



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

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**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

28 October 2015

Trial Day 339

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

The Accused: NUON Chea  
KHIEU Samphan

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Victor KOPPE  
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Vincent DE WILDE D'ESTMAEL  
SONG Chorvoin  
SREA Rattanak

For Court Management Section:  
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**List of Speakers:**  
  
Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D’ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SEAN Song (2-TCW-868)	Khmer

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of witness Sean

6 Song in relation to the treatment of the Vietnamese.

7 Ms. Chea Sivhoang, please report the attendance of the Parties

8 and other individuals at today's proceedings.

9 [09.02.04]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this Case

12 are present.

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

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

15 been delivered to the greffier.

16 The witness who is to conclude his testimony today -- that is,

17 Mr. Sean Song, is present in the courtroom. There is no reserve

18 witness today.

19 Thank you.

20 [09.02.37]

21 MR. PRESIDENT:

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

23 request by Nuon Chea.

24 The Chamber has received a waiver from Nuon Chea, dated 28

25 October 2015, which states that due to his health: headache, back

2

1 pain, he cannot sit or concentrate for long, and in order to  
2 effectively participate in future hearings, he requests to waive  
3 his right to participate in and be present at the 28 October 2015  
4 hearing.

5 Having seen the medical report of Nuon Chea by the duty doctor  
6 for the Accused at the ECCC, dated 28 October 2015, which notes  
7 that Nuon Chea has back pain when he sits for long and recommends  
8 that the Chamber grant him his request so that he can follow the  
9 proceedings remotely from the holding cell downstairs. Based on  
10 the above information and pursuant to Rule 81.5 of the ECCC  
11 Internal Rules, the Chamber grants Nuon Chea his request to  
12 follow the proceedings remotely from a holding cell downstairs  
13 via audio-visual means. The AV Unit personnel are instructed to  
14 link the proceedings to the room downstairs so that Nuon Chea can  
15 follow. This applies to the whole day.

16 Again the Chamber hands the floor to the Co-Prosecutors to put  
17 questions to the witness. And the combined time for the  
18 Co-Prosecutors and the Lead Co-Lawyers is one session this  
19 morning. You may proceed.

20 [09.04.32]

21 QUESTIONING BY MR. DE WILDE D'ESTMAEL RESUMES:

22 Thank you. Good morning, Mr. President, Your Honours, and all the  
23 Parties. And good morning to you, Witness.

24 Q. Yesterday, when we parted company, you were talking about what  
25 you saw from your observation post in the Khsach pagoda. And you

3

1 told us that you saw a number of Vietnamese being executed by  
2 soldiers very close to the entrance or to the fence of the  
3 pagoda. When you observed those executions, did you hear the  
4 killers insulting or humiliating the Vietnamese before killing  
5 them?

6 MR. SEAN SONG:

7 A. No, I did not hear it.

8 [09.05.33]

9 Q. Were the victims systematically thrown into the pits after  
10 being executed or some were left on the edge of the pit?

11 A. They were all thrown into the pit.

12 Q. Can you tell us what you saw specifically as regards Neary  
13 Chantha -- I mean his execution? Can you explain to us how her  
14 execution was? This is the lady you described as being a member  
15 of the mobile unit and as being a Vietnamese.

16 A. When they walked her out, they mentioned her name -- that is,  
17 Chantha. And I followed -- I actually saw them walk into the pit,  
18 but she was not killed there. She was dragged away about 10  
19 metres from the pit. And then they actually bent her head down  
20 under her legs, and then they removed her gall bladder, placed it  
21 in a container of wine and drank it.

22 Q. And did they subsequently drag her and throw her into the pit  
23 as they did to the others?

24 A. She was left there, then they continued killing the people who  
25 were brought out from the pagoda.

4

1 [09.08.12]

2 Q. Is that the only victim you saw whose bowels were opened up  
3 and the liver taken out?

4 A. I witnessed only one incident in this matter.

5 Q. From what you were able to hear during those events, do you  
6 know why the soldiers removed that woman's gall bladder and put  
7 it inside alcohol to drink it?

8 A. They didn't say anything. However, I saw them removed her gall  
9 bladder and place it in a wine container.

10 Q. Regarding Chantha, yesterday you said that she was Vietnamese.  
11 And in answer to my question, you also said that you knew that  
12 her grandparents were Vietnamese. You subsequently said that you  
13 recognized her as being Vietnamese from her physical  
14 characteristics. I have two questions for you. First of all,  
15 while you were working in the mobile unit, did you yourself know  
16 that Chantha was Vietnamese?

17 A. Yes, I knew it clearly that she was.

18 [09.10.18]

19 Q. And was it known in the village that that family was a  
20 Vietnamese family? Did everyone know about that?

21 A. Yes, everyone did.

22 Q. And can you describe to us the physical features of  
23 Vietnamese? How could you make out that Chantha was Vietnamese?  
24 Can you tell us more about that?

25 A. It included the way she walked, her facial figure. And in my

5

1 village, there were only her and her grandparents who were  
2 Vietnamese, and everybody, including the elders in the village  
3 knew that they were Vietnamese.

4 Q. Do you confirm that in that Yeang village, it was only that  
5 family that was taken to the Khsach pagoda at that time shortly  
6 before the executions?

7 A. There was only Chantha from Yeang village who was taken to  
8 Khsach pagoda.

9 Q. Now I would like us to talk about the number of Vietnamese who  
10 were killed that evening. While you were observing those events,  
11 you told us that you stayed there for approximately one hour.

12 Approximately how many people did you see being executed?

13 [09.12.27]

14 MR. PRESIDENT:

15 Witness, please hold on; and Counsel Koppe, you have the floor.

16 MR. KOPPE:

17 Thank you, Mr. President. I object to this question. It's only  
18 this witness who claims that Chantha is Vietnamese. But aside of  
19 Chantha, he doesn't know the people that he said he saw being  
20 executed were Vietnamese. He guessed it. So that's something  
21 obviously that has to be established. So I don't think the  
22 Prosecution can ask the question or talk about the alleged  
23 victims as Vietnamese because he doesn't know and he's in no  
24 position to know, he wasn't involved in the arrest, he doesn't  
25 even know about the lists. So just to pretend that the massacre



6

1 he said he saw involved Vietnamese is too many steps too far.

2 [09.13.24]

3 MR. DE WILDE D'ESTMAEL:

4 Mr. President, I would like to respond. There are three  
5 witnesses; not just this witness. They all said that they were  
6 Vietnamese. Secondly, yesterday, it was established based on the  
7 fact that the witness clearly explained that all victims who  
8 arrived on the execution site were asked the question whether  
9 they were Vietnamese or Chinese. And he explained that the  
10 Chinese were spared, their lives were spared and the Vietnamese  
11 were executed. So I think I can put this question to the witness  
12 without raising any controversy on it.

13 MR. KOPPE:

14 If I may quickly respond, Mr. President. His friend who was  
15 allegedly also present never heard the alleged killers ask the  
16 question whether the victims were "Yuon" or Vietnamese or  
17 Chinese. So it's just him and another witness talking about the  
18 family of Hoeng (phonetic) and someone else. So, to pretend that  
19 there are 500 or 600 Vietnamese victims is nonsense.

20 (Judges deliberate)

21 [09.17.16]

22 MR. PRESIDENT:

23 The objection by Counsel Koppe is sustained since there is no  
24 statement yet made by the victims who were part of the so-called  
25 Vietnamese. There is no clear statement from those victims. For

7

1 that reason, you need to first establish a foundation that those  
2 victims were all Vietnamese. Otherwise, you have to limit your  
3 questions to the victims. And you cannot conclude that they were  
4 all Vietnamese. For that reason, the deputy Co-Prosecutor,  
5 please, rephrase your question.

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President.

8 Q. Regarding the approximate number of victims that you yourself  
9 saw with your own eyes being killed by soldiers close to the  
10 Khsach pagoda that evening, are you able to give us an estimate  
11 of the number of persons you saw being killed?

12 [09.18.43]

13 MR. SEAN SONG:

14 A. During the one-hour period that I observed the execution, the  
15 number of people who were executed was between 50 to 60.

16 Q. Thank you. As a matter of fact, the figures you gave were  
17 slightly different, and you gave those figures on a number of  
18 occasions to the OCIJ investigators. I would like you to clarify  
19 the matter if you're able to do so, of course. In E3/9335, the  
20 first transcript page 4 in French, 4 in English, and 3 in Khmer,  
21 you stated as follows -- and I quote: "As regards that matter, I  
22 spent approximately more than an hour. I estimate that during  
23 that length of time, they killed 70 to 80 persons."

24 In another transcript, E3/7890, on page 2 in French and English  
25 and on page 3 in Khmer, you stated that you saw more than 100

8

1 people being executed by 12 young Khmer Rouge soldiers. Today,  
2 you are telling us that the number was 50 to 60. As a matter of  
3 fact, are you giving us only an estimate? Can you clarify that  
4 number?

5 [09.20.31]

6 MR. PRESIDENT:

7 Please hold on. And Counsel Koppe, you have the floor.

8 MR. KOPPE:

9 No objection. But I think, Mr. President, that the Prosecution  
10 should be complete because in that same statement, the same WRI,  
11 he estimated the amount of victims -- Vietnamese victims as to  
12 600 to 700. So I have a number of 600 to 700, 70 to 80, 100, and  
13 now 50 to 60. So it's four different figures. And his friend only  
14 saw 25 by the way.

15 MR. DE WILDE D'ESTMAEL:

16 I firmly object to this. Mr. Koppe is confirming two things. We  
17 have the number of victims the victim saw with his own eyes. And  
18 then as regards the 600 persons, it is not 500, it is the total  
19 number of victims. And he saw people being executed subsequently.  
20 So there shouldn't be any mix-up. And we are going one step at a  
21 time and we'll get to the total number of persons executed  
22 subsequently.

23 [09.21.42]

24 MR. PRESIDENT:

25 Actually, it was an observation by the defence counsel, and is

9

1 not an objection. And the Deputy Co-Prosecutor, please clarify  
2 the discrepancy of the amount of victims mentioned in the WRIs  
3 before the witness since he is here in person.

4 BY MR. DE WILDE D'ESTMAEL:

5 That is indeed what I meant to do, Mr. President. Now let me once  
6 more repeat the question.

7 Q. Can you please explain to us, for purposes of clarification,  
8 the approximate number of persons? I know you cannot give the  
9 exact number -- I mean the approximate number of victims you saw  
10 being executed that evening. During the one hour or so period of  
11 time you spent there, you talked of 50 to 60 or 70 persons.

12 MR. SEAN SONG:

13 A. I was there for about an hour. And the figure I provided is  
14 just my personal estimation. The numbers could range between 60  
15 to 70 and to 80. Of course, I did not count individual victim; I  
16 only provide you with my estimate.

17 [09.23.31]

18 Q. Thank you. At the time when you left your observation post,  
19 had the executions ended or they were continuing?

20 A. It was continued.

21 Q. As regards the provenance or the areas of origin of the  
22 victims, let me read out what you told the OCIJ investigators in  
23 transcript E3/9335. You talked of Chantha's family from your  
24 village. And you said on page 2, I believe in all the languages,  
25 and it is a second answer in this written record of interview.

10

1 This is what you stated: "They were mobilized from the various  
2 villages"-- let me start again. "The Vietnamese were transported  
3 by ox carts and assembled and the Khsach pagoda. They were  
4 mobilized from the various villages and communes and districts of  
5 Chi Kraeng. I remember clearly that at the time, there were  
6 Vietnamese whom they had transported from Krevel village in  
7 Sangvaeuy sub-district too, because my mobile unit was staying  
8 near Wat Khsach." End of quote.

9 How did you know that, from what you have just stated, that there  
10 were Vietnamese from Kravel village? How did you get by that  
11 information?

12 [09.25.35]

13 A. I heard other people in Yeang village talked about this.

14 Q. Very well. Apart from the people you saw being executed -- I  
15 mean the people you saw with your own eyes being executed, did  
16 you hear approximately how many people were detained temporarily  
17 in that pagoda before being executed?

18 A. People were detained in the library hall in the pagoda. And it  
19 is my estimate that there were between 300 to 400 people in that  
20 library hall.

21 Q. And what is your basis for giving that estimate of 600  
22 persons?

23 MR. PRESIDENT:

24 The figure given by the witness is 300 to 400. And I heard  
25 through the translation -- through the interpretation that the

11

1 number is 600. Please make sure you give a correct figure.

2 [09.27.20]

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. That is quite correct. In the French interpretation, I heard

5 600 to 700 people. Let me repeat my question. Did you see 300 or

6 600 to 700 persons?

7 MR. SEAN SONG:

8 A. The number is between 300 to 400, and this is my personal

9 estimate.

10 Q. Very well. And what was your basis for making that estimate?

11 What did you see, what were you able to know, and what gave you

12 the basis for that estimate?

13 A. Because the library hall was pretty large and it was full with

14 those people. And I could hear voices of them talking in that

15 hall.

16 [09.28.35]

17 Q. On the evening of the execution, what was the size of the pit

18 -- the dimensions of the pit into which the victims you saw being

19 executed were thrown into? Were you able to know the dimensions

20 of that pit? Can you tell us whether it was deep or not?

21 A. It was five metres by five metres, and the depth was three

22 metres.

23 Q. In the days that followed the execution of the people you saw,

24 did you have the opportunity of returning to the Khsach pagoda?

25 A. I returned once. However, I didn't dare stay there for long. I

12

1 was there quickly, then I left.

2 Q. Can you tell us what you saw exactly, either around the pagoda  
3 or within the pagoda?

4 A. I looked at the outside of the pagoda compound. And then I  
5 also entered the inner compound of the pagoda.

6 Q. First, what did you note outside of the compound? Was there  
7 anything specific that you noted then?

8 A. I saw the dirt was used to partly cover the pit.

9 Q. Thank you. Then did you see another pit than the pit you saw  
10 on the evening of the executions?

11 A. On the night -- on that night that I went to the pagoda, I saw  
12 only one pit.

13 [09.31.50]

14 Q. Fine. I was speaking however about the moment when you  
15 returned to the pagoda or -- so, did you see other pits or you  
16 only saw the pit containing the bodies of the people who were  
17 executed that evening and that you said was covered? Were there  
18 any additional pits to the one that you saw on the evening when  
19 the people were executed?

20 A. I saw a well that was also a pit inside the pagoda. And there  
21 was another pit near the pagoda; it was considered an old pit.

22 Q. Thank you. And how did you get to know that there were,  
23 according to what you were saying, people who had been buried in  
24 that well? What led you to believe that the pits had been used  
25 for that as well as the well?

13

1 A. Because the well had not yet been covered. And the well to the  
2 east of the pagoda had not yet been covered as well. So I could  
3 see what's inside.

4 [09.33.45]

5 Q. And in this well outside of the pagoda as well as in the pits  
6 outside of the pagoda, did you see bodies?

7 A. In the well, there was some water. And when the bodies --  
8 after the body had been killed, the body was thrown into the  
9 well. And the bodies were floating five or six metres away from  
10 that well.

11 Q. Well, I would like you to provide me with a bit of  
12 clarification regarding the time you spent on location observing  
13 the executions. Of course, you did not have a watch back then,  
14 but you provided us with two different versions. And I'd like you  
15 to tell us what your best estimate is. In the first written  
16 record of interview, E3/9335, on page 4 in English and in French,  
17 in page 3 in Khmer, the question is put to you regarding how much  
18 time you spent watching the executions of these Vietnamese. And  
19 then you said, a little over an hour. And in the second record of  
20 interview, E3/7890, on page 2 in all three languages, you said  
21 the following: "I was watching the execution from a distance --  
22 the execution that started about 9 o'clock in the evening and  
23 ended at 12.00, so that lasted three hours." [Free translation] So  
24 can you tell us what your real time estimate is? You said more  
25 than one hour, and then you said three hours. So what do you



14

1 remember the best? And how were you able to measure that time  
2 that went by?

3 [09.36.26]

4 A. I may have not recall well since it happened long time ago.  
5 But what I said was true.

6 Q. When you went -- when you were in question by the  
7 investigators, you showed them the different pits or the place  
8 from where you observed the executions as well as the place where  
9 the executions took place, as well as another pit.

10 A. The investigators asked me to guide them to the pits and also  
11 to the place where I was observing the incident at the time. And  
12 also they asked me to show the way that I used to go and have a  
13 look at those pits. And they asked me also to show the tree where  
14 the kerosene lantern was held. They wanted to make sure that I  
15 was telling them the truth. The investigators also went to see  
16 the villagers to show them the killing site and also the places  
17 where I told them. So the places and the events told by the  
18 villagers were the same those that I told the investigators. So  
19 the investigators were trying to corroborate my evidence with  
20 that of the villagers' evidence. Later on, they went to meet a  
21 monk who was younger than me. However, that monk was not sure on  
22 the event or incident. The monk was not sure what happened during  
23 the time.

24 [09.39.10]

25 Q. Thank you. Well, to finish with this, did the investigators

15

1 show you the pictures they took of you when you were showing them  
2 these different places?

3 A. Back then, to my recollection, I do not know whether I was  
4 shown with the photos. I am sure that I was interviewed and they  
5 may have typed the narratives into the computer. But I cannot  
6 tell you whether the photos were shown to me.

7 MR. DE WILDE D'ESTMAEL:

8 Thank you. Just before I give the floor to the civil parties, I  
9 would like to show four photographs that are annexed to the site  
10 location report produced by the investigators with index E3/8049,  
11 I believe. And in French, the photographs are in pages 13 to 16;  
12 in English, page 12 to 15; and same in Khmer. This is a site  
13 location report regarding Khsach pagoda. So with your leave, Mr.  
14 President, I simply would like to provide these four photographs  
15 to the witness to see if he can recognize himself on these  
16 pictures.

17 [09.41.10]

18 MR. PRESIDENT:

19 Yes, you can show the photos.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. I understand that the witness says that he cannot see the  
22 pictures clearly. Well, in any case, there are four photographs,  
23 for the record, with the captions indicating the visit of the  
24 locations with witness Sean Song. So the first photograph shows a  
25 place where, according to the investigators, 150 people were

16

1     executed. The second place shows the witness at his observation  
2     station during the executions about 40 metres away. The third  
3     photograph carries the following caption: "The place of the  
4     execution seen from the observation station." And the fourth  
5     photograph is a photograph where Sean shows the place where he  
6     found about 50 bodies when he returned to that location a few  
7     days later.

8     Witness, you do not see anything? There is a person here with a  
9     yellow shirt, or in any case, on the first and last photograph  
10    who is showing the different locations. So are you able to  
11    recognize if this is you or not?

12   [09.43.08]

13   MR. SEAN SONG:

14   A. Regarding the photo, it is me inside that photo.

15   MR. DE WILDE D'ESTMAEL:

16   Thank you, Mr. President. I have no further questions. I now  
17   would like to give the floor to the civil parties.

18   MR. PRESIDENT:

19   Thank you. The floor is now given to Lead Co-Lawyers for civil  
20   parties to put questions to this witness. You may now proceed.

21   MR. PICH ANG:

22   Good morning, Mr. President, Your Honours. I would like to cede  
23   the floor for Mr. Hong Kimsuon. And he may need around 15 minutes  
24   to put question to this witness.

25   [09.44.07]

17

1 MR. PRESIDENT:

2 You can now proceed with your questioning, Mr. Hong Kimsuon.

3 QUESTIONING BY MR. HONG KIMSUON:

4 Good morning, Mr. President. Good morning, Your Honours. My name  
5 is Hong Kimsuon. I am from Defender's Organization for the Rights  
6 of the Accused. I do not have much time to put question to you  
7 since the Co-Prosecutor has asked you a lot of question already.  
8 I would like to ask you about the execution at Khsach pagoda. Now  
9 I am asking you about the killing of Chantha. You told the Court  
10 that she was known as a Vietnamese person. You stated that before  
11 she was killed, she was taken away from the pit -- killing pit --  
12 and then they bent her feet to her head before opened her bowel;  
13 is that true?

14 MR. SEAN SONG:

15 A. That is true. And they did not undress her at that time.

16 [09.45.47]

17 Q. Thank you. In your testimony yesterday and today, you stated  
18 that Chantha was living in Yeang village and her grandparents  
19 were Vietnamese, and she had no parents. Do you know how her  
20 parents died?

21 A. No, I do not know.

22 Q. Thank you. Regarding the execution of the Vietnamese, you in  
23 addition to those killings, you made mention about the killings  
24 of children and also members of the family. When you were  
25 observing the killing, how were the children killed? Were they

18

1 killed in the same way as they killed the adults?

2 MR. PRESIDENT:

3 Please observe the microphone before you speak, Mr. Witness.

4 [09.47.11]

5 MR. SEAN SONG:

6 A. Sometimes after the children arrived at the place, they were

7 hit with the bamboo sticks. And some other children were thrown

8 up into the air and they fell into the pit.

9 BY MR. HONG KIMSUON:

10 I am asking you about the killing of the children not the killing

11 of the baby. Were the children bowel opened up when they were

12 killed?

13 MR. SEANG SONG:

14 A. No.

15 Q. Thank you. You made mention and told the Court that about 50

16 or 60 victims were killed on the night. Were female victim raped

17 before they were killed?

18 A. No, they weren't.

19 [09.48.20]

20 Q. Thank you. I have another question for you. You stated before

21 the Chamber that the victims were not blindfolded and they were

22 not tied up when they were killed. Regarding those who had been

23 killed and those who had not yet been killed, were they staying

24 close to each other?

25 A. For those who had been brought to be killed, they were put in

19

1 places far away from one another.

2 Q. Thank you. Now I would like to know some family members. Were  
3 those family members able to see the actual killing of their  
4 loved ones?

5 A. I have no knowledge of that matter, Mr. Lawyer.

6 Q. Thank you. In document D125/79, page 3 in Khmer version and  
7 perhaps page 2 in English or 3, I am not sure, you gave an answer  
8 or answers to the investigators regarding a village chief named  
9 Soy. Soy stated that he received order from the superior to kill  
10 the Vietnamese. Did you hear this directly from the village  
11 chief? And do you know that that village chief received direct  
12 order from the superior?

13 [09.50.57]

14 MR. PRESIDENT:

15 Please hold on, Mr. Witness. And you have the floor now, Mr.  
16 Koppe.

17 MR. KOPPE:

18 I object. This is a leading question. He never spoke before about  
19 the village chief. I think counsel should have started with an  
20 opening question about who the village chief was, what his  
21 knowledge was, etc. Now he just leads him directly to his  
22 previous answer. So I object to this line of questioning.

23 MR. HONG KIMSUON:

24 Documents in the interface had already been filed by Parties. And  
25 the President asked the witness already whether or not he has

20

1 reviewed and read the documents. That is why I quoted some parts  
2 of the document and asked him about that statement.

3 [09.52.00]

4 MR. PRESIDENT:

5 Mr. Lawyer, please identify the documents, specifically the page  
6 and the document number, so that Party can follow you. And what I  
7 heard from the defence counsel is that what you quoting is not in  
8 the document. First, you have to lay the ground before you can  
9 ask. And if there is any discrepancy, you can quote certain  
10 portion of the statement to clarify with the witness. The Chamber  
11 has instructed Party already on the matter so that we can proceed  
12 smoothly with our hearings.

13 MR. HONG KIMSUON:

14 Thank you, Mr. President. In document E3/9335 and regarding the  
15 Khmer ERN, it is 0022 -- sorry, 678. My apology. It is 00217488  
16 through 91, that is Khmer ERN; and ERN in English is 00274727  
17 through 31; and French, 00384372 through 76.

18 MR. PRESIDENT:

19 I don't think you identified correctly the document number.  
20 Please specify it again, Lawyer.

21 [09.54.23]

22 MR. HONG KIMSUON:

23 My apology, Mr. President; document E3/9395.

24 MR. PRESIDENT:

25 You may now have the floor, International Deputy Co-Prosecutor.

21

1 MR. DE WILDE D'ESTMAEL:

2 Thank you. Simply to help you clarify things, it's on page 4 in  
3 all three languages: French, English, and Khmer. Document  
4 E3/9335.

5 BY MR. HONG KIMSUON:

6 That is correct what the Co-Prosecutor said. May I proceed now,  
7 Mr. President? I would like to put the last question to this  
8 witness.

9 Q. Mr. Witness, the reference page is consistent with what the  
10 Co-Prosecutor mentioned. Did you know the killing of Vietnamese  
11 from one village chief? And if yes, what was his name?

12 [09.55.56]

13 MR. PRESIDENT:

14 The witness did not mention the name of the village chief yet.  
15 When he was answering, the microphone had not yet activated.  
16 Please rephrase your question.

17 BY MR. HONG KIMSUON:

18 Let me put the question once again. Do you know the killings of  
19 Vietnamese from which village chief? And what is his name?

20 MR. SEAN SONG:

21 A. His name is Soy.

22 Q. Did you learn that killings from the village chief or did you  
23 learn it directly?

24 A. He told me.

25 Q. What did he tell you about the killings, if you can recall?



22

1 A. He told me long time ago, so I did not recall exactly what he  
2 told me at that time.

3 [09.57.45]

4 Q. Now I would like to read the WRI, the same document that I  
5 mentioned to the Court. "From what I knew, the village chief  
6 received the order from the superior. I did not know whether he  
7 received the order from the district or from the sector."

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness. You have the floor now, Mr. Koppe.

10 MR. KOPPE:

11 Again I object to this question, Mr. President. Although confused  
12 from the answer of the witness that he now said he heard it from  
13 the village chief. What he in fact has said in his WRI is  
14 something about alleged chain of command, nothing else. So I  
15 think first, we should identify what precisely it was that this  
16 village chief would have said to him as to orders from anywhere,  
17 and then move slowly down the line. All of a sudden, we speak  
18 about the village chief and the witness is giving an answer. And  
19 now, we're moving to sort of chain of command line of  
20 questioning. It doesn't really make sense. And I don't think it's  
21 an appropriate line of questioning. So I object.

22 [09.59.21]

23 MR. HONG KIMSUON:

24 I would like to respond to the objection. I was asking about the  
25 knowledge of the witness whether or not he knew the killing

23

1 directly by himself or he learned from the village chief. And  
2 then I asked the witness what did the village chief tell him. So  
3 the questions are related to each other.

4 MR. PRESIDENT:

5 Please rephrase your question and make your question simple and  
6 specifically because I cannot catch your question in Khmer very  
7 well. You have lots of experience so please arrange your question  
8 once again.

9 [10.00.08]

10 BY MR. HONG KIMSUON:

11 Q. Allow me to rephrase y question. Mr. Witness, you said that  
12 you heard from the village about the killing of the Vietnamese.  
13 And my question to you is the -- my question to you was what he  
14 told you. And you said that it happened a long time ago so you  
15 cannot recall it. And for that reason, I read an excerpt from  
16 your statement whether you stand by that statement or not, in  
17 which you said that the village chief heard -- said that the  
18 order came from the upper echelon, but he didn't know from which  
19 level. Are you still standing by your statement, Mr. Witness?

20 MR. SEAN SONG:

21 A. That statement is correct.

22 MR. HONG KIMSUON:

23 Thank you. I don't have any further question for the witness, Mr.  
24 President. Thank you.

25 [10.01.20]

24

1 MR. PRESIDENT:

2 We take a short break now and resume at 20 past 10.00 to continue  
3 our proceedings.

4 And Court officer, please assist the witness during the short  
5 break and invite him back into the courtroom at 20 past 10.00.

6 The Court is now in recess.

7 (Court recesses from 1001H to 1021H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Court is now back in session, and before the Chamber hands  
11 the floor to the defence teams, the floor -- the Chamber will  
12 first give the floor to Judge Lavergne, who wishes to put some  
13 questions to the witness. You may proceed, Judge.

14 [10.21.47]

15 QUESTIONING BY JUDGE LAVERGNE:

16 Q. Thank you, Mr. President. Good morning, Mr. Witness. I would  
17 like to put some questions to you for purposes of clarification.

18 First of all, before the executions you described, to the best of  
19 your recollection, do you remember hearing any statements made on  
20 the Vietnamese by cadres, whether they were cadres from your  
21 village or from the unit in which you worked? Did you hear any  
22 speeches or statements made regarding the Vietnamese?

23 MR. SEAN SONG:

24 A. No.

25 Q. I have another question, which is different. Can you tell us

25

1    whether, since the events in question, the venue, the site and  
2    the buildings have changed? And if yes, what changes have  
3    occurred?

4    A. I don't get your question. Please repeat it.

5    Q. I will try to simplify it. For instance, is the pagoda  
6    building the same as the pagoda building that existed when the  
7    executions occurred?

8    A. At present, of course there have been some changes made by the  
9    monks there.

10   [10.24.05]

11   Q. Is the pagoda that exists today the same as the pagoda that  
12   existed at the time of the executions?

13   A. No, it was not the same, since there have been some changes.

14   Q. You say that there have been some changes. Now, was the pagoda  
15   that existed at the time of the executions bigger, smaller or of  
16   the same dimensions as the pagoda that exists today?

17   A. The dimension is the same. However, the monks have built other  
18   halls and planted some trees, which are now fully grown.

19   Q. So, for instance, when you talk of the pagoda library, does  
20   that library, as it exists today, have the same dimensions as the  
21   library that existed at the time of the executions?

22   [10.25.53]

23   MR. PRESIDENT:

24   Counsel Koppe, you have the floor.

25   MR. KOPPE:

26

1 Thank you, Mr. President. Just an observation: I would appreciate  
2 it, Judge Lavergne, if you at least use the word "alleged  
3 executions" instead of "executions".

4 JUDGE LAVERGNE:

5 Now listen, I am referring to what the witness said himself; I  
6 don't see why I should talk of "alleged executions" whereas he  
7 testified to the existence of executions. I therefore think I am  
8 entitled to talk of executions, because that is what the witness  
9 himself stated.

10 BY JUDGE LAVERGNE:

11 Q. Mr. Witness, do you remember the question I put to you?

12 MR. SEAN SONG:

13 A. No, I don't.

14 [10.26.55]

15 Q. In that case, I will put it to you again. Mr. Witness, can you  
16 tell us whether the dimensions of the pagoda library are same as  
17 the dimensions today, as the dimensions of the pagoda library at  
18 the time of the executions you described?

19 A. The dimension remains the same. However, it has been  
20 refurnished (sic). For example, new repair work on the walls and  
21 on the roof.

22 Q. During that period, were there several buildings? For  
23 instance, was there a house or dwelling quarters that existed  
24 close to the pagoda at the time of the executions?

25 A. There were some; however, I do not know how many.

1 Q. Do you know whether certain persons were detained in the other  
2 buildings, apart from the library? Or in other words, were all  
3 the people detained in the library?

4 A. They were all detained there.

5 [10.29.16]

6 Q. Before these events, did the pagoda house soldiers? Or was  
7 this the first time that the soldiers were coming to this pagoda?

8 A. At that time, there were no soldiers stationed in the pagoda.

9 Q. Is the change between the pagoda back then and the pagoda  
10 today, is it due to the fact that the fence that surrounded the  
11 pagoda was a bamboo fence? Is that the source of the change?

12 A. The fence on the national road was made out of cement, and the  
13 fence to the north, the east and west were made out of bamboo.

14 Q. And what's the status today? Is it the same fence? Or are  
15 there more concrete fences?

16 A. I do not know, Your Honour, since I have never been to the  
17 pagoda.

18 Q. From the place where you witnessed what you described -- that  
19 is to say, the executions you described -- was the fence  
20 separating you from the pagoda library, was it a concrete fence  
21 or was it a bamboo fence?

22 A. Back then, as I told you, the fence on the national road was  
23 made out of the concrete, and then the other fences were some  
24 parts made out of concrete, and some other parts were made out of  
25 bamboo.

1 [10.32.40]

2 Q. I believe I understood that the executions took place outside  
3 of the fence. So, can you confirm that?

4 A. The first time, I was at the outer compound -- that is,  
5 outside the fence.

6 Q. And when you were outside, you therefore witnessed executions  
7 that were taking place also beyond the fence? Or did the  
8 executions take place within the compound?

9 A. When I saw it, I was at the outside the compound, outside of  
10 the fence. I was walking along the "anlong kong" (phonetic), or  
11 the well, close to the fence of the pagoda.

12 Q. Fine. So, what you saw was something happening outside of the  
13 pagoda? Or was it something that was happening within the  
14 compound? I'm speaking about the executions you described. Did  
15 these executions happen within the compound, or outside?

16 A. I saw it happen at the outside compound, outside of the fence.

17 [10.35.04]

18 Q. So, from where you were watching this, could you see the  
19 library, the pagoda library? And could you see the other  
20 buildings within the pagoda compound?

21 A. No. It was blocked by the fence.

22 Q. I have a last question for you. You described a scene during  
23 which the soldiers disembowelled a victim, to remove her gall  
24 bladder. Apparently, you were about 30 to 40 metres away. So, can  
25 you tell us if you are sure that they removed her gall bladder or

1 another organ, and why? Did the soldiers speak about this? Did  
2 you see this organ clearly? How can you be sure that they had  
3 removed her gall bladder?

4 A. At that time, I saw she was tortured. There was a Bodhi tree  
5 close to the "anlong kong" (phonetic) or the well. And there was  
6 a branch of the Bodhi tree, and there was a kerosene lantern used  
7 to light the place, where I could see clearly from the  
8 observation station. The axe with the size of my two fingers  
9 could also be seen by me from my observation station.

10 [10.37.40]

11 Q. Did this scene surprise you? Or had you already heard about  
12 similar atrocities, such as removing gall bladders? And for what  
13 use?

14 A. I was so scared and terrified when I saw that scene or  
15 incident. However, with the presence of an older man with me at  
16 the time, I was courageous enough to look at the incident. After  
17 they had removed the gall bladder, they took it and went close to  
18 the edge of the pit, where there was a container of alcohol. They  
19 dropped the gall bladder inside the alcohol, and they stirred it  
20 with the stick, or the bamboo stick, which was used to kill the  
21 victims.

22 Q. I understand that you were terrified, but had you already  
23 before that heard that this kind of atrocity occurred? Had you  
24 already heard stories in that regard, describing the removal of  
25 the gall bladder of certain victims?



1 A. No, I have never heard of it.

2 [10.39.48]

3 Q. Now my last question: can you tell us how old, according to  
4 you, the soldiers were? That is to say, the people who were  
5 carrying out the executions you described?

6 A. I cannot give you the exact estimation. From my own eyes,  
7 there was one adult at that time, and they were as large as me.  
8 He was as large as me, and the other soldiers were young, and  
9 they carried the guns and dragged it on the ground.

10 Q. When you say "young", do you mean that they were children or  
11 teenagers, or young adults?

12 A. To my estimate, they were about 14, 16 or 15. And I can say  
13 they were adolescents.

14 Q. So therefore you saw that these teenagers had trouble carrying  
15 their rifles, that their rifles were too big for them?

16 A. They were armed. The weapons were AK rifles. The butts were  
17 dragging on the ground, and they were too small to carry those  
18 rifles.

19 [10.42.10]

20 JUDGE LAVERGNE:

21 Thank you for having answered all of these questions. I have no  
22 further questions for you. Thank you.

23 MR. PRESIDENT:

24 Thank you. Now the floor is given to the defence team for Mr.

25 Accused. You may now proceed. First, defence counsel for Mr. Nuon

1 Chea.

2 QUESTIONING BY MR. KOPPE:

3 Q. Thank you, Mr. President. Your Honours. Good morning, Mr.

4 Witness. I would like to ask you some questions this morning, and

5 a little bit later as well. Let me start with following up on the

6 very last question, Mr. Witness. You just testified that the very

7 young soldiers that you described were all carrying AK-47s. Is

8 that correct? Were all of them in possession of AK-47s?

9 A. They were all armed with AK rifles.

10 Q. I will get back to that, obviously, later, but -- so rather

11 than using their AK-47s to kill people, they decided to use

12 bamboo sticks to kill the victims that you described; is that

13 correct?

14 A. Yes, that is correct.

15 [10.44.05]

16 Q. Okay, I will get back to that later. You just described these

17 soldiers as adolescents, young -- young men, 15-16 years old. Is

18 it correct that around that time, you yourself were roughly 18 or

19 19 years old?

20 A. You're right indeed.

21 Q. And am I also right when I say that in April '75, when the

22 Khmer Rouge took over, you were 15 years old?

23 A. I cannot recall it well.

24 Q. Is it correct when I say that if you are 18 or 19 years old in

25 '78, you must be 15 in 1975?

1 A. Right.

2 [10.45.36]

3 Q. Did you go to school before April '75? And if yes, how long  
4 did you go to school?

5 A. I went to school, but I simply finished lower grades.

6 Q. But do you remember how many years of school you had? And from  
7 what year to what year did you go to school?

8 A. I cannot recall it, Counsel.

9 Q. Let me try it differently. Did you go to school when you were  
10 five years old, or six years old, or maybe seven years old?

11 A. I started school at eight years old.

12 Q. Do you recall in which year you started school?

13 A. I cannot recall it.

14 Q. Could it be 1968, then? Or -- or another year?

15 A. I do not dare to answer it.

16 Q. Mr. Witness, can you read or write?

17 A. Almost not. I can only simply read and write, but very little.

18 [10.48.12]

19 Q. Thank you, Mr. Witness. Do you know the age of Chantha?

20 A. No.

21 Q. Was she about the same age as you? Or was she younger? Or was  
22 she maybe older?

23 A. From her appearance, from her physical appearance, she perhaps  
24 was the same age as me, and perhaps a little bit older or younger  
25 than me.

33

1 Q. Could you estimate for me how old she must have been when you  
2 saw her being killed?

3 A. No, I do not know.

4 Q. Is Chantha a Khmer name or a Vietnamese name?

5 A. Villagers called her by the name Chantha.

6 Q. But from where you are, do you know whether Chantha is a Khmer  
7 name? Or rather a Vietnamese name?

8 A. I have no idea. Everyone called her by the name Chantha, so I  
9 called her that name, Chantha.

10 [10.50.30]

11 Q. Did Chantha ever show you something like an identification?

12 Maybe an ID or something? Did you ever see anything with her name  
13 on it?

14 A. No.

15 Q. You also testified this morning that you -- you didn't know  
16 her parents. Have you ever heard the villagers speak about her  
17 parents?

18 A. No.

19 Q. I think you also testified that Chantha was born in your  
20 village, and spoke fluently Khmer, without a Vietnamese accent.

21 Do you know for certain that Chantha was Vietnamese?

22 MR. PRESIDENT:

23 Please hold on, Mr. Witness. You have the floor now,

24 International Deputy Co-Prosecutor.

25 [10.52.10]

1 MR. DE WILDE D'ESTMAEL:

2 Yes. This is an objection regarding the first part of the  
3 question, when the counsel said that the witness said that she  
4 was born in his village. If we look at the written record, we  
5 note that he was not born in that village, but that he was only  
6 working there.

7 MR. KOPPE:

8 I think, Mr. President, I recall the witness saying yesterday  
9 that she was born in Cambodia, maybe not in the village. Let me  
10 rephrase my question.

11 BY MR. KOPPE:

12 Q. Chantha spoke fluently Khmer. She was born, as I understand,  
13 in Cambodia. How did you know for certain she was Vietnamese?

14 MR. SEAN SONG:

15 A. The reason that I know for sure that she was Vietnamese,  
16 because the grandparents, her grandparents, were of Vietnamese  
17 origin. And villagers also said that Chantha was a Vietnamese  
18 descendant. Regarding Yeang village, where I was living:  
19 actually, I was born in Kampong Som -- Kampong Khleang commune.  
20 After the Lon Nol period, I was sent by my father to live with my  
21 aunt in Yeang village. From that time onward, I started to know  
22 Chantha and villagers in Yeang village. And the grandparents of  
23 Chantha were of Vietnamese origin.

24 [10.54.09]

25 Q. Mr. Witness, when the grandparents of Chantha were born, was

1    there a country called Kampuchea? Or was there a country called  
2    Vietnam?

3    A. Sorry, I do not know.

4    Q. Well, assuming for a moment that Chantha is about your age,  
5    when the grandparents of Chantha were born, did Kampuchea,  
6    Cambodia, exist? Did Vietnam exist? Do you know?

7    A. I do not know.

8    Q. Have you ever heard of Indochina?

9    A. When I was young, I heard of it.

10   [10.55.25]

11   Q. And what have you heard of that name? What does that mean?

12   A. I do not know.

13   Q. Let me move on now, Mr. Witness, to -- to some more questions  
14   about Chantha. Is it -- is my understanding correct that the only  
15   person you knew who was killed was Chantha? And that you didn't  
16   know any of the other victims that you described?

17   A. Could you repeat your question?

18   Q. Well, yes, of course. You described people being killed -- 50  
19   or 70 or 600, whichever number. Was Chantha the only victim that  
20   you knew; the only person that was killed? Was Chantha the only  
21   one that you knew?

22   A. I knew clearly one person at that time, since we had been  
23   living in the same village.

24   Q. I understand. But is my understanding correct when I say that  
25   the other people who were killed, you didn't know any of them

1 personally; is that correct?

2 A. I did not know the others.

3 [10.57.43]

4 Q. Do you know, or have you ever heard later, why these young  
5 soldiers took the gall bladder from a girl? Have you ever heard  
6 why they might have done that?

7 A. I do not know on the matter.

8 Q. Have you ever heard that doing such things is something done  
9 by soldiers to other soldiers, in order to receive the strength  
10 of these soldiers? Or have you never heard such a thing?

11 A. No, I have never heard of it.

12 Q. Do you know why it was that only Chantha became the victim of  
13 this act? Why only she?

14 A. I do not know.

15 Q. Let me now go back to the event in general, that you  
16 described. You said that the victims, at one point in time, were  
17 asked whether they were Chinese or Vietnamese; is my  
18 understanding correct?

19 A. Yes, that is correct.

20 Q. You also said that the soldiers apparently knew beforehand  
21 Chantha's name. Do you have an explanation as to why they were  
22 asking people whether they were Chinese or Vietnamese? But at the  
23 same time, they knew Chantha?

24 A. No, I did not know about that.

25 [11.00.36]

1 Q. Can you explain from your observation as to the reason why the  
2 soldiers were asking whether the victims were Chinese or  
3 Vietnamese? Because, after all, they had rounded up all the  
4 Vietnamese. Why ask again if they were Vietnamese or Chinese? Do  
5 you know?

6 A. I did not know the reason for that.

7 Q. Was it your observation at the time that Chinese people looked  
8 like Vietnamese people?

9 A. I saw what happened at night-time, so it was not as clear as  
10 it was during the daytime.

11 Q. You said you saw the event together with a friend. Do you know  
12 whether he also heard those young soldiers ask the victims  
13 whether they are Yuon or Chinese, or Vietnamese or Chinese?

14 [11.02.26]

15 A. I cannot recall it.

16 Q. He never heard that question, so he testified to  
17 investigators. Do you have a reason -- do you have an explanation  
18 for why your friend who was next to you didn't hear that  
19 question?

20 A. It happened so many years ago, and I cannot recall that.

21 Q. You said, I believe yesterday, that after these questions, or  
22 after this question was asked to the victims that two Chinese  
23 families were not killed because they answered the question that  
24 they were Chinese. Is that correct?

25 [11.03.35]



1 A. Yes, that is correct.

2 Q. What happened to them? Have you ever heard anything about  
3 them? Have you ever heard stories of them living somewhere after  
4 '79 in your village -- your village or maybe other villages?

5 A. No, I don't.

6 Q. Can you describe for me exactly what happened when members of  
7 these two families were asked the question? What -- what exactly  
8 happened? How did that go? Who was asking the question? What  
9 happened next? Do you remember?

10 [11.04.42]

11 A. When they knew that they were Chinese, they sent them back  
12 into the pagoda compound. And I did not know what they did there,  
13 whether they searched for their relatives, related husbands,  
14 wives, or children. That's all I know.

15 Q. But when they said they were Chinese, were they immediately  
16 taken away from the others? What -- what exactly happened?

17 A. They were separated from the rest.

18 Q. And the rest saw that separation, like you did. Is that  
19 correct?

20 A. They postponed the execution.

21 Q. What do you mean? They postponed the execution of whom?

22 [11.06.19]

23 A. They stopped bring -- taking the people out from the pagoda.  
24 They sent those Chinese people, or Chinese members of the family,  
25 away first. And after that, they started the killing again.

1 Q. And this is something your friend saw as well?

2 A. Yes, he did.

3 Q. Difficult question, but do you have an explanation as to why

4 he doesn't describe in his statement what you just described? I

5 mean, you saw everything together at the same time. Is that

6 correct? I -- I withdraw the question. Did you ever, at one point

7 in time, hear anybody ask, "Are all of you Youn?"

8 [11.07.57]

9 A. Yes, I did.

10 Q. And when you heard that, what happened next?

11 A. They did the execution.

12 Q. Did you hear anybody say, "No need to ask a lot of questions.

13 Kill them quickly so we can go to take a rest"?

14 A. I heard them talking among themselves, but I could not

15 distinguish the statement that you made.

16 Q. The two Chinese families that were sent away, could you see

17 their faces?

18 A. No, I did not see it that clearly because I watched what

19 happened from a distance.

20 Q. Did those young soldiers do anything to verify the

21 truthfulness of the answer of these Chinese families, or was it

22 enough to just say that they were Chinese?

23 A. No, they did not specify that.

24 [11.10.18]

25 Q. So, is my conclusion then correct, that anybody who would have

1 answered the question whether he or she was Chinese with a 'yes'  
2 would have been saved?

3 A. I did not know.

4 Q. Mr. Witness, who was involved in the killing of Chantha? Who  
5 was involved in that act? Can you remember their faces?

6 A. No, I don't.

7 Q. Do you remember how old they looked?

8 A. There was a man, and at that time, his age was even older than  
9 my current age. And that was the only man there amongst the  
10 group.

11 [11.12.06]

12 Q. I'm not sure if I understand your question, but do you  
13 remember the age of the soldiers that were -- who were involved  
14 in the taking away of the gall bladder? The killing of Chantha?  
15 How old did they look?

16 A. They were young. They were between 15 to 16 years old. And  
17 then, there was a man who was rather old, who was in charge of  
18 the group.

19 Q. The men or the soldiers that were involved in the actual  
20 physical killing of Chantha, did they still carry their AK47s  
21 when they killed her?

22 A. Those who did the execution did not carry any gun, and only  
23 those onlookers, soldiers carried the guns.

24 Q. Could you describe their clothes? What were they wearing,  
25 these soldiers?

41

1 A. They were wearing black pant and black shirt and a cap.

2 [11.14.17]

3 Q. Did they have any other military gear other than AK-47s? Did  
4 they have something -- did they wear something to indicate that  
5 they were military?

6 A. They were wearing something belong to a military.

7 Q. Were you able to tell whether they belonged to the district,  
8 to the militia, to the sector? Were they soldiers from somewhere  
9 else? Had you ever seen them before? Can you be a little more  
10 specific please?

11 A. I never saw those soldiers before, and I did not know from  
12 where they came.

13 Q. Other than them having AK47s and wearing black bands, what  
14 make you say that they were soldiers? Is there any other thing  
15 that you were able to observe to make you say that they were  
16 soldiers?

17 A. In the regime, besides soldiers, nobody could carry a gun. So  
18 if you carried a gun, you were a soldier.

19 [11.16.35]

20 Q. You said the event happened in November '78, do you know if  
21 there's a war -- if there was a war going on inside Democratic  
22 Kampuchea?

23 A. I didn't know that.

24 Q. Do you know there was a -- whether there was a lot of fighting  
25 going on just shortly before the Vietnamese came into the

1 country?

2 A. No, I did not.

3 Q. You spoke earlier about a -- about the chairman of Yeang  
4 village, Soy. Did you see ever -- did you ever see any of those  
5 young soldiers, or maybe their older chief, in the presence of  
6 Soy, the Yeang village chairman? Did you ever see them together?  
7 [11.18.10]

8 A. I did not.

9 Q. Did you see these men ever again after the events that you  
10 described? After the killing of Chantha? Did you ever see them  
11 again, walking around in the area?

12 A. No, I did not.

13 Q. You said that the pagoda was not used at that time in any  
14 form. It wasn't used as a prison, for instance, or it wasn't used  
15 as a security centre. Do you know why the soldiers went to this  
16 pagoda to kill Chantha and others?

17 A. No, I did not know.

18 Q. Is my understanding correct that previously or before the  
19 events that you describe, the pagoda was used as a sleeping  
20 quarter for your mobile unit?

21 A. Yes, that is true.

22 Q. And how long have you yourself been sleeping in the compound  
23 of the pagoda while a member of the mobile unit? Was it for a few  
24 months or maybe a few years? Do you recall how -- how many nights  
25 you have been sleeping at this pagoda?

1 [11.20.23]

2 A. My mobile unit stayed in that pagoda, but I cannot recall how  
3 long we stayed there. However, from my recollection, we didn't  
4 stay inside the pagoda compound for long, and later on we moved  
5 out and camped outside the pagoda.

6 Q. Am I correct when I say that everything that you know about  
7 this pagoda, from the inside, the outside, is primarily based on  
8 you and your fellow mobile unit members sleeping there?

9 A. Please repeat your question.

10 Q. I agree that was a difficult question. You were asked  
11 questions about the library, for instance, just now. You were  
12 able to describe the library. Are you in a position to describe  
13 that library because you have been sleeping for -- for a while  
14 with your mobile unit members on the compound of the pagoda?

15 [11.22.10]

16 A. Before I entered and stayed in the pagoda, the library hall  
17 remained there, and when I was in the mobile unit, we stayed  
18 inside the compound of the pagoda for some days, and then we were  
19 instructed to camp outside the pagoda.

20 Q. You know the inside of the pagoda and its buildings because  
21 you slept there as a mobile unit member. Is that correct?

22 A. Yes. That is correct.

23 [11.23.08]

24 Q. Now can you describe for me the period of time there was  
25 between you and your mobile unit sleeping on the compound of the

1 pagoda and the executions that you described this morning? Were  
2 you still sleeping there when the executions took place or had  
3 you left before?

4 A. The event took place after we had left the pagoda.

5 Q. Where were you and your mobile unit members sleeping the  
6 nights before the executions took place? You were not sleeping  
7 anymore at the pagoda, but where were you sleeping?

8 A. Our mobile unit was instructed to stay in a building to the  
9 north of a pagoda, of that pagoda.

10 Q. And do you remember how far north of the pagoda you were  
11 staying?

12 A. It is rather difficult to estimate the distance; however, it  
13 is roughly a bit over 200 metres.

14 [11.25.24]

15 Q. Just getting back to my earlier question, do you remember how  
16 long you had been sleeping in the building north of the pagoda  
17 when the killing of Chantha took place? How long were you already  
18 there when the killing of Chantha happened?

19 A. I cannot recall it.

20 Q. Do you know whether the soldiers that you described had  
21 already moved into the pagoda the day or the days before the  
22 killing of Chantha? In other words, were the soldiers already  
23 sleeping in the pagoda before you saw the killing of Chantha?

24 A. I didn't know about that.

25 Q. Can you explain why it is that you don't know, because you

45

1 were only staying 200 metres away, and you had been staying in  
2 the pagoda before? Can you offer an explanation?

3 A. Because in the morning, I went to work, then we stopped for  
4 lunch, and then we continued working again in the afternoon until  
5 the break time. And of course, during the working hours, we were  
6 prohibited from going anywhere freely.

7 Q. Except for that one particular night, you were -- you were  
8 allowed to walk freely. Is that correct?

9 [11.28.08]

10 A. During the night that I saw the event unfolded, I actually  
11 sought permission to go and visit my home.

12 Q. So it was a coincidence that you happened to get the night off  
13 when Chantha was killed. Is that correct?

14 A. Of course, at that time, I did not know that the execution  
15 were to take place at that pagoda, nor about the gathering of the  
16 Vietnamese in that pagoda. And I -- I happened to see what  
17 happened there when I was on my way to my village.

18 Q. And why was it that precisely on that day you asked for  
19 permission to visit your family? Do you remember? Why did you  
20 want to visit your family that day?

21 [11.29.45]

22 A. I did not know whether it was a -- a special day or not, but  
23 from my recollection, I sought permission to visit home that day,  
24 and when I was on my way, I saw what happened.

25 Q. And is it my understanding that your friend also, precisely on



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1     that day, asked for leave to visit his family, or did he have  
2     another reason to be with you?

3     [11.30.35]

4     A. If you refer to the person who went with me, he was my best  
5     friend. So wherever I went, I would go with him.

6     Q. So when he will come to testify here, he will also answer,  
7     like you, that exactly on that day, he happened to ask for  
8     permission, correct?

9     JUDGE FENZ:

10    Sorry, Counsel, that's an invitation to speculate.

11    BY MR. KOPPE:

12    Q. Yes, I agree. I withdraw the question. Did your friend also  
13    ask permission like you, to visit his family?

14    MR. SEAN SONG:

15    A. I did not know whether he asked permission, but as I said, we  
16    went together.

17    MR. KOPPE:

18    I'm going to a new subject, Mr. President. It's time I think.

19    [11.31.50]

20    MR. PRESIDENT:

21    It is now appropriate for our lunch break. We take a break now  
22    and resume at 1.30.

23    Court officer, please assist the witness during the lunch break  
24    at the waiting room for witnesses and experts, and invite him  
25    back into the courtroom at 1.30 this afternoon.

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1 Security personnel, you are instructed to take Khieu Samphan to  
2 the waiting room downstairs and have him returned to attend the  
3 proceeding this afternoon before 1.30.

4 The Court is now in recess.

5 (Court recesses from 1132H to 1331H)

6 MR. PRESIDENT:

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

8 And the Chamber gives the floor to the defence team for Mr. Nuon  
9 Chea, to resume its line of questioning. You may now proceed.

10 BY MR. KOPPE:

11 Q. Thank you, Mr. President. Good afternoon, Your Honours. Mr.

12 Witness, I would like to ask you some more questions this  
13 afternoon. Let me first get back to Chantha one more time. It's a  
14 clarification question I have. Yesterday you said that a woman  
15 told everyone in the mobile unit that Chantha was being  
16 transferred to study tailoring or sewing in Phnom Penh is that  
17 correct?

18 MR. SEAN SONG:

19 A. Yes, that is correct.

20 Q. Was it Chantha herself who said that or was it another woman  
21 who said that?

22 A. Chantha spoke about that and others spoke about that matter.  
23 We were all together at the time.

24 [13.33.04]

25 Q. And do you recall, how many days before you saw her killing,

1 did Chantha say that she had to go for tailoring training to  
2 Phnom Penh?

3 A. One day she before she was sent to studying tailoring skills.

4 Q. So the day before you said you saw her killing, she said she  
5 was going to Phnom Penh, is that correct?

6 A. Yes, that is correct.

7 Q. And did she say who told her that, who told her that she was  
8 going to Phnom Penh?

9 A. I do not know about that.

10 Q. What exactly happened? She said she was going to Phnom Penh,  
11 you heard that and at one point you didn't see her anymore; is  
12 that correct?

13 [13.34.53]

14 A. Members of mobile unit said to one another about the matter  
15 and Chantha herself made mention that she would be sent to Phnom  
16 Penh to join the tailoring training.

17 Q. And did you see her leave, did she go voluntarily some place  
18 or what was the last time you saw her before the moment you said  
19 she was killed, did you see her at the worksite?

20 A. After she left the mobile unit she was sent to the pagoda.

21 Q. But did you see that or did you conclude that because you saw  
22 her the next day?

23 A. She was walking out of the mobile unit and heading to the  
24 pagoda.

25 Q. What about her grandparents, what happened to them?

1 A. I do not know.

2 Q. Were her grandparents called Ta Khut and Yeay Hay?

3 A. Yes, that is correct.

4 Q. There is a witness who says; that is document E3/7685, Mr.

5 President, on the last page, that the grandparents of Chantha

6 were killed one day before the Vietnamese came. One day before

7 7th January 1979, have you ever heard that yourself?

8 A. I have heard it from others.

9 [13.38.14]

10 Q. Have you heard from others, if there was a reason why Chantha

11 was allegedly killed someday in November '78, and her

12 grandparents one day before 7 January '79?

13 A. I have no knowledge of it.

14 Q. Just to be sure, you knew at the time Chantha grandparents,

15 you knew who they were, you had seen them before, is that

16 correct?

17 A. I knew them well since they were living in the same village.

18 Sometimes I would go and visit their house.

19 Q. Now, let me go back to the day that you said you saw these

20 executions. You said that they -- you were given permission to

21 visit your family. Who was it that gave you this permission to

22 leave your mobile unit and go visit your family?

23 [13.40.15]

24 A. No. We, the youth, asked each other that we could go to visit

25 our houses and we told each other that we would come back little

1 bit later in the evening.

2 Q. Maybe I misunderstand -- misunderstood you but I thought you  
3 said before the break that you had asked special permission to  
4 leave the place where you were sleeping and go visit your family;  
5 is that correct?

6 A. Yes, that is correct.

7 Q. And who was it that gave that permission, was it the mobile  
8 unit chief?

9 A. The request made by me was submitted to the member, the youth  
10 in the unit.

11 Q. Was this a special request from you or was it the day, the  
12 10th day that you normally would have a free day, do you recall?

13 A. No, I do not recall it.

14 Q. Do you recall why it was only the evening, when it was already  
15 dark that you went to visit your family, why not in the morning?

16 [13.42.48]

17 A. Back then it was the time that I returned from work and I  
18 wanted to visit my house.

19 Q. Just for the evening and the night and then the next morning  
20 you would return again, is that my understanding?

21 A. I made a request to visit my house during the break time and I  
22 did not spend much time visiting my house. I returned to my  
23 sleeping quarter at night time.

24 Q. Do you recall the name of the chief of the youth who gave you  
25 this permission?

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1 A. I do not remember it because it happened a long time ago.

2 Q. And just to be sure, your friend filed that same request to  
3 visit his family, that evening that night; is that correct?

4 A. Yes, that is correct.

5 [13.44.48]

6 Q. Now yesterday you said that -- you said the following, "Since  
7 I was suspicious I invited my friend and I went for a walk." Is  
8 that was you said yesterday?

9 A. I cannot recall it

10 Q. You cannot recall it you said this yesterday or you cannot  
11 recall that you told your friend that you were suspicious?

12 A. I cannot remember it.

13 Q. Let's talk about your friend. You said you were scared but he  
14 was an adult and therefore you were able to see things, is that  
15 correct?

16 A. Yes, that is correct.

17 Q. Do you remember how much older he was than you?

18 A. I cannot recall it well I think perhaps he was over 60 years  
19 old, it is my estimate.

20 Q. Sixty, 6-0?

21 A. He was over 60 years old.

22 [13.47.14]

23 Q. I have in front of me, Mr. Witness, his testimony and it seems  
24 that he was only two years old than you at the time, he was born  
25 in 1958, whereas you were born in 1960. So isn't it true that

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1 your friend was only two years older than you?

2 A. I did not ask him his age at the time and it is my estimate  
3 that he was about 60 years old at the time.

4 Q. Maybe there's something with the translation but 60 years old  
5 is very old, isn't it?

6 A. At that time I was 18 years old and from his physical  
7 appearance he was about 30 years old.

8 Q. That could be but he was only two years older than you, did he  
9 look very old or are you just guessing?

10 A. He looked very old in terms of his physical appearance and his  
11 face.

12 [13.49.43]

13 JUDGE FENZ:

14 Counsel, just a short clarification because I was as confused as  
15 you were, from what translator just told me when, I stand to be  
16 corrected for the record, when the witness mentioned the age of  
17 60, he was referring to his age today, so the age this person  
18 would have today, today he would be 60, is that correct? Perhaps  
19 you can clarify.

20 BY MR. KOPPE:

21 Of course, I just asked you a question about your friend, you  
22 were happy that your friend was there because he was an adult; do  
23 you know how old your friend was at the time when you were  
24 together, so not now but then, how old he was?

25 MR. SEAN SONG:

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1 A. I estimate that he was almost 30 years old at the time since  
2 he was older than me.

3 Q. Now you've been asked about the period of time that you said  
4 you were witnessing these events, the Prosecution already  
5 mentioned that you've said three hours and one hour, can you try  
6 to remember one last time from when till when did you witness  
7 these events, what time in the evening?

8 A. It happened long time ago I cannot recall it.

9 Q. Another witness who talks about the events, said that -- and  
10 it's, Mr. President, E3/7685, on the third page -- that she  
11 couldn't see anything because, "they forbid the people from  
12 walking nearby." Is that something that you remember as well,  
13 that people were forbidden to walk close or nearby the pagoda?  
14 [13.53.03]

15 A. Later on I heard people say that people were forbidden to walk  
16 nearby the pagoda.

17 Q. But you never encountered anyone who said you can't walk  
18 there, is that correct?

19 A. No one told me, no one forbid not to walk anywhere.

20 Q. Is it correct, Mr. Witness, that present day there is no stupa  
21 at the pagoda containing of bones and skulls?

22 A. I do not know.

23 Q. It's a difficult question I realise, but do you have an  
24 explanation at the pagoda you described no official killing site  
25 was located by an organisation called DC-Cam?



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1 [13.55.07]

2 MR. PRESIDENT:

3 Hold on, Mr. Witness. You may now proceed Co-Prosecutor.

4 MR. DE WILDE D'ESTMAEL:

5 It's obviously a question that leads the witness to speculate so  
6 therefore this question should be dismissed.

7 MR. KOPPE:

8 Q. I realise it's a difficult question. Let me try to rephrase.

9 Have you ever been part of ceremonies after 1979, during which  
10 you were able to see remains of the alleged victims?

11 MR. PRESIDENT:

12 Please hold on, Mr. Witness. You may now proceed International  
13 Deputy Co-Prosecutor.

14 MR. DE WILDE D'ESTMAEL:

15 I believe that before putting the question, the Defence Counsel  
16 should establish where the witness was, was he still residing in  
17 the same place, did he have the opportunity of returning and to  
18 attend this kind of ceremony, if this hasn't been done I don't  
19 see how the witness can answer that question.

20 [13.56.43]

21 BY MR. KOPPE:

22 Q. I will try to reformulate again. Mr. Witness, have you ever  
23 heard of any ceremonies during which remains of the alleged  
24 victims could be seen?

25 MR. SEAN SONG:

55

1 A. After Vietnamese entered the country in 1979, at that time  
2 Vietnamese were in the tanks into the territory of Cambodia. In  
3 the morning after I asked my aunt to go and live Kampong Khleang  
4 district.

5 Q. Very well, no problem, Mr. Witness. My last question to you.  
6 Isn't it true that in fact you never witnessed an execution or  
7 any executions but that you heard the story that this happened  
8 from the chief of the village?

9 [13.58.28]

10 A. Could you reformulate your question I could not catch it.

11 Q. I will do it more simply. Mr. Witness, I put it to you that  
12 you never yourself actually witnessed an execution or the  
13 execution of Chantha, isn't that true?

14 A. It's not true.

15 Q. What isn't true?

16 A. I saw the execution at the site. It is true what I saw.

17 MR. KOPPE:

18 Thank you, Mr. President.

19 MR. PRESIDENT:

20 Thank you. Now the Chamber gives the floor to the defence team  
21 for Mr. Khieu Samphan to put questions to this witness. You may  
22 now proceed.

23 QUESTIONING BY MR. KONG SAM ONN:

24 Thank you, Mr. President. Good afternoon, Mr. President, Your  
25 Honours and everyone in and around the courtroom. Good afternoon,

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1 Mr. Witness. I would like to ask about your mobile unit. Can you  
2 explain what your mobile unit was at the time?

3 [14.00.13]

4 MR. SEAN SONG:

5 A. My mobile unit was a village mobile unit and the main task was  
6 to harvest rice and sometimes we were tasked to build dyke or to  
7 build dam.

8 Q. Thank you. In relation to the events that you said you  
9 witnessed the execution, what kind of task was your mobile unit  
10 given?

11 A. It's been a long time and I cannot recall it.

12 Q. Thank you. Do you recall how many members there were in your  
13 mobile unit?

14 A. I cannot recall it clearly however there were about 20 to 30  
15 workers in the unit or could be a little bit more.

16 [14.01.48]

17 Q. Do you recall who was in charge of the mobile unit, what is  
18 the name of the chief?

19 A. I cannot recall it, it happened many years ago.

20 Q. And do you know or recall names of members of your mobile unit  
21 who are still alive today?

22 A. As I have testified, shortly after the arrival of the  
23 Vietnamese I went to live with my father in Kampong Khleang.

24 Q. In relation to the locations where your mobile unit worked or  
25 stayed and you testified that the unit stayed at about 200 metres

1 to the north of the pagoda. Can you tell the Chamber whether that  
2 location was a sleeping quarter or was it a worksite?

3 A. It was a sleeping quarter; we went to work in the area for  
4 example to harvest rice and returned to the sleeping quarter.

5 Q. And at the worksite, how far was it from the sleeping quarter?

6 A. It varied. Sometimes we were assigned to work about one or two  
7 kilometres away from the sleeping quarter and sometimes it was  
8 something like 500 metres away.

9 [14.04.35]

10 Q. On the night in question that is the night that you said you  
11 witnessed the execution, besides you and your friend what were  
12 the other members of the mobile unit doing at that time?

13 A. They were resting.

14 Q. Please tell us the name of the village where you was heading  
15 to?

16 A. It is Yeang village.

17 Q. Can you give us a bit more specific regarding the house, your  
18 house in that village?

19 A. It was pretty far from the mobile unit sleeping quarter, we  
20 had to follow the road from the pagoda to the east then we turned  
21 to the southwest direction before I could reach my house.

22 [14.06.32]

23 Q. And can you give us the estimate of the distance from the base  
24 of your mobile unit or from the pagoda to your house in that  
25 village?

1 A. I cannot give you a real estimate because there were forests  
2 in between.

3 Q. You said that there was a road to the east side of the pagoda,  
4 was it at the back of the pagoda or was it to the side of the  
5 pagoda, I refer to the road that you were taking when you were  
6 heading to your village.

7 A. There were two roads, one was from the national road towards  
8 the entrance of the pagoda and there was another road leading out  
9 of the pagoda to the east direction.

10 Q. And the road that you were taking at the time and you said  
11 that it was to the east of the pagoda, so does it mean that it  
12 was the road at the back of the pagoda is my understanding  
13 correct?

14 A. I cannot recall it that clearly.

15 Q. Can you tell the Chamber which direction the pagoda is facing,  
16 I refer to the entrance of the pagoda?

17 A. The entrance is from the national road and then when you reach  
18 the middle compound of the pagoda there is a road leading out of  
19 the pagoda to the village.

20 [14.09.09]

21 Q. And can you give us a direction, for example the road leading  
22 off the national road, from which direction is it and which  
23 national road are you referring to?

24 A. I am unsure about the direction.

25 Q. You said that from the middle of the pagoda there was road

1 leading out, can you be a bit more specific?

2 A. The road leading to the village it was through the southeast  
3 of the pagoda and the road leading off the national road is from  
4 the southwest, that is, it's leading to the pagoda.

5 Q. And which road was you -- were you taking, was it on the  
6 eastern side of the pagoda or was it on the national road side?

7 [14.10.47]

8 A. While I was walking home I was walking to the east side of the  
9 pagoda but I did not follow the road completely so I took a short  
10 cut that means I was walking through the rice field and that  
11 would lead me directly to my house.

12 Q. And can you tell the Court whether you actually arrived at  
13 your house that night?

14 A. Yes, I did.

15 Q. Were there -- was there anyone home?

16 A. There were aunts and uncles.

17 Q. Can you tell us their names?

18 A. My uncle was Chhoun (phonetic) and Khun (phonetic) was my aunt  
19 but she passed away a long time ago.

20 Q. What about your uncle?

21 A. Yes, he is still alive but he is very old.

22 Q. And did you tell your uncle and your aunt about the event that  
23 you said you saw?

24 A. No, I did not.

25 Q. And do you recall why you decided not tell your uncle and aunt

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1 about this?

2 [14.13.18]

3 MR. PRESIDENT:

4 Witness, please hold on. And Deputy International Co-Prosecutor,  
5 you have the floor.

6 MR. DE WILDE D'ESTMAEL:

7 I didn't have the time to rise for the previous answer because  
8 the interpretation that took time but I don't think that the  
9 counsel is establishing that the witness went to his uncle and  
10 aunt's after the executions. I want to know if he went before or  
11 afterwards otherwise this question is completely irrelevant.

12 MR. KONG SAM ONN:

13 I do not know about the French interpretation but I actually put  
14 that question to the witness already and may I proceed Mr.  
15 President?

16 Q. Thank you. Mr. Witness, I would like to you tell the Court  
17 about the trip that you made when you left the mobile unit to  
18 visit your house. However, I would like to ask you a bit more  
19 specific regarding the friend whom you said accompanied you. Can  
20 you tell the Chamber the initial reason for you to decide to  
21 visit your home with your friend?

22 [14.15.02]

23 MR. SEAN SONG:

24 A. Frankly speaking, in fact I asked my friend to go with me in  
25 order to go and get a chicken.

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1 Q. Is it your idea or is it somebody else's idea or is it  
2 someone's order?

3 A. Actually it's our idea, we both decided to go and get a  
4 chicken.

5 Q. And did you discuss where you would go and get the chicken?

6 A. We agreed that we would go to my house.

7 Q. So does it mean you both had to go together, right?

8 A. Yes

9 Q. Please repeat your question (sic) as it might not go through  
10 the microphone. My question to you is that whether you yourself  
11 went to your house together?

12 [14.16.49]

13 A. Yes, that is correct.

14 Q. And that night did your friend actually arrive at your house?

15 A. I cannot recall that.

16 Q. You told the Chamber that you agreed to go and get a chicken  
17 so that you can cook it and eat it, how can you recall that?

18 A. Actually, we intended do so however along the way we witnessed  
19 that event unfolded and after that we continued our journey to my  
20 house.

21 Q. Allow me to continue. So, when you arrived at your house did  
22 you actually catch a chicken and cook it or did you bring it to  
23 the mobile unit and cook it?

24 A. No.

25 [14.18.49]



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1 Q. Thank you. Now I would like to refer to the event that you  
2 said. You often refer to a Khmer word "anlong kong" (phonetic);  
3 please can you explain to the Court what it means when you said  
4 it's "anlong kong" (phonetic)?

5 A. In the area, "anlong kong" (phonetic) is a pit, it's a long  
6 pit that deep, it could be two metres deep and the length could  
7 be further -- could be much longer.

8 Q. And for the pit or the "anlong kong" (phonetic), that you hid  
9 yourself and watched what happened, can you estimate the  
10 dimension of "anlong kong" (phonetic) or pit?

11 A. I cannot estimate the length of that pit "anlong kong"  
12 (phonetic), however the depth was a bit more than one metre, it's  
13 up to my chest when I stood inside and actually they covered that  
14 pit with coconut tree leaves and actually I walked scooping my  
15 body down.

16 Q. You actually indicated that it is up to your chest but it is  
17 rather descriptive and for proper record could you give us a  
18 number?

19 A. The depth is about 1.5 metres.

20 [14.21.14]

21 Q. I'd like now to speak about the gas mantle that you said you  
22 saw it hung and can you tell the Chamber how many gas mantels did  
23 you actually see?

24 A. There was one.

25 Q. How big was it and what was its level of brightness?

1 A. I cannot give you an estimate.

2 Q. What about its brightness level?

3 A. It was hung on a tree branch and you could see the  
4 surroundings of about five metres from the gas mantle itself.

5 Q. Am I correct that you could see within the vicinity of five  
6 metres from the gas mantle?

7 A. Yes, that is correct.

8 [14.23.12]

9 Q. When you approached the pagoda by walking through the pit  
10 "anlong kong" (phonetic), were you always accompanied by your  
11 friend or did you separate at any stage?

12 A. I cannot recall that.

13 Q. You had testified that when you were watching the event you  
14 were pretty scared but you felt bit more relieved when you were  
15 with an older person and please tell the Court actually who  
16 decided to go and try to see what happened first, was it you or  
17 was it your friend?

18 A. We both wanted to see what happened.

19 Q. And did you -- can you recall who actually walked first?

20 A. I cannot recall that.

21 Q. The person who accompanied you, what was his position in the  
22 mobile unit?

23 A. I cannot recall it.

24 Q. Was he a member of your mobile unit?

25 A. He was a member however he was married.

1 Q. Usually, did he remain at the sleeping quarter with the rest  
2 of the mobile unit near the pagoda?

3 [14.26.26]

4 A. It varied; sometimes he remained with the mobile unit,  
5 sometimes he went to rest at his house in the village. Wherever  
6 he had to sleep doesn't matter as long as he would be going to  
7 work in the early morning on time.

8 Q. You mentioned several times about the name of Chantha, in  
9 particular you gave the description of the killing of Chantha.  
10 And you said the you witnessed Chantha being executed by  
11 embowelment (sic) and that her legs were pushed up behind her  
12 back and behind her head. Could you tell the Court how it was  
13 possible to bend such legs behind the head?

14 A. I saw they put a scarf in her mouth, they raised her legs  
15 behind her head and they actually cut open her back.

16 Q. And amidst the act of killing Chantha, where was your friend?

17 [14.28.50]

18 A. I cannot recall it.

19 Q. Yesterday, you testified that the execution site where those  
20 people were killed with a club was at a different location where  
21 Chantha was executed and you also testified that only Chantha was  
22 killed and her gall bladder was removed. Can you tell the Chamber  
23 the distance from the gas mantle location to the location where  
24 Chantha was executed?

25 A. The longest distance was about six metres.

1 Q. Was it towards you or was it further away from your location.

2 MR. PRESIDENT:

3 Witness, please observe the microphone.

4 MR. SEAN SONG:

5 A. It was on the other side of the pit.

6 Q. This morning you also testified that those people who were  
7 killed -- not many of them were killed at a particular point in  
8 time and that only one of them was killed at a time far away from  
9 where they were kept. Can you tell the Chamber how far was it  
10 from where those people were kept and where the execution took  
11 place?

12 [14.31.36]

13 A. The distance from the pit to the gate of the pagoda was about  
14 10 metres away. Those who walked, the victims, were inside the  
15 pagoda, and the gate of the pagoda was closed and they left only  
16 one space so they could move out and in of the pagoda.

17 Q. When you were questioned by Judge Lavergne, you stated from  
18 your observation station you were not able to see the library  
19 hall or the pagoda because of the fence and the bushes. Could you  
20 tell the Court how could you see people being walked from the  
21 library toward the killing site?

22 A. I could not see it.

23 Q. At the time, were you able to hear the conversation between  
24 the soldiers and those who were to be killed?

25 [14.33.56]

1 A. Yes, I was able to hear the voice and I could not hear very  
2 clearly what they were talking about.

3 Q. Thank you. I move to another point concerning the pit. You  
4 have just made mention that the pit was five by five in terms of  
5 the size and the depth was about three metres. How could you know  
6 the size of the pit at the time? What could lead you to know the  
7 size of the pit at the time?

8 A. The villagers knew the size of the pit and I learned it from  
9 the villagers.

10 Q. Do you mean that the villagers -- old villagers told you about  
11 the size of the pit?

12 A. Yes, they told me.

13 Q. Who told you? Do you recall his or her name?

14 A. No, I cannot recall his or her name, since it happened from  
15 1979 up until now, it has been long time ago.

16 Q. Thank you. Concerning the library hall, had you seen the  
17 library before the incident or after it?

18 A. I had seen it before.

19 Q. Could you tell the Court the width and the length of the  
20 library hall? How large was it?

21 A. I cannot give my estimate in relation to the size of the hall.

22 [14.37.15]

23 Q. I am now asking you about the people who were detained in the  
24 library hall. You stated that there were around 300 and 400  
25 people detained inside that library hall. How did you learn that

1 number?

2 A. I heard old villagers mention the number. They said those  
3 people were brought from different villages. Old villagers told  
4 me about that.

5 Q. Thank you. So, in your testimony, you stated that you heard  
6 screaming and a cry from the pagoda, and because of this you went  
7 to observe what happened inside. Is this information true or is  
8 it confusing to you?

9 A. It is the true information that I told.

10 [14.39.01]

11 Q. Regarding this point, there may be two possible consequence.  
12 One is that perhaps you went to have a look after you heard the  
13 screaming and crying that you said you heard from the inside of  
14 the library hall. Despite this, in the report of the investigator  
15 of the OCIJ, document D232/95, in the diagram or the picture in  
16 that document, it shows that the library was behind the pagoda to  
17 the east of your sleeping quarter. When you stated that the  
18 library was about 200 metres away from where you observed the  
19 incident, this means that the library hall was close to your  
20 sleeping quarters. So, how could you explain this to the Court?

21 A. At the time, I was so scared.

22 Q. What can I understand from your testimony that you were so  
23 scared? You stated that you went to observe the event, so it  
24 appears to be a contrasting testimony in this case, so can you  
25 explain it to the Court?

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1 A. I could not walk close to the pagoda. At the time, I was  
2 walking outside of the fence of the pagoda. I was heading to the  
3 east. And at the time, I wanted to know what the voice or the  
4 screaming it was.

5 [14.41.50]

6 Q. From what I heard in your testimony, you left your mobile unit  
7 and went to have a look at what happened inside the pagoda  
8 because of the screaming and the cry. Number two, you stated that  
9 you filed a request to see your house. And lastly, you have just  
10 stated now that you wanted to go to your house and pick up a  
11 chicken to be cooked for meals. So, could you tell the Court why  
12 you left your mobile unit at the time?

13 A. The real intention was that I wanted to visit my house,  
14 however, while I was walking to my house I overhead the screaming  
15 and cry.

16 Q. Thank you. After you had left such a pagoda, the place where  
17 you were observing the incident, what made you leave the  
18 observation station? Was it on your own initiative or did your  
19 friend ask you to leave?

20 [14.44.13]

21 A. Could you reformulate your question, Counsel?

22 Q. I am asking you why you left Khsach pagoda. You stated earlier  
23 that you were there observing the incident for an hour, after  
24 which you left. So what made you leave? Why did not you stay in  
25 that place and look at the incident until the end of it? So, was

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1 it on your initiative that you left the place or did you friend  
2 ask you to leave?

3 A. I cannot recall it.

4 MR. KONG SAM ONN:

5 Thank you, Mr. Witness. Mr. President, I am done with my  
6 questioning.

7 [14.45.13]

8 MR. PRESIDENT:

9 The hearing of Sean Song's testimony has come to an end now.

10 Thank you very much, Mr. Sean Song, for spending your valuable  
11 time to testify before the Chamber as a witness. Your testimony  
12 will contribute to the truth in this case. You may now be  
13 excused. You may return to your residence or to anywhere you wish  
14 to go. I wish you good luck and good health.

15 Court officer, please work with WESU to make transport  
16 arrangement for Mr. Sean Song to his residence or to anywhere he  
17 wishes to go.

18 The Court is now adjourned and the hearing will resume on 30th  
19 November 2015, as the Chamber informed the Parties. Once again,  
20 the Chamber will resume its hearing on 30th November 2015, and it  
21 will start to hear the testimony on the treatment of Vietnamese.

22 The Chamber will inform Parties the list and the order of  
23 witnesses and civil parties to be here to testify in due course  
24 after the Chamber has received the information from WESU about  
25 the availability of concerned witnesses and civil parties. Please



1     be informed.

2     Security personnel, please bring the two accused, Nuon Chea and

3     Khieu Samphan, back to the ECCC detention facility and please

4     have them returned on 30th November 2015, at 9 a.m.

5     The Court is now adjourned.

6     (Court adjourns at 1447H)

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