21 the Khmer Rouge, his previous enemies."

22 Let me stop here. When you say that "in 1970, to great acclaim,
23 Sihanouk was overthrown", what do you, sir, mean by "to great
24 acclaim"? What are you telling us?

25 A. That was the political situation on the 17th -- 18 of March

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1 1970. At that time, Prince Norodom Sihanouk was in France and
2 back home, there was kind of controversy or conflicts and the
3 current government, at that time, sent representative to invite
4 him to return to his home country, but the king rejected -- the
5 former prince rejected -- and he continue his journey all the way
6 to Russia and to China at that moment that he was toppled--

7 [14.26.10]

8 Q. Sir, let me stop you here. We know the story. What I want to
9 know is why you chose the words, "to great acclaim"?

10 One might get the impression that the people, the Cambodians, or
11 maybe just the politicians or maybe people like yourself in the
12 government were happy to see him go, were happy to see the coup
13 d'état, were happy to see him overthrown. What do you mean by "to
14 great acclaim" because you chose these words?

15 A. People were happy about the event. People in Phnom Penh, in
16 particular, were happy that the king or the former prince was
17 toppled.

18 [14.27.12]

19 Q. And if I can ask you, during that period, if you could reflect
20 back, the economic situation, the normal -- the situation for the
21 everyday Cambodian; at least in Phnom Penh where you were, what
22 was it like? Was there enough food? Was there enough work?

23 A. Are you referring to the moment prior to the coup d'état or
24 during the Khmer Rouge?

25 Q. We're still -- we're going step by step. At the moment right

1 around when Sihanouk was toppled, because you said people were
2 happy -- were happy to have him go, why were they so happy? Was
3 it because the economic situation would get better? Was it
4 because of the corruption? Was it because of what he was doing
5 with Vietnam? Why the happiness?

6 A. As I could see, Cambodian people were not happy with the North
7 Vietnamese invasion into Cambodia along the borders. That's why
8 there were bombs dropped on some villages and people also were
9 scared and unhappy about this. And due to the rampant corruption,
10 and along with this invasion of the North Vietnamese to Cambodia,
11 people were happy that the prince was toppled.

12 [14.29.14]

13 Q. All right. And just as an aside, this rampant corruption, do
14 you know, by any chance -- I don't want you to speculate -- but
15 do you know to what extent that would have been affecting the
16 people outside of Phnom Penh because Cambodia is not Phnom Penh?
17 So in the villages, in the other provinces, how was the rampant
18 corruption during the Sihanouk era affecting those people, if you
19 know?

20 A. At that time, I knew about it, but right now I cannot recall
21 the real events.

22 Q. All right. Thank you.

23 Now, you go on to say -- same page -- that: "At first, we had
24 high hopes for Lon Nol. But as time went by, it became clear that
25 he was not up to the task he had set himself. He had a stroke,

1 and was partially paralyzed."

2 [14.30.23]

3 And then you go on:

4 "The administration and the armed forces remained sunk in
5 corruption and complacency. The army failed to make any impact on
6 either the North Vietnamese or the Khmer Rouge, even with the
7 help of the United States."

8 So my question here is, when you say the Lon Nol administration
9 "remained sunk in corruption and complacency", what do you mean
10 by that? Were they as corrupt, if not more corrupt, than the
11 Sihanouk administration?

12 A. That was my observation and whether which regime was more
13 corrupt, I could not say for sure, although corruption existed.

14 Q. Can you please tell us whether the life -- the ordinary life
15 of the ordinary Cambodian outside Phnom Penh got any better
16 during the Lon Nol period?

17 A. Allow me to say this. During the Lon Nol regime, there was no
18 peace. After the topple of Prince Sihanouk, the war intensified,
19 so it is my belief that people who lived outside the city did not
20 have a normal lifestyle. The war broke out here and there and it
21 was advancing toward the city and people - a lot of people took
22 refuge in the city.

23 [14.32.30]

24 Q. All right. And since you were living in the city, do you know
25 whether those people coming into Phnom Penh, whether they were

1 able to find food and shelter?

2 A. Majority of the time, there were non-government organizations
3 who assisted the refugees by making camps for them and
4 distributed rice to them throughout the cities.

5 Q. All right. And in your opinion, was there enough food, enough
6 rice, to go around for all those people who had come into Phnom
7 Penh, all the refugees, if you know?

8 A. I say the majority, yes, because at that time, rice were
9 brought in either by sea or by air. However, when the war
10 advanced toward the City of Phnom Penh, the food became scarce
11 and, as far as I knew, a lot of families in Phnom Penh bought
12 extra rice for additional two or three weeks' period, but for
13 poor people who fled to the city might face problem who relied
14 mainly on the contribution or distribution by various
15 organizations at the time.

16 [14.34.20]

17 Q. All right. Thank you.

18 Now, let's fast forward a little bit to April 17th -- April 17th
19 1975; that's where we are right now. If I understand your
20 testimony correctly and what you have written, the entire day of
21 the 17th, you are in Phnom Penh; is that right?

22 A. Yes, I was in Phnom Penh.

23 Q. And I'm not quite clear, so please help me out here, during
24 the 17th, were you able to move around the city and did you, in
25 fact, move around the city on that day, the 17th?

1 A. If you read my book and as I stated this morning, early
2 morning at dawn on the morning of 17 April, we went to -- we left
3 the Tuek Thla and we met at my cousin's house in Phnom Penh and
4 then we went to Wat Ounalom. If you listened to my statement this
5 morning, you don't have to ask me this question.

6 [14.35.47]

7 Q. Well, I just want to make sure I have a good timeline, you
8 know, and this may be important for other reasons.

9 At what point up -- when did you stop moving around on the 17th?
10 What time of the day was it that you stopped at one place and I
11 believe it was the pagoda?

12 A. It was at the Law Faculty.

13 Q. I thought the Law Faculty; you go there on the 18th, the
14 following day. We're still on the 17th.

15 A. (Microphone not activated)

16 MR. PRESIDENT:

17 Please observe some pause.

18 MR. PIN YATHAY:

19 A. Yes, you are right. In fact, on the night of the 17 April, I
20 was at Ounalom Pagoda and the next day, I reached the Law
21 Faculty.

22 [14.36.50]

23 BY MR. KARNAVAS:

24 Q. And what time -- forgive me if I have to ask this question
25 again, but at what time did you get to the pagoda, if you recall,

1 what time of the day?

2 MR. PIN YATHAY:

3 A. I reached Ounalom Pagoda -- that is, after we had breakfast at
4 my -- after we had breakfast at my cousin's house and a guard of
5 my cousin's house, who was at the outskirts of the city, came to
6 tell us that the Khmer Rouge arrived and asked us to leave the
7 city and with that news, we all decided to go to Ounalom Pagoda.

8 Q. Okay. Now, if you could please help me out here. About what
9 time did you receive that news, so then you went off to the
10 pagoda? At what time, approximately?

11 A. It was in the afternoon.

12 Q. All right. Thank you. So now, in the afternoon, you get this
13 news and it's in the afternoon that you get into your car or a
14 car and you drive to the pagoda; do I have it correctly?

15 A. It was in early afternoon -- that is, after we had our meal,
16 then we went to the pagoda.

17 [14.38.42]

18 Q. And you went there by car; that's the point I want to make,
19 what I'm trying to establish. You went there by car; is that
20 correct, or did you walk?

21 A. We travelled by car to the pagoda.

22 Q. And was that your personal vehicle or somebody else's vehicle
23 that you -- somebody offering you a ride?

24 A. It was my vehicle.

25 Q. All right. And so you've told us that on the 17th, you stayed

1 at the pagoda and it was the following day that you left and
2 that's when you went off to the faculty of law, at some point;
3 correct?

4 A. Yes, that is correct.

5 [14.39.47]

6 Q. But before going to the faculty of law, you went to a house to
7 collect some belongings. You drove -- I believe it was your
8 mother-in-law's house, I might be mistaken -- to get some
9 belongings, pack up the car, and then head off towards the
10 direction where the faculty of law is; am I right?

11 A. Yes, that is correct, but I did not go to my house. I went to
12 my cousin's house. I left the house in the morning and I returned
13 to the house. The house was located near the Monivong Boulevard
14 which was on the way to the Law Faculty.

15 Q. All right. But you stopped at the house; right? You drove up
16 to it and you stopped; right? When you got to the house, did you
17 not stop the car?

18 A. Yes, we stopped the car. We went into the house to pick up
19 some belongings, then we returned to the car and left.

20 Q. But when you say "we", how many people went into the house to
21 collect belongings?

22 A. All my family members. There were about 30 of us in total as
23 we had three cars, two motorbikes, and a -- and a bicycle as I
24 stated clearly this morning.

25 [14.41.32]

1 Q. Again, my apologies. I'm trying to establish some chronology
2 here.

3 So if I'm -- if I have it right, it's 30 - 3-0 - or is it 13
4 people? Which of the two? In English I heard 30.

5 A. Thirty - 3-0.

6 Q. So, 30 people get out of these vehicles; they go into the
7 house; they collect -- they collect belongings; and then you
8 leave. Can you please tell us how much time you were in the house
9 collecting these belongings, all 30 of you?

10 A. I cannot recall the time. It's been 38 years, if you may know,
11 but of course we could not stay there for long and maybe we
12 stayed there for about half an hour.

13 Q. Well, did anybody rush you out of the house or did you stay
14 there long enough to pick up whatever you needed to pick up,
15 filled up the cars, and then left?

16 [14.42.53]

17 A. No, we rushed ourself because the neighbours had already left.
18 There were only a few families who were rather late so we had to
19 rush ourself.

20 Q. Right, but nobody rushed you; that's the point I'm trying to
21 make. Nobody told you, "You have five minutes; get your stuff and
22 get out of here." Nobody was there rushing you.

23 A. That is correct.

24 Q. And then it was from there that you went to the faculty of
25 law; that was your next destination; that was your next stop.

1 A. Yes, but our initial intention was not the Law Faculty. The
2 main purpose was to leave the City of Phnom Penh, but when we
3 reached the Law Faculty, it was open, so we decided to go inside
4 the faculty.

5 [14.44.11]

6 Q. You anticipated my next question. Nobody directed you to go to
7 the -- to the Law Faculty. You chose that destination. You chose
8 to stop there and nobody prevented you, at that point in time,
9 and we're speaking of the 18th of April 1975.

10 A. Yes. However, allow me to clarify that. At that time, when
11 people were ordered to leave the city, if we were at the North,
12 we would head toward the North; if -- whoever was at the South
13 would head to the South. So for us, we were at the South, so we
14 headed southward along Monivong Boulevard.

15 Q. I totally understand. The point I'm making, you decided to
16 stop and you stopped. You didn't continue. Nobody forced you to
17 stop. Nobody forced you to continue. You stopped on your own
18 volition. You chose to stop.

19 [14.45.27]

20 A. Yes, that is correct.

21 Q. In your book -- in your book and this would be page 27 in
22 English; for the Khmer ERN it's 00588139 to 140; French, 00587834
23 to 35, you say:

24 "Over the next two days -- the 19th and 20th -- with nothing much
25 to do but wander around and exchange gossip, I was surprised to

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1 see an occasional acquaintance, people I had met professionally
2 once or twice."

3 [14.46.16]

4 Now, let me make -- let's -- I want to talk about this a little
5 bit, the 19th and 20th. You're still in the faculty of law;
6 correct?

7 A. Yes.

8 Q. While you were at the faculty of law on November (sic) 19th
9 and 20th is when you were wandering around uninhibited -- nobody
10 was preventing you from walking around -- gossiping or talking to
11 people, meeting people that you had -- that you had come across;
12 is that right? That was your experience, in other words.

13 A. Yes, that is correct.

14 MR. PRESIDENT:

15 The time is appropriate for a break. We shall take a 20-minutes
16 break and we return at five past 3.00.

17 Court Officer, could you assist the civil party during the break
18 and have him returned to the courtroom at five past 3.00?

19 (Court recesses from 1447H to 1505H)

20 MR. PRESIDENT:

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

22 Before we hand over to counsel for Mr. Ieng Sary, the Chamber
23 wishes to ask counsel as to how much time would he need to put
24 questions to the civil party, and as to whether time has already
25 been decided, allocated among the other team.

1 MR. KARNAVAS:

2 Thank you, Mr. President and Your Honours. I have approximately
3 15 minutes left and I believe that the Khieu Samphan team may
4 have some time, but I was told earlier that there was no time but
5 now I'm being told that they want to ask some questions. But I
6 have about 15; I may be able to do it in less than 15 minutes.

7 (Judges deliberate)

8 [15.07.48]

9 MR. PRESIDENT:

10 Thank you, Counsel. But please make sure that you and the
11 counsels for Mr. Khieu Samphan allocate some time for the civil
12 party himself to voice his statement of suffering.

13 BY MR. KARNAVAS:

14 We will, Mr. President, we will. And thank you for the reminder.

15 Q. I just have a couple of areas to question you on, and we're
16 almost through. So, we are at the faculty of law and we've
17 already mentioned you running into your former boss, the general,
18 who had been the former Minister of National Defence and the
19 Minister of Public Works. And it is in your book on page 29 in
20 English; in Khmer, it's 00588140 to 141; and French, it's
21 00587835 to 36; and English, it's 00587564 to 65. Here in the
22 book that you wrote you indicate that the general told you a
23 couple of reasons why Phnom Penh had fallen.

24 [15.09.27]

25 One being that there was a secret agreement that did not

1 materialize with the Khmer Rouge; and the other was that the
2 United States government had been providing secretly information
3 to the Khmer Rouge.

4 Do you recall writing about that? Do you recall writing about it?

5 MR. PIN YATHAY:

6 A. Yes, I do.

7 Q. Now -- and this is what you say about it. Because you're
8 claiming that the general told you that the Americans had
9 deliberately accelerated the countries downfall: "We had secret
10 codes for communicating with our units." This is what the general
11 is saying. "Each time we tried to contact our troops, we heard
12 the voice of a Khmer Rouge officer. Apparently, the Americans had
13 handed over our codes to the other side." And this is what I want
14 to ask you about.

15 [15.10. 37]

16 You go on to say, "It sounded ridiculous. Why should the
17 Americans deliberately betray their allies? But now, listening to
18 the general, it all began to make a weird sort of sense, for the
19 two stories complemented each other. The Americans were faced
20 with disaster anyway. But they knew the Khmer Rouge to consist of
21 two factions -- the radical pro-Chinese and Sihanouk's moderates,
22 now apparently being wooed by the Russians. From the American
23 point of view, it would surely be better for the countries new
24 rulers to be pro-Chinese than pro-Russian. So the Americans might
25 well have attempted to undermine the plot to form a pro-Russian

1 coalition."

2 Do you recall writing that, sir?

3 [15.11.53]

4 A. Yes, I do. And on that part, I would like to confirm that
5 that's my position and I wish to reconfirm this. Or if you wish
6 me to explain further on that and I'm please to do that.

7 Q. Thank you for asking me to give you the opportunity to
8 explain, we're going to go step by step and I assure you I will
9 give you the opportunity to explain but you're going to have keep
10 it short.

11 But first, when you wrote this, now when you wrote this passage
12 -- this is 1987 -- but you're saying here: "But now listening to
13 the general, it all began to make a weird sort of sense."

14 Did you mean to tell us that when you were listening to the
15 general back then, April 18th, 1975, that what the general was
16 telling you made sense and that you believed him?

17 A. Yes, I did believe him. And what he said to me was made out of
18 his honest speech. I don't know whether he lied to me but it was
19 an honest piece of information.

20 Q. And you believed him?

21 A. Yes, I did.

22 Q. Sounds like from what I just heard earlier that you continued
23 to believe what the general had told you.

24 A. Yes, I did.

25 [15.14.13]

1 Q. All right. Now, here is what I want to ask you, because
2 earlier, remember I started by asking you if you did some
3 research in writing the book and you said no. So now, I would
4 like to ask you, based on what information or what makes you
5 believe what you heard from the general? What's the basis of your
6 belief other than knowing the general and knowing that he would
7 not lie to you?

8 A. I think I may need more time to elaborate on this because I
9 already put it all in the book. I am telling all the truth to the
10 Chamber and to you, but I wish to also add that when it comes to
11 the Khmer Rouge tendencies, there are two folds of tendency: one
12 for the people who supported then Prince Norodom Sihanouk and
13 those who supported the Khmer Rouge. And when I met the Khmer
14 Rouge first time at Wat Ounalom or Ounalom Pagoda, those people
15 were wearing khaki uniform, and that's what we saw.

16 [15.15.55]

17 And when Mr. Thappana Nginn talked that there was a negotiation
18 for peace so that everyone from different faction could join to
19 build peace -- and he also emphasized that if there was -- if the
20 negotiation broke then there would be the Republican forces
21 created so that weapons and supply could be provided to them, and
22 supported by an outsider so that the power was balanced. I mean
23 the balance between the two forces and they envisaged that there
24 would be a coalition government in which the policy of the FUNK
25 could be used as the basis for these efforts. And I also was

1 convinced that that policy was not in favour of communism; it's
2 more like a middle pass policy.

3 And I also wish to add that people who are -- apart from Lon Nol,
4 did not leave country although they lost the war. Why they did
5 not leave the country? There were Lon Non and Long Boret and
6 other senior officials who remain in the country because they
7 were still convinced that such peace would be created. And they
8 could work together.

9 [15.18.13]

10 Q. If I could ask you to clarify the other point which I think
11 may be equally as important and interesting where you say that,
12 "The Americans were faced with disaster anyway. They knew the
13 Khmer Rouge to consist of two factions -- the radical pro-Chinese
14 and Sihanouk's moderate, now apparently being wooed by the
15 Russians. From the American point of view, it would surely be
16 better for the countries new rulers to be pro-Chinese than
17 pro-Russian... which is why the Americans were trying to undermine
18 the pro-Russian coalition", which is -- this is what you're
19 saying. That's the point I'm interested in your elaborating on.
20 What makes you -- what's the basis of your information? Why do
21 you believe the general when he says that the Americans were
22 working in supporting the radical pro-Chinese because that was
23 their preference?

24 [15.19.21]

25 A. I believe that you have not fully covered the points I wrote

1 in the book. It was not Mr. Thappana Nginn alone who talked about
2 the Americans. It was I who believed that it was mostly likely
3 that it was the American. And I discussed this with other friends
4 and I met with another military personnel who were wearing
5 civilian uniform and they -- he shared with me about the
6 situation. He said that when he contacted people at the
7 battlefield, the response he got was from the Khmer Rouge. So he
8 believed that it was the American who were behind this, and they
9 could have known that our people were joining force. And the
10 Americans would like to do it best to make sure that a coalition
11 would not be formed ultimately.

12 And, at a later stage, I also obtained some information from
13 people from the Russian Embassy because people at the embassy
14 were driven from the embassy to take refuge at the French
15 Embassy. So I drew a conclusion and I did not base my arguments
16 on the information I obtained from this general alone, but I
17 based my argument or conclusion on the information I obtained
18 from my observation from various sources.

19 [15.21.40]

20 Q. Thank you very much. So, in other words, if I understand you
21 correctly, this is the American policy that you believe was in
22 play at the time, based on your observations and your experience?
23 Because, today, you talked about policies from '75 to '79; I
24 suspect this is a policy from the Americans that you've concluded
25 was in play at the time.

1 A. I may wish to correct the time line; it's not about 1975. It's
2 -- after Lon Nol regime was toppled down - indeed, at the
3 beginning, the American fully supported the Lon Nol regime.

4 Q. I understand. What I'm trying to get and the point that I'm
5 trying to establish is, this is an American policy, as you
6 understood it to be at the time. At that particular time, this
7 was the American policy that was being executed here. Just as
8 you've told us about policies that the Khmer Rouge may have had,
9 this is a policy that you come to understand and believe by the
10 Americans.

11 A. It's not al the case. At that time, Americans lost the war and
12 -- or were defeated. They try to win the war but, after all, they
13 were defeated, so -- by that time, they had to really decide to
14 whom they give this power to and they believe that the Chinese
15 would be the one who was closer to the Americans than the
16 Russian.

17 [15.23.55]

18 MR. PRESIDENT:

19 Counsel Karnavas, the time is perhaps appropriate already for you
20 to finish putting questions.

21 MR. KARNAVAS:

22 I have another line of questioning which is only one area. This
23 took a lot longer than I thought it would, but -- we have the
24 entire day. Half a day was allocated to us, Judge, half a day:
25 half a day, they; half a day, us; not half a day minus a portion

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1 for the witness -- the civil party. So, the Nuon Chea had no
2 questions. I was told that there were no questions--

3 MR. PRESIDENT:

4 Counsel, please be reminded that the Chamber already informed you
5 at the beginning that you should allocate some time also for the
6 civil party to state his statement of suffering, and to us it
7 appears that you consent to that.

8 [15.25.06]

9 And we still have counsels for Mr. Khieu Samphan, who have not
10 had the opportunity to put questions to the civil party. We
11 understand that times cannot be allocated equally -- practically.

12 MR. KARNAVAS:

13 The civil party should have approximately 15 to 20 minutes to
14 tell his side of suffering. I have one question to ask the
15 gentleman about one passage that he wrote, and it's on Khmer page
16 00588172 to 173.

17 Now, if I'm not allowed to ask the question, I intend to read the
18 portion into the record so it's abundantly clear where I'm being
19 cut off by the Trial Chamber. And it's page 53 in English; and in
20 French, it's 005878--

21 MR. PRESIDENT:

22 Counsel, please hold on.

23 (Judges deliberate)

24 [15.26.50]

25 MR. PRESIDENT:

1 Counsel Karnavas, please read the statement if you wish to do
2 that.

3 MR. KARNAVAS:

4 Page 53 in English; I already gave the ERN numbers. And he states
5 - quote:

6 "We stayed at Preaek Ta Duong for one week, resting. The children
7 were carefree, playing in and around the pagoda. My student
8 brought food. I tried fishing, but without success. It didn't
9 matter: life here was easier than at Chheu Khmau.

10 "The locals, New People and Ancients alike, were engaged in
11 building a dam. Their timetable was more flexible than ours had
12 been, with work starting at nine and ending at three. There was
13 nowhere near the same dedication to work, either from the Khmer
14 Rouge or the workers themselves. My student told me how all the
15 Khmer Rouge leaders here were from the area. Used to local
16 habits, and knowing the locals personally, they were more
17 indulgent."

18 [15.28.18]

19 And this is the passage I was going to put to the gentleman
20 having read this as a predicate -- quote:

21 "This confirmed my general impression that there was no
22 established rule for the whole country. In the absence of
23 published laws, discipline varied at the whim of each village
24 chief. For some, at least, that was good -- life must still be
25 acceptable in many areas, I told myself, despite the evacuation,

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1 the separations and the deaths.

2 "At the end of one week, our little holiday came to an abrupt
3 end."

4 BY MR. KARNAVAS:

5 Q. So the question that I was going to put to the gentleman was,
6 does he still stand by this passage that, at the time, based on
7 his experience in this particular location and all his other
8 experiences, that he came to the conclusion that the situation
9 was not uniform in the entire country of Cambodia, but it varied
10 from place-to-place depending on who was in charge of the area?
11 And I think it's a most relevant question, so either he can
12 answer the question or I can take my leave at this point-in-time;
13 I'm at your disposal.

14 [15.29.49]

15 MR. PIN YATHAY:

16 A. I stand by what I wrote in the book, however, I'd like to add
17 some clarifications.

18 That was what happened at the time during the initial -- for the
19 period of -- during the initial three months after we were
20 evacuated from Phnom Penh. That was when we were under the
21 organizations of the revolutionary Angkar. And if you read the
22 book in its entirety and it is my attempt to make the analysis,
23 for the first evacuation, the old regime was fully resolved.
24 There was no longer a capitalist regime. Of course, life became
25 sometimes a bit less difficult in certain places; however, the

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1 main goal of the Khmer Rouge had already been achieved by then.

2 [15.30.59]

3 MR. KARNAVAS:

4 I have no further questions, Your Honours, thank you very much.

5 On behalf on Mr. Ieng Sary, Mr. Ang Udom and I would like to

6 thank you for coming here and best of luck. Thank you.

7 MR. PRESIDENT:

8 I'd like now to give the floor to Khieu Samphan's defence.

9 QUESTIONING BY MR. KONG SAM ONN:

10 Thank you, Mr. President.

11 Good afternoon, Your Honour, everyone, and good afternoon, Mr.

12 Pin Yathay.

13 My name is Kong Sam Onn, counsel for Mr. Khieu Samphan. I have

14 only a few questions for you.

15 Q. My first question is related to your parents. In your document

16 D22/3649; in English, 00 -- in Khmer, rather, 00568935; and on

17 English page 00793877; French, 00568928; in that document you

18 stated that your father's name is Pin Thouy and your mother's

19 name is Hay Thang. And the question is: Why the names in this

20 document are different from your statement that you made to this

21 Chamber this morning?

22 [15.32.39]

23 MR. PIN YATHAY:

24 A. Thank you, Counsel, for putting this question to me and giving

25 me the opportunity to clarify the matter to the Chamber regarding

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1 the differences in the names.

2 When the President asked me the question for my mother and
3 father's names and I said the truth. Lean Chhao was my father's
4 name and Lean Lorn was my mother's name, but in the official
5 document, my father's name is Pin Thouy and my mother's name is
6 Hay Thang. The reason is that, I was born in Udong and when I was
7 about seven or eight years old, my parents sent me to study in
8 Phnom Penh since I was in the primary school and I did not have
9 my birth certificate and there I lived with my distant cousin.
10 And then she put me as her son -- or you can say they were
11 actually my godparents, and I stayed with them until the
12 conclusion of my education in Phnom Penh.

13 [15.34.08]

14 Q. Thank you for your clarification.

15 You stated that you participated in the first evacuation from
16 Phnom Penh to Kandal province and, subsequently, you volunteered
17 to leave Kandal province for Udong, but instead of going to Udong
18 you were sent to another location.

19 My question is: Every time you left from one place to another --
20 and as you said that you volunteered to do so -- why did you
21 volunteer to move from one location to another?

22 A. I believe I already responded to this question. We were told
23 that anyone wanted to go to our native village could go. Of
24 course, we all wanted to return to our native village where we
25 were familiar with the settings and with the people. For that

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1 reason, I volunteered to go. That's the first reason for my
2 volunteer.

3 Q. Thank you. What about other peoples, if you know, did those
4 people also volunteer for the movement from one place to another?

5 A. (Microphone not activated)

6 [15.35.41]

7 MR. PRESIDENT:

8 Civil party, please observe some pause.

9 MR. PIN YATHAY:

10 A. For those people who were in the same village, for example,
11 from Chheu Khmau to Samar Leav, they were all volunteered. And in
12 Samar Leav, when we left Samar Leav for Battambang, we also
13 volunteered as we raised our hands, but when we were in Angk Roka
14 Pagoda, I met other people who came from various other villages
15 and some of them were asked to come, not on a voluntary basis.

16 BY MR. KONG SAM ONN:

17 Thank you.

18 Q. What did you know about the policy changes after 17 April
19 1975? Can you describe briefly regarding the political situation
20 after that day?

21 [15.36.53]

22 MR. PIN YATHAY:

23 A. The events that took place on 17 April 1975 was kind of --
24 many, many events occurred rapidly and it is difficult to
25 describe in chronology.

1 Q. What I want to know is for you to tell us of what you knew,
2 whether the -- what the regime would become after the victory of
3 the Khmer Rouge -- that is, immediately after the liberation and
4 later during the regime?

5 A. Based on my understanding and knowledge, I never thought that
6 it would have become that worst. The worst that I thought was
7 that they would implement the policies of the Front and,
8 secondly, I never thought that the Khmer Rouge would temper us
9 until we lost our lives and that we were sent for tempering at
10 the base of the Kravanh Mountain. I could never imagine that.

11 [15.38.29]

12 Of course, in my mind, I surely believed that they needed
13 educated people, the technicians or the engineers. And even while
14 I was on route, I still held to that expectation.

15 Q. What is your understanding regarding the market closure after
16 the liberation of 17 April 1975?

17 A. As I indicated, the above organization or Angkar Leu had their
18 clear plan which was preconceived.

19 One plan was to completely clear the remnants of the old regime,
20 the markets or transactions which were remnants of the old
21 regime. For that reason, they completely closed the market.

22 Q. Thank you. You also said about your life, that you try to
23 survive to become better during the Democratic Kampuchea regime
24 by bartering your belongings for food, your clothing for food,
25 for instance.

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1 My question is: Did you conduct the transaction with any
2 particular group of people?

3 [15.40.18]

4 A. During the first phase of people's evacuation -- that this --
5 commencing from April 1975 until September 1975, bartering was
6 kind of easy-going with the Base People. And when we were in Veal
7 Vong, which was a second phase of evacuation, bartering still
8 existed but it was with the Base People or the Khmer Rouge
9 families. It was possible at the time -- that is, during the
10 four-month period from September through December 1975. It's
11 because there was no communal dining. We ate separately, so for
12 that reason we could barter for food. However, starting from
13 January 1976, it was a communal meal and all cooking utensils
14 were confiscated. And if we -- if they found us having rice in
15 our pot at home, we would have been in trouble or killed. So life
16 became miserable and I lost 11 members of my family by then.

17 [15.41.54]

18 Q. Thank you.

19 You indicated this morning that corruption existed during the
20 Khmer Rouge regime, for example regarding the rice ration and the
21 distribution of the rice, and that the Khmer Rouge cadres in your
22 base kept some of those rice ration, in particular in Pursat
23 province, as the rice ration itself did not reach all the people
24 and they kept some of the rice for their personal gain.

25 My question is the following: How did you know about that?

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1 A. In fact, we could not say that the Khmer Rouge retains the
2 rice ration and the distribution was not sufficient. I said that,
3 initially, there were about 5,000 of us, but some of us died. So
4 the Khmer Rouge could say that only 5,000 -- 500 people died but,
5 in fact, 1,000 people died, so then they could keep the ration
6 for the 500 people who died.

7 [15.43.27]

8 And why I said so because I saw those Khmer Rouge families, they
9 bartered for things, for watch and gold, for instance, with the
10 rice. And how could they obtain the rice? They could only do so
11 through this personal gain. And that it means they kept the rice
12 for those people who actually died. So it means the more people
13 died, the more rice they would have.

14 Q. Thank you. Does it mean that the rice that they kept for their
15 personal gain was not a policy from the upper echelon but it was
16 the personal gains made by the cadres at the base?

17 A. I believe so.

18 MR. KONG SAM ONN:

19 Thank you. Thank you, Mr. Pin Yathay.

20 I have no further questions, Mr. President, for this civil party.

21 MR. PRESIDENT:

22 Thank you.

23 Mr. Pin Yathay, in your capacity as a civil party and as you have
24 been informed this morning that you would be given the
25 opportunity to make a statement of suffering and harms inflicted

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1 upon you, physically, emotionally and materially, which were the
2 direct result of the crimes occurred during the regime. And those
3 crimes were alleged against the three accused -- that is, Nuon
4 Chea, Ieng Sary, and Khieu Samphan.

5 If you wish to make such a statement, you are now given the
6 opportunity. The floor is yours.

7 [15.45.30]

8 MR. PIN YATHAY:

9 Thank you, Mr. President. Good afternoon, once again, Mr.
10 President, Your Honours, and good afternoon everyone in and
11 around the courtroom.

12 We all know that many people died. Is there any new family that
13 did not lose a family member? Many people died. My younger
14 brother and my younger sister's families died, and even with my
15 family itself, my wife and three children and the extended family
16 members -- there were the 18 of us as I indicated this morning --
17 all died, except myself that survive. And that I have the
18 opportunity to testify before this Chamber today.

19 [15.46.51]

20 And to start with, I'd like to express my satisfaction and
21 happiness for the establishment of this Court and for the
22 opportunity that is given to me as a victim, that I lived through
23 the Khmer Rouge regime and what I experienced and the harms that
24 inflicted upon me. And not just about the money, about the house,
25 but it's the loss of my career, my profession, my life, my wife,

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1 my children and my parents and relatives.

2 Although the Court establishment is rather late and that it is --
3 that it had been smeared with various issues, but I believe the
4 Chamber is of an historical nature in order to find justice for
5 the Cambodian people. In particular, this Chamber conducts its
6 hearing transparently and that it has its means to do so -- so
7 for -- in order to fulfil its mandate under the tight scrutiny of
8 national and international observers.

9 [15.48.08]

10 At this junction, I have only one suggestion to make to the
11 Chamber. I want the Prosecution to complete as soon as possible
12 so that justice can be done, either for me and for all the
13 victims.

14 And in order to achieve this goal, I'd like to appeal with my
15 honesty to all the three Accused who used to be the leading
16 revolutionary who had high ideology, that you should adhere to
17 your high responsibility within the context of history and that
18 you should volunteer yourself for your self-criticism for your
19 leadership of the Revolution during the time that you were fully
20 in power.

21 And if you, the Accused, are willing to conduct your
22 self-criticism, you would clearly see the undeniable result
23 through invaluable and countless evidence; namely, the countless
24 graves and mass graves and pit throughout the country. And that
25 is the mass crimes committed by the revolutionary Angkar. Angkar

1 destroys hundreds and thousands of Cambodian souls for no reason,
2 and that is merely to implement the communist ideology rooted in
3 a sound theory, but that it would not be acceptable by a lay
4 person.

5 [15.50.04]

6 The leadership by the revolutionary Angkar destroyed a beautiful
7 and abundant country and that led it to a poorest level, and that
8 its citizens was in its (inaudible) way unimaginable.

9 One main mistake by the revolutionary Angkar was its pride on
10 this collective ideology rather than to find solutions for its
11 own peoples' happiness which was the main responsibility of a
12 leader of a country in general.

13 You cannot deny that you did not know what happened because
14 Angkar itself made an announcement that Angkar was everywhere.
15 Angkar had eyes, as many eyes as the pineapple's eyes, throughout
16 the Cambodian territory.

17 And after you conduct your self-criticism, you, the three
18 Accused, should confess your crimes willingly and honestly so
19 that you can still be proud to be your exemplary revolutionary
20 for the misdeeds that you conducted.

21 [15.51.28]

22 And, finally, after you make your confessions, of course it would
23 be modest for you to express your apology to the lost souls of
24 the victims and the surviving victims who are still living today.
25 And if you can afford to do that, I believe this Trial Chamber

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1 can conclude its mandate very soon with its purpose of finding
2 the truth and justice for the people achieved completely.
3 It's been 38 years -- 38 years that has passed through a great
4 tragedy occurred in Cambodia, and we are all advancing in our age
5 and we should do something so that we could relieve our
6 mentality, our feeling, for the remaining lives - for the
7 remaining of our lives.

8 And I strongly believe if my appeal is heard and accepted and
9 analysed and make a positive decision by the three Accused, we,
10 the victims, would be relieved greatly. All the bad memories,
11 angers, sorrow, would gradually dissipate from our mind and
12 feeling. And, of course, national reconciliation would be
13 achieved for the sake of our children and generation and for our
14 country.

15 Thank you, Mr. President.

16 [15.53.26]

17 MR. PRESIDENT:

18 Thank you, Mr. Pin Yathay. The hearing of your testimony as a
19 civil party has come to a conclusion. You are therefore excused.
20 And, of course, your testimony may contribute to ascertaining the
21 truth in this case. You may return to your residence or wherever
22 you wish to do so, and we wish you all the best.

23 Court Officer, in collaboration the WESU unit, please assist Mr.
24 Pin Yathay for him to return to his residence or wherever he
25 wishes to do.

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1 Mr. Pin Yathay, you may now leave the courtroom.

2 (Mr. Pin Yathay exits courtroom)

3 [15.54.32]

4 I'd like now to give the floor to the parties to make their
5 remarks or observations regarding the scope of the testimony of
6 the civil party, Pin Yathay, if you wish to do so.

7 I observe that there is no party who wishes to do such a remark.

8 The Chamber would like to inform the parties and the public that
9 tomorrow and next week the Chamber will not conduct any hearing
10 due to the health issue of the accused, Nuon Chea, who is being
11 treated at the Khmer-Soviet Friendship Hospital since the night
12 of 2 February 2013 and he is still being treated at the hospital.
13 And he does not waive his right for the hearing of testimony of a
14 witness or a civil party or an expert who is to be heard next.

15 [15.55.58]

16 And today's hearing has come to a conclusion. The Court is now
17 adjourned and it will resume on Monday, 18 February, commencing
18 from 9 a.m.

19 The hearing on Monday, 18 February 2013, the Chamber will hear
20 the testimony of the expert Elizabeth Becker. This information is
21 for the public and for the parties.

22 Security guards, you are instructed to take Mr. Khieu Samphan and
23 Ieng Sary back to the detention facility and have them returned
24 on Monday, 18 February 2013, prior to 9 a.m. And for Mr. Ieng
25 Sary, take him to the holding cell downstairs.

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1 Regarding the presence of Nuon Chea, the Chamber will inform the
2 parties later, when we receive further information from Nuon
3 Chea.

4 The Court is now adjourned.

5 (Court adjourns at 1557H)

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