



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

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**  
 Kingdom of Cambodia  
 Nation Religion King  
 Royaume du Cambodge  
 Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**  
 Trial Chamber  
 Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**  
**PUBLIC SESSION**  
 Case File N° 002/19-09-2007-ECCC/TC

27 October 2015  
 Trial Day 338

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

The Accused: NUON Chea  
 KHIEU Samphan

Lawyers for the Accused:  
 Victor KOPPE  
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 Marie GUIRAUD  
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For the Office of the Co-Prosecutors:  
 Vincent DE WILDE D'ESTMAEL  
 SONG Chorvoin

For Court Management Section:  
 UCH Arun

I N D E X

Mr. SEAN Song (2-TCW-868)

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Questioning by Mr. DE WILDE D'ESTMAEL ..... page 4

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
Ms. GUIRAUD	French
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SEAN Song (2-TCW-868)	Khmer

1

1 PROCEEDINGS

2 (Beginning of public session at 1449H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now back in session and the Chamber will start to  
6 hear a witness 2-TCW-868 in public session to the maximum point.

7 AV technician please connect the audio link to the public gallery  
8 and to the press room as normal.

9 Court officer, please invite the witness into the witness stand  
10 before the Trial Chamber.

11 (Witness enters courtroom)

12 [14.51.00]

13 QUESTIONING BY THE PRESIDENT:

14 Q. Good afternoon, Mr. Witness. What is your name?

15 MR. SEAN SONG:

16 Good afternoon, Mr. President. My name is Sean Song.

17 Q. How do you spell Song? Can you read and write with the  
18 apostrophe "ngor" (phonetic) in Khmer letter? Thank you, Mr.

19 Song. When were you born?

20 A. I do not recall my date of my birth, Mr. President. I only  
21 know my age, not the day.

22 Q. Very well. How old are you?

23 A. I am 55 years old now.

24 Q. Thank you, Mr. Sean Song. Where were you born?

25 A. I am living in Ta Uor Sa village, Kampong Khleang commune,

2

1 Soutr Nikom district, Siem Reap province.

2 [14.52.46]

3 Q. And what is your current address?

4 A. I am living in Ta Uor Sa village.

5 Q. What commune, district and province is it?

6 A. I am living in Ta Uor Sa village, Kampong Khleang commune,  
7 Soutr Nikom district, Siem Reap province.

8 Q. Thank you. And what is your occupation?

9 A. I am a fisherman.

10 Q. What are your parents' names?

11 A. My father's name is Chhuon Sean and my mother's Vanh Lim.

12 Q. Thank you. What is your wife's name and how many children  
13 do you have together?

14 A. My wife's name is Tap Lom. I am the father of five  
15 children.

16 Q. Thank you, Mr. Song. Based on the greffier report, to the best  
17 of your knowledge, you are not related to the two accused, Nuon  
18 Chea and Khieu Samphan, and to the individuals admitted as civil  
19 parties in this Case 002; is this information correct?

20 A. Yes, that is correct.

21 [14.54.40]

22 Q. Have you taken an oath before the Iron Club Statue before  
23 your appearance?

24 A. Yes, I have already taken an oath.

25 Q: Thank you. The Chamber would like to inform you of your rights

3

1 and obligations as a witness. As a witness in the proceedings  
2 before the Chamber, you may refuse to respond to any question or  
3 to make any comment which may incriminate you, right against  
4 self-incrimination.

5 Your obligations: As a witness, Mr. Song, in the proceeding  
6 before the Chamber, you must respond to any questions by the  
7 Bench or relevant parties, except when your response or comments  
8 to those questions may incriminate you, as the Chamber has just  
9 informed you of your rights as the witness.

10 As a witness, you must tell the truth that you have known, heard,  
11 seen, remembered, experienced or observed directly about any  
12 event or occurrence relevant to the questions that the Bench or  
13 Parties pose to you.

14 [14.56.13]

15 Mr. Song, have you ever provided a testimony or have you ever  
16 been interviewed by the investigators of the OCIJ of the ECCC?  
17 How many times did they take place and where did they take place?

18 A. Yes, I have been interviewed. I cannot tell you, Mr.

19 President, how many times the interviews took place.

20 Q. Do you recall where they took place when you were interviewed  
21 by the investigators?

22 A. I was interviewed at Khsach pagoda.

23 Q. Thank you. Before your appearance, have you read, reviewed or  
24 did somebody read to you the written records of the interview to  
25 refresh your memory?

4

1 A. Yes, I have read the written records of the interview.

2 Q. Thank you. To your best knowledge, can you tell the Chamber  
3 whether or not the written record of the interview is consistent  
4 with the testimony you provided to the investigator of the ECCC  
5 at Khsach pagoda?

6 A. Yes, it is consistent.

7 [14.58.03]

8 MR. PRESIDENT:

9 In accordance with Internal Rule 91bis of the ECCC, the Chamber  
10 now gives the floor to the Co-Prosecutors to put questions before  
11 the other Parties. The combined time for the Co-Prosecutors and  
12 Lead Co-Lawyers for civil parties is two sessions. You may now  
13 proceed.

14 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President. Good afternoon, Witness. My name is  
16 Vincent De Wilde and I'm going to put questions to you on behalf  
17 of the Co-Prosecutors' office. And we thank you for being here  
18 and we thank you for answering the questions as completely as  
19 possible. The questions will involve essentially what happened at  
20 the Khsach pagoda. If you do not understand one of my questions,  
21 of course, you can ask me to repeat it.

22 Q. First, I have a few questions regarding what you did between  
23 1975 and 1979 under the Khmer Rouge regime. Can you tell us where  
24 you were living back then and where you worked?

25 [14.59.40]

1 MR. SEAN SONG:

2 A. At that time, I worked in a mobile unit harvesting rice.

3 Q. And where was that place? In which district, in which commune,  
4 in which village were you harvesting rice?

5 A. I harvested rice in Sangvaeuy commune, Yeang village.

6 Q. Did you remain there during the entire duration of the regime?

7 A. Actually, I didn't stay there permanently, because sometimes I  
8 was reassigned to harvest rice here and there.

9 Q. And when you were in Sangvaeuy commune, Yeang village, did you  
10 attend meetings that were chaired by the commune chief or by the  
11 village chief or by the chief of the mobile unit?

12 A. No, I did not.

13 Q. And during that period, did New People come down to settle  
14 down in Sangvaeuy commune?

15 A. Yes, there were.

16 [15.01.51]

17 Q. Were there many of them? Did many people settle there and were  
18 they mixed with the local population -- that is to say, with the  
19 Base People there?

20 A. New People lived, mingled with the Base People.

21 Q. After 17 April 1975, did the Khmer Rouge authorities check the  
22 New People to see if they were former officials or former Lon Nol  
23 servicemen?

24 A. No, it did not happen at the place where I lived.

25 Q. Among the New People, were there people belonging to ethnic



6

1 minorities, such as Cham people or Vietnamese?

2 A. There was a Vietnamese family.

3 [15.03.36]

4 Q. Can you provide us with the names of the members of that  
5 family?

6 A. I forget it. However, I recall an unmarried woman.

7 Q. And you no longer remember the name of that unmarried woman?

8 A. Her name was Chantha.

9 Q. Aside from Chantha's family, were there any Vietnamese people  
10 who had settled in that commune since a while, let us say people  
11 who shared the day-to-day living of the Base People?

12 A. No, there wasn't. As I said, there was only one family in that  
13 village.

14 Q. Do you know if there were other families outside of that  
15 village in Sangvaeuy commune and in Chi Kraeng commune? Were  
16 there therefore other Vietnamese families in that commune and in  
17 that district outside of your village?

18 A. I was not so sure about that, because when they gathered up  
19 the Vietnamese, I did not know which villages or communes they  
20 gathered them up from.

21 [15.05.22]

22 Q. Did you ever hear that in your district of Chi Kraeng, lists  
23 were drawn up of Vietnamese people?

24 A. No, I did not hear about it.

25 Q. I am now going to turn to the event explaining why you are

7

1 here, essentially. So, was there a massacre of Vietnamese people  
2 at Khsach pagoda in 1978? Can you tell us what happened there?

3 MR. PRESIDENT:

4 Witness, please hold on. Counsel Koppe, you have the floor.

5 MR. KOPPE:

6 What kind of question is that? I mean, was there a massacre in  
7 '78? Is that the question you're asking after five minutes?

8 BY MR. DE WILDE D'ESTMAEL:

9 Mr. President, I don't know if it's an objection or a simple  
10 comment. So, I can rephrase my question. Q. What happened at  
11 Khsach pagoda in 1978? Did anything special and major happen  
12 there?

13 MR. SEAN SONG:

14 A. In that year, I was in a mobile unit and while I was on my way  
15 to my home, I witnessed what happened there.

16 [15.07.52]

17 Q. What did you witness specifically?

18 A. I saw Vietnamese people being killed and dropped into a pit.

19 Q. Fine, we will get back to that event in detail and the way the  
20 event unfolded. First, however, to replace you in the context, at  
21 the Khsach pagoda, were there monks and religious ceremonies  
22 between 1975 and 1979?

23 A. While I was living near the pagoda, there was no monk residing  
24 in that pagoda.

25 Q. Why were there no monks there and why were there no Buddhist

1 ceremonies at that pagoda?

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

3 Q. So, therefore, what was the purpose of the pagoda between 1975  
4 and 1978?

5 A. The pagoda was used to house mobile unit workers. However,  
6 they only stayed there temporarily for about a fortnight, then  
7 they moved out.

8 [15.10.05]

9 Q. Did you live in that pagoda yourself?

10 A. I lived outside the perimeter of the pagoda?

11 Q. Was there a fence surrounding the perimeter in which the  
12 pagoda was located?

13 A. Part of the surrounding had a fence, but it was not fully  
14 surrounded by fence.

15 Q. And what was that fence made up of? Was it a wooden fence or  
16 was it a fence that was less solid?

17 A. The fence was made of wood and it was not that strong.

18 Q. Fine. Now, I would like to get back to the period during which  
19 these executions happened which you said you witnessed. Do you  
20 remember this period in 1978 where apparently you witnessed this  
21 event? Can you tell us if this event happened during the dry  
22 season or during the rainy season, for example?

23 A. It was during the rainy season.

24 [15.12.10]

25 Q. And how much time before the arrival of the Vietnamese was

1 this, approximately?

2 A. I cannot recall that.

3 Q. In a written record of interview, E3/9335, at page 2 in all  
4 three languages, you placed this event in November 1978. And in  
5 the second record of interview E3/7890, also on page 2 in all  
6 three languages, you said that the executions took place in 1978  
7 during the harvest season, probably in September or in October.  
8 So, now I would like you to be more specific. Are you speaking  
9 about the rainy season or are you speaking about the rice harvest  
10 season?

11 A. It was during the harvest season and I actually had to wade  
12 through water in the rice field.

13 Q. Fine. Did you see anything concerning the arrest and the  
14 gathering of these Vietnamese people?

15 A. I saw them being placed in the hall in the pagoda.

16 [15.14.25]

17 Q. Now, I'm going to proceed in steps. So, I was proceeding in  
18 steps. I was speaking about the moment before the execution, I  
19 was only speaking about the moment when they were arrested and  
20 taken to the pagoda. So, did you witness one or several arrests  
21 of Vietnamese people?

22 A. I did not witness any arrest. What I saw was that they had  
23 already been there in the pagoda.

24 Q. Thank you. Were Vietnamese people arrested within your mobile  
25 unit?

10

1 A. In my mobile unit, a female worker was removed, and her name  
2 -- I mentioned earlier -- was Chantha.

3 Q. So, when did you realize that she had been removed? Did  
4 anybody say something about this? Or did you notice this later  
5 only when the executions happened?

6 A. Actually, the woman told everyone in the mobile unit that she  
7 was being transferred to study tailoring in Phnom Penh.

8 [15.16.42]

9 Q. Who was Vietnamese in this woman's family, in Chantha's  
10 family? Was it both parents or were all of her grandparents  
11 Vietnamese?

12 A. Chantha was Vietnamese. Her grandparents were also Vietnamese.

13 Q. Was she born in Cambodia?

14 A. She was born in Cambodia.

15 Q. Did she speak Khmer without an accent or did she speak Khmer  
16 with a Vietnamese accent?

17 A. She spoke Khmer clearly.

18 Q. Was it possible by looking at her features to tell that she  
19 was not Khmer?

20 A. Yes. People could recognize that.

21 Q. Well, now, I would like to speak about the transport of the  
22 Vietnamese to the pagoda. Do you know how the Vietnamese were  
23 taken to Khsach pagoda?

24 A. No, I did not witness that.

25 [15.18.58]

11

1 Q. Did you learn how they were taken there, as you said you did  
2 not see that, but were you told how they were taken there?

3 MR. PRESIDENT:

4 Witness, please hold on. Counsel Koppe, you have the floor.

5 MR. KOPPE:

6 I object, Mr. President. I should have objected a long time ago.  
7 Who's "they"? How does he know that they're Vietnamese? How does  
8 he know why they're there? We jump from Chantha to massacres.  
9 There's no -- it's complete chaos this questioning. Can we at  
10 least establish how he comes to know this, why these people are  
11 Vietnamese, according to him? We don't know nothing at this  
12 point.

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, I am proceeding in a systematic and gradual way in  
15 order to try to obtain as many details as possible. So, may I  
16 continue, Mr. President?

17 [15.20.21]

18 MR. PRESIDENT:

19 The objection is overruled, and Co-Prosecutor, you may proceed.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. So, since you did not see this happen yourself, did someone  
22 tell you how these people were taken to the Khsach pagoda?

23 MR. SEAN SONG:

24 A. I heard people talking about it, people said that they were  
25 transported by ox carts.

12

1 Q. Did these people say that all of the people who were taken to  
2 Khsach pagoda were Vietnamese? Or did they say something else?

3 A. They said that they were Vietnamese.

4 Q. And once they were taken to Khsach pagoda, how long did they  
5 stay there? Do you know?

6 A. When they were transported to the pagoda, they actually were  
7 killed on the night that they arrived at that pagoda.

8 [15.22.35]

9 Q. And during the day, were you able to see from a distance  
10 anything happen in this pagoda?

11 A. No, I did not.

12 Q. Can you explain to us under which circumstances you were able  
13 to witness executions, those executions you referred to earlier?  
14 What led you to come close to the Wat Khsach pagoda?

15 A. At that time, I was walking back from my mobile unit, and it  
16 was about 200 metres away. I was on a road next to the pagoda. I  
17 heard the voices from the pagoda, so I actually had a secret look  
18 at what happening inside the pagoda.

19 Q. Can you be a bit more specific about that? What kind of voices  
20 did you hear? And what led you to go take a look, as you said?

21 A. When I had a look, I saw people being walked out of the  
22 library hall, which was located in the middle of the pagoda  
23 premises.

24 [15.24.55]

25 Q. Now I'd like to proceed a little bit more gradually and

1 re-read to you what you said to the investigators. It is E3/9335,  
2 page 2 in French; 2 to 3 in English; and page 2 in Khmer. The  
3 question that was put to you:

4 "Tell us about the execution of the Vietnamese by the Khmer  
5 Rouge."

6 "As of 7 o'clock, I heard a lot of people crying around the  
7 pagoda. I went into the village in order to gather information  
8 from the people there, and they told us that they didn't know  
9 anything. Since I was suspicious, I invited my friend to go for a  
10 walk to look, and I saw a light about five metres outside the  
11 pagoda wall."

12 Is this what happened? Did you hear people cry? People who were  
13 around the pagoda?

14 A. That is correct.

15 Q. Didn't you feel that it was a bit risky to come close to the  
16 pagoda then?

17 A. I knew it was risky, but I actually hid myself in a pit, and I  
18 just approached the pagoda cautiously. And I actually had a look  
19 while I was about 30 metres away from the pagoda.

20 [15.27.20]

21 Q. And when you arrived on site, that is to say about 30 metres  
22 away from the pagoda, had the executions already started?

23 A. The execution was being carried out.

24 Q. How much time went by between the moment you heard the people  
25 cry at around 7 p.m., and the moment when you were able to



14

1 witness the executions? So then, as of what time were you able to  
2 witness the executions?

3 A. I stood there watching the event unfold for about an hour, and  
4 then I left.

5 Q. And the friend who went with you, did he also stay there and  
6 observe the executions?

7 A. Yes, he was with me, and we left together.

8 Q. Now regarding the specific location of the execution, or these  
9 executions, where -- regarding the -- where in the pagoda, or  
10 around the pagoda, did these executions take place? So if you  
11 look at the entrance of the pagoda, can you tell us where the  
12 people were executed in relation to the main entrance, for  
13 example?

14 A. From the main entrance, the execution took place on the  
15 right-hand side.

16 [15.29.54]

17 Q. Was that inside the Khsach pagoda complex, or within the  
18 fence, that the execution took place?

19 A. It was outside the fence of the pagoda.

20 Q. And approximately how many metres from the pagoda fence?

21 A. It was about five or six metres from the fence.

22 Q. A while ago you said that you were able to observe people  
23 being led from the library to the interior of the pagoda. That is  
24 where they were being executed. How many soldiers did you see  
25 accompany the victims to the execution site?

15

1 A. There were about 10 to 12 of them.

2 Q. Was it possible for that -- was it possible for those victims  
3 to attempt to flee?

4 A. No, they did not attempt to flee.

5 [15.31.57]

6 Q. From where you were -- that is, about 30 metres from the  
7 execution site -- could you clearly see what was happening on the  
8 execution site per se?

9 A. At that time, they lighted the kerosene lanterns, so it was  
10 clear for us to see -- for me to see, rather.

11 Q. And were you able to clearly see the soldiers, or whoever were  
12 carrying out the executions, and the victims?

13 A. Yes, I could see the killing clearly.

14 Q. And as you were 30 metres away, were you able to also hear  
15 what was happening on the execution site?

16 A. Yes, I could hear it.

17 [15.33.22]

18 Q. And could you hear the conversations between the guards or the  
19 soldiers?

20 A. Yes, I heard the conversation.

21 Q. And can you tell us what the soldiers were talking about at  
22 the time of the executions? Were they speaking to one another, or  
23 to the victims?

24 A. They were talking to the victims.

25 Q. (No interpretation)

16

1 A. They were -- the victims were interviewed, whether they were  
2 Chinese or Vietnamese.

3 Q. And when the people said they were Vietnamese, were they  
4 executed?

5 A. For those who said they were Vietnamese, they were killed at  
6 the pit.

7 Q. Among the Vietnamese who were executed -- that is, among those  
8 you could see being executed after they said they were Vietnamese  
9 -- were there entire families, including the elderly, adults and  
10 children?

11 A. I have no knowledge of that matter.

12 [15.35.48]

13 Q. Were you able to observe whether or not little children or  
14 toddlers were executed?

15 A. Yes, I saw the children.

16 Q. What was your reaction when you realized that they were also  
17 killing children?

18 A. I was standing and looking at the killing, and I was so  
19 scared.

20 Q. And what prompted you to stay on the spot and to observe all  
21 those executions, without fleeing?

22 A. There were -- there was one adult who was with me, and looking  
23 at the incident.

24 Q. Very well. Was the fact that there were two of you present  
25 encouraged you to remain there to observe the executions?

17

1 A. Because there was an adult, and he was older than me, and  
2 because with his presence that I dared to look at the incident.

3 Q. Very well. You said that the victims were asked whether they  
4 were Chinese or Vietnamese. Did any of those people say that they  
5 were not Vietnamese but Chinese?

6 A. Yes.

7 [15.38.41]

8 Q. How did the soldiers react when a prisoner told them he or she  
9 was Chinese?

10 A. They walked those who said they were Chinese into the place.

11 Q. Did they walk them directly after they said they were Chinese?  
12 Or did they try to cross-check that information, to ascertain  
13 that they were indeed Chinese?

14 A. Regarding the incident, I saw those who said they were Chinese  
15 were walked to another place, to the inside compound, after they  
16 said they were Chinese.

17 Q. And do you know whether thereafter, after those events, the  
18 Chinese survived?

19 A. These people were walked inside the compound of the area. And  
20 I noticed that killings happened, and after which, some people  
21 were put onto the ox carts and taken away.

22 MR. PRESIDENT:

23 You have the floor now, Mr. Koppe.

24 [15.41.00]

25 MR. KOPPE:

18

1 Thank you, Mr. President. I'm a bit late, I realize, but I'm  
2 looking in the audience, and I see somebody sitting, which could  
3 possibly be a person who is also being interviewed, and might be  
4 the spouse of this witness. And in order to be able to have the  
5 possibility to have his evidence verified by maybe one day  
6 calling upon his wife as witness, who gave a statement in  
7 E3/9390, I think it would be a good idea, Mr. President, if you  
8 ask the witness if the woman behind him, sitting in the audience,  
9 is indeed the wife and the same person who gave testimony about  
10 events in Siem Reap.

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, could Counsel repeat the reference of the  
13 document? We haven't heard it in French.

14 [15.42.20]

15 MR. KOPPE:

16 It's E3/9390. The name on that WRI is the same name as his wife,  
17 or is the name of his wife. And considering the fact that we have  
18 just come from a closed session into an open session, I would  
19 imagine that is indeed his wife sitting behind him.

20 (Judges deliberate)

21 [15.43.58]

22 MR. PRESIDENT:

23 Court officer, please ask the lady who is now sitting in the  
24 public gallery how is she related to the witness, Song.

25 Mr. Song, the person who is sitting behind you in the public

19

1 gallery, how is she related to you?

2 MR. SEAN SONG:

3 I have not looked at that person yet in the public gallery. She  
4 is my wife.

5 [15.45.02]

6 MR. PRESIDENT:

7 Mr. Koppe, is it true that this individual will also be summoned  
8 by the Chamber to testify on the treatment of Vietnamese?

9 MR. KOPPE:

10 I don't think she's on the list now. What I do know, as I just  
11 said, is she gave a statement, a WRI, which is E3/9390, and of  
12 course, there might come a request at one point from one of the  
13 Parties to see if she can somehow corroborate his evidence. It's  
14 uncertain, I agree. I see -- I see you, Judge Fenz, but still I  
15 think if there's a mere possibility, and his wife did give a  
16 statement, apparently her testimony was relevant to the  
17 investigators. Then I think, I think we should continue tomorrow  
18 in her absence.

19 JUDGE FENZ:

20 Can we just clarify for the record she's so far not on anybody's  
21 list? I've understood that correctly?

22 [15.46.25]

23 MR. KOPPE:

24 Correct, yes.

25 JUDGE FENZ:

20

1 And as far as I understand, you yourself can't, at this point in  
2 time, say if you might make a request to hear her?

3 MR. KOPPE:

4 No, not at this stage, but we might be looking for some  
5 corroborating evidence. His story is quite interesting, to put it  
6 mildly, and it would be worthwhile. We've done it before in the  
7 segment on Krang Ta Chan. The requests were denied. But asking  
8 for evidence that could potentially corroborate the inculpatory  
9 evidence -- and it might be something that he spoke to about  
10 these events to his wife. So at this stage, there's no request. I  
11 cannot decide yet whether we will make such a request, but I  
12 don't think that is the decisive factor.

13 MR. PRESIDENT:

14 You have the floor now, Judge Lavergne.

15 [15.47.47]

16 JUDGE LAVERGNE:

17 Counsel Koppe, are you seriously saying that we can seriously  
18 stop anybody from attending these hearings if they may be called  
19 to testify in this Trial, whether they are on no list, based on  
20 the simple fact that perhaps one day they could be called to  
21 testify? That would suffice to have that person excluded from  
22 this courtroom? I think this is a public trial, and it is not an  
23 exclusive right of the Defence.

24 MR. KOPPE:

25 Well, obviously, if it was just his wife coming to support him, I

21

1 wouldn't have a problem. But we can establish that she gave, in  
2 this very same segment, witness testimony which is given a very  
3 recent E3 number, and therefore she's in a completely different  
4 position as compared to anyone who just visits the courtroom  
5 because it's a public hearing. And the fact that we haven't  
6 decided yet whether we will seek her testimony, I don't think, as  
7 I said earlier, is a relevant, decisive criterion.

8 [15.49.14]

9 JUDGE FENZ:

10 In order to shorten this for today, your request is for from  
11 tomorrow onwards. Do I understand you correctly? To remove her  
12 from the audience from tomorrow onwards? If I understood you  
13 correctly, we can make a decision tomorrow morning, and go ahead  
14 now.

15 MR. KOPPE:

16 Oh no. No, we would have to stop now, and then go on tomorrow.

17 MR. DE WILDE D'ESTMAEL:

18 Yes, thank you, Mr. President. If I may make a remark on this  
19 matter: the witness was aged 15 in 1975, and was 19 in 1979. It  
20 is quite obvious that he got married subsequently. Secondly, I  
21 have read the document, which is in the interface. It was placed  
22 on the interface by the Nuon Chea defence. I read it, telling  
23 myself that there are certainly some elements on the Khsach  
24 pagoda, but that is not the case. So, this is not someone who  
25 could even testify on the segment regarding the Vietnamese. That



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1 person may testify regarding events at Siem Reap possibly. They  
2 could have talked about this after their marriage. I think it is  
3 a flimsy reason to stop the proceedings at this point. May I  
4 request the Chamber to allow me to continue putting questions to  
5 the witness?

6 [15.50.45]

7 MS. GUIRAUD:

8 Thank you, Your Honour, for giving me the floor. I endorse the  
9 remarks made by my colleague, and I would like to add that this  
10 person is not on any list, as the Judge said. And on that basis,  
11 it is therefore very difficult to refuse someone who was not  
12 proposed by the Prosecution or the Defence or by the civil  
13 parties from this courtroom. And I do not understand the basis of  
14 the objection made by our learned colleague of the Defence.

15 (Judges deliberate)

16 [15.51.55]

17 MR. PRESIDENT:

18 Since there is no substantive basis and grounds that the wife of  
19 this witness, who is now sitting in the public gallery, is in the  
20 list requested by any Parties, and since there is no request to  
21 summon her to testify in Case 002/02, the Chamber has no right to  
22 prevent her from being in the public gallery and observe the  
23 Court proceeding. So the Chamber will not order the security  
24 personnel to remove her from the courtroom today and also the  
25 following days. And now the Chamber resumes its hearing.

1 Co-Prosecutor, you may resume your line of questioning.

2 [15.53.00]

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. Thank you. Mr. Witness, I wanted you to tell the Chamber what  
5 you said regarding that person of Chinese origin before the  
6 Investigating Judges, document E3/9335, page 4, in each of the  
7 languages. This is what you said:

8 "Subsequently, the Khmer Rouge took the Chinese person to the  
9 pagoda, to look for that person's brothers and sisters.

10 Approximately 20 minutes later, I saw that they had invited  
11 another Chinese, and for about an hour I saw them executing the  
12 Vietnamese victims. And there were two Chinese families who were  
13 released. They asked the villagers to lead them back to their  
14 native villages, using an ox cart." End of quote. [Free  
15 translation]

16 You talked of two Chinese individuals and two families, and you  
17 said that they were released; is that correct? You said a while  
18 ago that they were taken to another location. Could you please  
19 clarify that point?

20 MR. SEAN SONG:

21 A. Those people were walked out of the killing site to search for  
22 their wives, and afterwards, they were sent back to their  
23 villages.

24 [15.55.06]

25 Q. Very well. Let us now talk about the killers. You were able to

24

1 observe for approximately an hour. You said that they were  
2 soldiers, unless I am mistaken. How did you know that they were  
3 soldiers? Did you know their unit of origin?

4 A. The reason I said they were soldiers was because each of them  
5 was armed with a weapon. And I cannot tell you their units of  
6 origin.

7 Q. Was that the first time you were able to see all of those  
8 soldiers? Or you had already bumped into them earlier in that  
9 area, or in the district?

10 A. I never saw them.

11 Q. And the evening you witnessed the executions, did you take  
12 note of the names of the soldiers, who spoke to those victims,  
13 calling them by their names?

14 A. At that time, people were addressed by using the word  
15 "comrade". Specific names were not used.

16 [15.57.06]

17 Q. From what you were able to observe 30 metres away, were those  
18 soldiers who were carrying out the executions drinking any  
19 alcohol while they were carrying out the executions?

20 A. Yes, they drank.

21 Q. When the victims were led to the execution site, were they  
22 tied or not?

23 A. No, they were not tied.

24 Q. Were some of the victims blindfolded?

25 A. No, they weren't.

25

1 Q. Given that the victims were not blindfolded, when they would  
2 arrive at the execution site, how would they react when they saw  
3 the bodies of the people who had already been executed?

4 A. I was looking at them from a distance, and they -- the victims  
5 were acting normal.

6 [15.59.08]

7 Q. When you were saying that they were acting normally, you mean  
8 that they had no reaction when they would discover that they were  
9 going to be executed?

10 A. I did not -- I could not see the facial expression of the  
11 victims clearly, and I did not know at that time whether they  
12 were so terrified or not.

13 Q. Did you hear them scream or cry then?

14 A. At the pits -- from the pit, I did not hear any cries or  
15 screaming.

16 Q. Were the victims dressed or were they naked when they were  
17 executed?

18 A. Some victims were undressed, and some were dressed. And some  
19 others, half of their bodies were undressed.

20 Q. And how were these people executed? With which weapons or with  
21 which means? With which instruments?

22 A. They used the bamboo sticks, with around 70 centimetres in  
23 length.

24 [16.01.25]

25 Q. I heard 70 metres long, but I believe it was 70 centimetres in

1 fact, yes.

2 Maybe my last question, Mr. President; I see that time is running  
3 out.

4 Were the small children also struck with the bamboo sticks, or  
5 were they killed in another manner?

6 A. To my observation, some children were killed to death, and  
7 some others were thrown into the pit.

8 Q. I did not understand your answer. You said some children were  
9 killed and some were thrown into the pits. Were they all killed?  
10 Or do you mean that they were killed in different ways? Can you  
11 explain here?

12 A. After the children arrived at the killing site, some of them  
13 were killed and some other were thrown up into the air. And when  
14 they fell down into the pit, they fainted and collapsed, and  
15 perhaps they died afterwards.

16 [16.03.29]

17 MR. PRESIDENT:

18 Thank you. It is now time for the adjournment, and the hearing  
19 will resume tomorrow, on Wednesday, 28 October 2015, at 9  
20 o'clock. Tomorrow, the Chamber will continue hearing the  
21 testimony of the witness Sean Song on the treatment of  
22 Vietnamese. Please be informed.

23 Thank you, Mr. Sean Song. The hearing of your testimony has not  
24 come to a conclusion yet. You are therefore invited to testify  
25 once again tomorrow, at 9 a.m.

27

1 Court officer, please work with the WESU to make a -- transport  
2 arrangement to the place where he is staying now, and please  
3 invite him back into the courtroom tomorrow at 9 a.m.

4 Security personnel are instructed to bring the two Accused back  
5 into the ECCC detention facility, and please have them returned  
6 tomorrow at 9 a.m.

7 The Court is now adjourned.

8 (Court adjourns at 1604H)

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