



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King  
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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 January 2017

Trial Day 497



Before the Judges: NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
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YOU Ottara  
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THOU Mony (Reserve)

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I N D E X

Ms. HIN Sotheany (2-TCW-1042)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Ms. HIN Sotheany (2-TCW-1042)	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a witness, 2-TCW-1042, in  
6 relation to the methodology on the drawing up of new list of S-21  
7 detainees, which was prepared by the Office of the  
8 Co-Investigating Judges.

9 <The greffier,> Ms. Chea Sivhoang, please report the attendance  
10 of the parties and other individuals to today's proceedings.

11 [09.05.16]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties to this case  
14 are present.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has  
16 waived his right to be present in the courtroom. The waiver has  
17 been delivered to the greffier.

18 The witness who is to testify today, that is, 2-TCW-1042,  
19 confirms that, to her best knowledge, she has no relationship, by  
20 blood or by law, to any of the two accused, that is, Nuon Chea  
21 and Khieu Samphan, or to any of the civil parties admitted in  
22 this case. The witness took an oath before the Iron Club Statue  
23 on the 15th of December 2016. The witness and the OCIJ legal  
24 officer are ready to be called by the Chamber in the waiting  
25 room.

1 Thank you.

2 [09.06.20]

3 MR. PRESIDENT:

4 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the  
5 request by Nuon Chea.

6 The Chamber has received a waiver from Nuon Chea, dated 9th  
7 January 2017, which states that, due to his health, that is,  
8 headache, back pain, he cannot sit or concentrate for long. And  
9 in order to effectively participate in future hearings, he  
10 requests to waive his right to be present at the 9 January 2017  
11 hearing.

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

16 [09.07.10]

17 Having seen the medical report of Nuon Chea by the duty doctor  
18 for the accused at the ECCC, dated 9 January 2017, which notes  
19 that, today, Nuon Chea has a constant lower back pain when he  
20 sits for long and recommends that the Chamber shall grant him his  
21 request so that he can follow the proceedings remotely from the  
22 holding cell downstairs.

23 Based on the above information and pursuant to Rule 81.5 of the  
24 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
25 follow today's proceedings remotely from the holding cell

1 downstairs via an audio-visual means.

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

5 Court officer, please usher the witness and the legal officer  
6 from the Office of the Co-Investigating Judges into the  
7 courtroom.

8 (Witness enters the courtroom)

9 [09.09.50]

10 QUESTIONING BY THE PRESIDENT:

11 Q. Good morning, Madam Witness. What is your name?

12 MS. HIN SOTHEANY:

13 A. Good morning, Mr. President and Your Honours. My name is Hin  
14 Sotheany.

15 Q. Thank you, Madam Hin Sotheany.

16 And when were you born?

17 A. I was born on 5th January 1984.

18 Q. And where were you born?

19 A. I was born in Sangkat 3 (phonetic) in Phnom Penh.

20 Q. <What> is your present address?

21 A. I live in <Sangkat> Boeng Salang, <Khan> Tuol Kork, Phnom  
22 Penh.

23 Q. What is your current occupation?

24 A. I am a former analyst of the Office of the Co-Investigating  
25 Judges. At present, I do not work.

1 [09.11.09]

2 Q. What are the names of your parents?

3 A. My father is Hin Sokhum; he is deceased. And my mother is Prak  
4 Eng. She stays at home.

5 Q. Are you married? If so, what is your husband's name, and how  
6 many children do you have?

7 A. My husband is Long Bunluch, and we have a son.

8 Q. Thank you.

9 The greffier made an oral report that, to your best knowledge and  
10 ability, you are not related, by blood or by law, to any of the  
11 two accused, that is, Nuon Chea and Khieu Samphan, or any of the  
12 civil parties admitted in this case. Is the report correct?

13 A. Yes, that is correct, Mr. President.

14 [09.12.10]

15 Q. Also, the greffier reported that you took an oath before the  
16 Iron Club Statue on the 15 December 2016. Is that correct?

17 A. Yes, that is correct.

18 Q. The Chamber would like now to inform you of your rights and  
19 obligations as a witness.

20 Madam Hin Sotheany, as a witness in the proceedings before the  
21 Chamber, you may refuse to respond to any question or to make any  
22 comment, which may incriminate you. That is your right against  
23 self-incrimination, and which may violate the conditions imposed  
24 by the <International> Co-Investigating <Judge of which the  
25 parties and the Chamber have been notified>, that is, <E443/1.1>

5

1 and <E443.3/3 (sic)>.

2 As for your obligations, as a witness in the proceedings before  
3 the Chamber, you must respond to any questions by the Bench or  
4 relevant parties, except where your response or comments to those  
5 questions may incriminate you, as the Chamber has just informed  
6 you of your right as a witness, or may violate the conditions  
7 imposed by the <International> Co-Investigating Judge, <>  
8 documents, that is E442/1.1 and E443/1/3>.

9 [09.14.05]

10 And you must tell the truth that you have known, heard, seen,  
11 remembered, experienced or observed directly about the  
12 methodology used in the drawing up of the new list of detainees  
13 or victims at S-21, that is, in relation to those questions put  
14 to you by the Bench or the relevant parties.

15 And Madam Hin Sotheany, the International Co-Investigating Judge  
16 impose some questions in relation to your testimony in order to  
17 protect the ongoing investigation. Are you aware of that?

18 A. Yes, I do understand about those limitations.

19 MR. PRESIDENT:

20 Thank you.

21 And I'd like to direct my questions to the legal officer of the  
22 OCIJ. And may I know your status, legal officer? Are you Madam or  
23 Miss, and what is your function?

24 MS. CHIRIMAR:

25 I'm Ms. Priyanka Chirimar, and I'm here as a legal officer of the



1 OCIJ.

2 [09.15.32]

3 MR. PRESIDENT:

4 Thank you.

5 And may I ask again, are you married or are you single?

6 MS. CHIRIMAR:

7 I apologize, Your Honour. I didn't quite follow your first  
8 question.

9 I'm married.

10 MR. PRESIDENT:

11 Thank you.

12 And I'd like to inform the parties and the general public that  
13 Ms. Priyanka Chirimar, she is a legal officer of the Office of  
14 the Co-Investigating Judges, and she is sitting nearby the  
15 witness. She may object to any questions put to the witness that  
16 may have impact on the ongoing investigation. And she also  
17 understands about the conditions imposed by the International  
18 Co-Investigating Judge.

19 [09.16.38]

20 And Madam Hin Sotheany, the Chamber received your request through  
21 WESU that you would like to use a computer during your testimony  
22 in order to refer to the list which exists in the Excel  
23 spreadsheet form, that is, the list of S-21 prisoners prepared by  
24 the Office of the Co-Investigating Judges. The Chamber heard  
25 responses and observations from parties on the 15th of December

7

1 2016 regarding this matter, and no party objects to the use of  
2 the laptop. For that reason, the Chamber allows you to use the  
3 computer, which is in front of you during your testimony, and the  
4 Chamber would like to clarify the following points.

5 [09.17.30]

6 You may only use the computer to refer to two documents only,  
7 first, that is, the Excel spreadsheet of the new list of  
8 detainees at S-21, which was prepared by the Office of the  
9 Co-Investigating Judges, and second, the Excel spreadsheet of  
10 documents that were used to draw up a new list of the S-21  
11 prisoners. And these <>Excel spreadsheets have been forwarded to  
12 the parties on Friday afternoon, that is, the 6th of January  
13 2017. And the <>documents are also available on the desktop of  
14 the computer. And these two documents are E393.2 and E393.3.  
15 And in your response to questions that you need to refer to the  
16 Excel spreadsheet, please identify which column or which column  
17 number that you refer to so that the parties and the Chamber may  
18 follow you in your response.

19 And also, please mention the document number in Case 002, that  
20 is, the E3 number of each document that you refer to.

21 And pursuant to Rule 91bis of the ECCC Internal Rules in  
22 questioning this witness, the Chamber grants the floor first to  
23 the defence team for Nuon Chea to put questions. And the two  
24 defence teams have two Court sessions to put questions to this  
25 witness.

1 You may proceed.

2 [09.19.20]

3 QUESTIONING BY MR. KOPPE:

4 Thank you, Mr. President. Good morning, Your Honours. Good  
5 morning, counsel.

6 Q. Good morning, Madam Witness. I'll be asking you some questions  
7 this morning and also part of the second session.

8 I would like to start with just very few questions concerning  
9 your background.

10 Could you tell the Chamber what you studied and what your last  
11 degree is?

12 MS. HIN SOTHEANY:

13 A. Allow me to respond. I concluded my law degree <from the Royal  
14 University of Law and Economics or RULE> in 2006.

15 Q. Thank you, Madam Witness.

16 What were you -- or what are your professional experiences before  
17 you were hired by the Office of the Co-Investigating Judge?

18 [09.20.52]

19 A. I worked as a contractual staff at DC-Cam, and I was part of  
20 the project, which is known as the Accountability Project at  
21 DC-Cam. And after that -- rather, as part of the project, I  
22 conducted research and interviewed former survivors, in  
23 particular, the former Khmer Rouge cadres throughout the country.  
24 And later on, I worked for the Office of the Co-Investigating  
25 Judges in the analyst team.

1 Q. How long in total have you been working for DC-Cam before you  
2 moved to OCIJ?

3 A. I started working for DC-Cam <in> 2004, and I continued until  
4 2012. And after that, I came to work at the OCIJ as an analyst  
5 consultant <from> 2014 <to> 2016.

6 Q. And have you been hired by the OCIJ to work exclusively on the  
7 list that we will be discussing extensively today?

8 A. Throughout the process of drawing up list of S-21 prisoners at  
9 OCIJ, my main function was to work on the list, and I was an  
10 analyst consultant. And my work exclusively dealt with the  
11 drawing up of the list.

12 Q. Is it correct if I say that your work for the OCIJ list is  
13 done exclusively in Cases 003 and 004?

14 A. I worked on the S-21 list. That's the only list that I worked  
15 on.

16 [09.23.50]

17 Q. So you don't know if you're working in Cases 003 and 004?  
18 I see you had some discussion with the legal officer. Your work  
19 as an analyst, was that exclusively in Cases 003 and 004?

20 A. After I -- I had to consult with my legal officer because, in  
21 fact, the list that I worked on was for Cases 003 and 004, and  
22 that was the purpose I was hired to work for OCIJ, that is, to  
23 work on the list, and nothing else.

24 Q. And would it be fair to say that you are exclusively  
25 answerable to the International Co-Investigating Judge, and not

10

1 to the National?

2 A. I worked for the Office of the International Co-Investigating  
3 Judge.

4 [09.25.25]

5 Q. Thank you.

6 Now let me move to the methodology of the list. First, some  
7 general points:

8 Can you tell us -- can you tell the Chamber how many people  
9 worked with you on the list, or was it you exclusively who was  
10 busy compiling that list?

11 A. I worked on the list under the <guidance> of the team leader,  
12 that is, Hiroto. He was the leader of the analysts during the  
13 time that I worked. And he was the one who was responsible for  
14 the compilations of those documents, so there were only two of us  
15 working on the list.

16 Q. Indeed, that was my next question, Madam Witness.

17 In a memo from the OCIJ, E393.1, a person called Hiroto Fujiwara  
18 is mentioned as the team leader of the analysts unit. Did he --  
19 was he actively involved in the selection of documents in the  
20 compiling of the list, or was his role more a supervisory role?

21 A. Mr. Hiroto Fujiwara was the one who gathered the documents,  
22 that is, to gather the list of the documents from DC-Cam or from  
23 Tuol Sleng or from the case files where I did not have access to,  
24 <and I was actually the one who draw up the list.>

25 [09.27.40]

11

1 Q. I will move to this shortly. One additional question about Mr.  
2 Fujiwara.

3 Do you know his professional or academic, if any, background?

4 A. To my knowledge, when I came to work for the Office of the  
5 Co-Investigating Judges and I realized that he was a team leader  
6 of the analysts, and that's all I know about him.

7 Q. One last question about him.

8 Do you know if he speaks or reads Khmer?

9 A. Through my contact with him, I <learned that he does not know  
10 Khmer.

11 [09.28.48]

12 Q. You briefly indicated this already, but if I may ask you to be  
13 a bit more extensive now.

14 Can you tell us where the documents that you have examined or  
15 selected -- where they were coming from? Where were they  
16 obtained?

17 A. The documents that I reviewed before I <incorporated> them in  
18 the list were mainly from DC-Cam and the Tuol Sleng Museum.

19 Q. Are these the only two sources of origin of the documents that  
20 you examined?

21 A. <The list I have drawn were based on only> the main <two>  
22 sources that we -- that I referred to.

23 Q. Just to be 100 per cent sure, you say "main sources". This  
24 could imply that there are other sources than these two. But just  
25 to be 100 per cent sure on this, as I said, the sole sources of

1 the 13,383 documents were the archives of the Tuol Sleng Museum  
2 and DC-Cam; correct?

3 A. Yes, that is correct. They are the <main two> sources.

4 Q. Did you, yourself, go to Tuol Sleng or DC-Cam or did you just  
5 find those 13,383 documents either on your desk or digitally on  
6 your computer?

7 A. First, my team leader gave me the lists which he collected  
8 from the DC-Cam's website. He got a list of documents, and then  
9 he sent that list to DC-Cam to obtain <> those documents. I  
10 examined each document from -- each document from the list. <I  
11 can say that these were the only two> sources of documents that I  
12 <based upon>.

13 [09.32.18]

14 I was not able to go directly to the DC-Cam to collect all those  
15 documents. Some documents are already available in SMD. I am the  
16 one who examined the documents given by him, but -- and I saw --  
17 I examined only the list of the incoming prisoners.

18 And I also went to Tuol Sleng Museum, maybe in February <or>  
19 March, to examine certain documents so that I could <incorporate  
20 them into> my list <to make sure my list was complete>.

21 Q. Did you or did Mr. Fujiwara physically take original documents  
22 to the -- to OCIJ either from DC-Cam or from Tuol Sleng?

23 [09.33.38]

24 A. Generally, he was the team leader of the analysts, so his  
25 responsibility was to collect all documents, whether they are at

1 DC-Cam or Tuol Sleng Museum. He led the team and he went with the  
2 team members.

3 Again, he collected all documents for the team so that I could  
4 examine all those documents.

5 Q. I understand. But just to be very precise, you used the word  
6 "collect". Does that simply mean digitally transferring documents  
7 from the DC-Cam digital archives to OCIJ?

8 A. I do not know about this. It is his responsibility and <he was  
9 in charge of the task>.

10 Q. Let me -- let me try one more time.

11 Do you have -- did you ever have physically in your hands  
12 original S-21 documents?

13 A. Allow me to tell the Chamber that I do not have the physical  
14 documents.

15 Q. Thank you.

16 Madam Witness, do you know or has maybe Mr. Fujiwara told you at  
17 one point whether, at Tuol Sleng or DC-Cam, some sort of register  
18 would be available that would allow your team to understand the  
19 chain of custody of these documents?

20 Chain of custody is a legal team. You're a lawyer. Maybe you are  
21 familiar with the words "chain of custody".

22 [09.36.11]

23 Let me explain. Is -- was your team in a position to understand  
24 where DC-Cam or Tuol Sleng subsequently had their documents from?

25 A. For me, I worked on the lists available in electronic form



14

1 <on> the computer, and I do not know about the chain of custody.  
2 Based on my experience working on the lists, they were -- I could  
3 be able to know which documents were contemporaneous document and  
4 which were not. <I mentioned of two main sources of document  
5 earlier>.

6 Again, some documents were from <the> Tuol Sleng <museum> and  
7 some <others> were from <S-21 (sic)>. And if the documents were  
8 from <the> Tuol Sleng <museum>, those documents were collected by  
9 staff <members> of that Tuol Sleng <museum after 1979. But if  
10 some> documents <remained from the Democratic Kampuchea regime, I  
11 classified them as the documents from S-21. I have no say  
12 regarding other documents>.

13 [09.37.37]

14 Q. Madam Witness, was there any sort of process within your team  
15 available to verify the authenticity of the documents, or did you  
16 or the office assume that since these documents were coming from  
17 DC-Cam or the Tuol Sleng archives that, therefore, they must be  
18 authentic?

19 In other words, how did you make sure that the document that you  
20 were analyzing was actually from S-21?

21 A. Generally, we could identify <that certain> documents <were  
22 actually> from S-21 because S-21 documents are available in <a>  
23 certain <template>. I examined only the lists of incoming  
24 prisoners, and <so I am familiar with the template of> those  
25 documents<: template of name lists, columns on the name lists,

15

1 the typing style, and sometimes they bore> the signatures of  
2 those who <enlisted those prisoners> at the time. <With all these  
3 small details, I was able to distinguish these documents from  
4 other documents. It is difficult for me to reply to your  
5 question. However, if> you show me the list, I am able to explain  
6 <to> you more easily.

7 Q. I will get to specific documents shortly, but my question is,  
8 what was your team's proof that a document that you analyzed was  
9 actually from S-21 and not just merely coming from DC-Cam or Tuol  
10 Sleng?

11 In other words, how did you verify that this was actually a  
12 contemporaneous document coming from S-21?

13 [09.40.00]

14 A. For my team, my team members and my team leader collected  
15 documents<, and it was me who would verify> whether <or not> they  
16 were <contemporaneous documents> from S-21<. I was> the one who  
17 <screened and selected> those documents.

18 Q. That is not completely answering my question, Madam Witness.

19 My question is, you have a specific document in hand. It's a  
20 digital copy. What methodology was present, what did you do to  
21 establish that that particular document was, in fact, coming from  
22 S-21? In other words, how did you exclude that not someone in  
23 1979 forged a document, for instance?

24 A. Based on the experience I had <with the> DC-Cam and <>the  
25 OCIJ, I mainly focused on the lists of incoming prisoners. At

1 S-21, there was a letterhead <on the lists of incoming prisoners>  
2 and also columns and <typewriting style>. When I look at the  
3 document, I could know the document is from S-21, and the  
4 document is usually -- is very old and <though> the <scanned  
5 format> is comparatively different from the <format> used at the  
6 present time <and the formats used by other offices>. So S-21  
7 documents used certain layout or format.

8 [09.42.30]

9 Q. I understand that. And I'm not disputing the fact that quite  
10 some documents have a certain layout and use of typography, etc.  
11 But just one more time and then I'll move on.

12 How did your office exclude the possibility that what you were  
13 analyzing was, in fact, a document that was drafted before the  
14 7th January 1979?

15 A. Let me make a clarification <that the> list <that I have drawn  
16 does not incorporate any> of <the> documents <prepared either  
17 before or> after Khmer Rouge time <especially the documents from  
18 S-21.>

19 Q. But then what is your definition of a contemporaneous  
20 document?

21 A. Regarding the lists I examined, on the top of the page it has  
22 the heading, for example, list of incoming prisoners. The lists I  
23 examined were lists of incoming prisoner, <or> it -- they bear  
24 S-21 logo. Some documents do not bear the S-21 logo, but I could  
25 identify and establish that they were S-21 documents by looking

17

1 at the format and the signatures of those who <prepared the  
2 lists. With all these details, I managed to distinguish them from  
3 other documents>.

4 [09.44.57]

5 JUDGE FENZ:

6 Just trying to bring some order in here.

7 Did you use any documents for the list that were created after  
8 '79? No matter by whom.

9 MS. HIN SOTHEANY:

10 No<, Your Honour.>

11 JUDGE FENZ:

12 So to be very clear, the only documents you used were such that  
13 were created between '75 and '79 no matter where you got them  
14 from?

15 MS. HIN SOTHEANY:

16 Correct, Mr. President.

17 [09.45.56]

18 JUDGE FENZ:

19 And the other question that still appears to be open, did your  
20 office or you do anything to check if the documents that you were  
21 analyzing were actually really created between '75 and '79, or  
22 did you just take the list as it came?

23 MS. HIN SOTHEANY:

24 I checked and examined all those documents before I <incorporated  
25 them> in my <list>. The documents I <that incorporated> in my

18

1 lists were documents of the Khmer Rouge time <made between> 1975  
2 <and> 1979, particularly the S-21 documents.

3 JUDGE FENZ:

4 But you came to this conclusion on the basis of the data on the  
5 document. You didn't do any forensic analysis of the documents?

6 (Short pause)

7 [09.47.34]

8 JUDGE FENZ:

9 Maybe the question isn't clear. Let me repeat.

10 When you said you only used documents created between '75 and  
11 '79, you were saying this because the dates on the document say  
12 '75 between '79. Is this correct? Or did you or anybody of your  
13 team take these documents, look at them, look at the paper, do  
14 anything else?

15 MS. HIN SOTHEANY:

16 I <> examined the documents <by basing on the format and> the  
17 dates <on> those documents, for example, <those documents that  
18 were with the dates between> 1975 and 1979. <Other than this,> I  
19 did not use any other methods to make the analysis<; however, I  
20 mainly based on the format that those documents were prepared.>

21 BY MR. KOPPE:

22 Q. But what if -- if I may follow up. What if there was no date  
23 on the document? Did you just assume that because you were  
24 requested to study it, it must be an S-21 document?

25 [09.49.12]

1 MS. HIN SOTHEANY:

2 A. I checked and examined all types of documents, the form -- the  
3 format, the <date, the> logo or typography and the signatures of  
4 S-21 staff members. And I also looked at the dates. <It could  
5 also lead to> a confusion if I only depended on the dates. <In  
6 some cases, the person who prepared the lists wrote a wrong date,  
7 for example, by putting> the date -- the year 1979 <instead>.  
8 Again, I looked at the <format and the> typography of the  
9 documents to make sure that they were <prepared during> Khmer  
10 Rouge<>. And some documents bear the signatures and the logo <of  
11 S-21 on the top, signatures> of those who <prepared or received>  
12 the documents<, and their names at the bottom>.

13 Q. How did you, Madam Witness, differentiate between a document  
14 from S-21 and a document from, for instance, a division prison or  
15 a zone or district security centre?

16 A. < I mainly dealt with S-21 lists.>First, I <looked> at the top  
17 page -- the top of the page. <>There was a logo on the top saying  
18 that S-21. And the heading say -- says "List of incoming  
19 prisoners" <or ">list of prisoners who were sent to some certain  
20 places<". This is the initial step I had to follow in order to  
21 screen for the documents.>

22 <Secondly, as regards to documents> sectors<, they have their own  
23 features. So> I could make a <distinction> between <>these <two  
24 types of> documents.

25 [09.51.39]

20

1 Q. Well, let's make it concrete, then.

2 Mr. President, with your leave, I would like to hand a binder  
3 that we have prepared for the witness with some documents,  
4 underlying documents, documents that we are also able to show on  
5 the screen. And while discussing these documents, I have some  
6 questions.

7 MR. PRESIDENT:

8 Yes, please proceed.

9 [09.52.26]

10 BY MR. KOPPE:

11 Q. For the parties, my first example -- Madam Witness, you will  
12 find that in your binder at number 1 -- are documents E3/9850,  
13 E3/2093 and E3/10416.

14 Madam Witness, have you been able to find the examples? And maybe  
15 we can start by putting E3/9850 on the screen.

16 For your background, Madam Witness, and then you will understand  
17 my question, we believe that these are documents or examples of  
18 documents without any S-21 label or reference.

19 So E3/9850 is now on the screen. Maybe we can start with that  
20 document.

21 If I am -- if I understood correctly from my Khmer colleagues,  
22 there is no reference to the letter and numbers S-21 at all. How  
23 did you establish, for instance, that this particular document  
24 is, in fact, an S-21 document?

25 [09.54.25]

1 MS. HIN SOTHEANY:

2 A. Let me clarify that this <>document <is> from S-21. This is  
3 the list of -- of the incoming <prisoners with a specific date.

4 This is a list of the> daily <incoming prisoners>.

5 <I have a few reasons as to why> I say that<. First, the term

6 "original name" was used. Currently, we do not use the term, but

7 "first name" and "surname" instead. They also have columns for

8 alias, age, sex, and place of origin. Currently, the term "place

9 of origin" was not used that commonly.>

10 And there is a column of position<. So> I <focussed on the

11 format, the typography, and the number of columns. Its format of

12 columns is different from other documents.>

13 <I can tell you that there> are many documents of this type in

14 the list <I have prepared as these are the> lists <> of incoming

15 prisoners.

16 Q. But how did you exclude possibility that there wasn't some

17 other security centre using the exact same format?

18 A. If -- it is difficult for me to respond to your question since

19 you do not show me the exact document <> you want to know. <I can

20 tell you from my experience that> there are different formats

21 compared to the formats used by S-21.

22 [09.56.39]

23 Q. Well, I used one example and I showed you E3/9850 doesn't have

24 an S-21 label, but you said because of the format, etc., it must

25 be an S-21 document. My question, again, how did you exclude the



1 possibility that there might have been another security centre,  
2 maybe S-22, S-23, maybe somewhere in the province using the exact  
3 same layout?

4 A. Based on the experience I worked on the S-21 lists,  
5 particularly lists of incoming prisoners, I looked at the layout  
6 or format and types of the documents. <When I mention of the  
7 layout or format, I am actually referring to the way they typed.>  
8 For instance, Krang Ta Chan security office, they -- those  
9 offices <used> different types of layouts or format<, not this  
10 type layout.>

11 Q. Well, let me move to another example, that is, your example  
12 number 2 in your binder.

13 Mr. President, this is E3/10398.

14 Madam Witness, this is a document also without any reference to  
15 S-21, but with the label of the Lon Nol regime on it.

16 JUDGE FENZ:

17 Can you put it on the screen?

18 [09.58.26]

19 BY MR. KOPPE:

20 Yes. E3/10398, a document without any S-21 reference and with a  
21 reference to the former Lon Nol regime. It should be on the  
22 screen shortly.

23 Here it is. Number 4 may be in your binder.

24 Q. Maybe just have a look. There's some confusion as to the  
25 example number. We will check that in the break, Madam Witness.

23

1 But it is E3/10398. We'll put it again on the screen.

2 This is a document without any reference to S-21, but with a  
3 reference to the Lon Nol regime.

4 There we have it. And my question is, how do you know that this  
5 is an S-21 document?

6 [10.00.33]

7 MS. HIN SOTHEANY:

8 A. Regarding this document, the year <on this list> is 1977, <and  
9 it is> the annual list of prisoners. It does not say <anywhere  
10 regarding> the former Lon Nol soldiers.

11 Q. Let me ask you -- but let me ask, Madam Witness, how do you  
12 know that this is, in fact, an S-21 document, E3/10398?

13 A. I think this is a <personal note> of the <person> who <was in  
14 charge> the <lists. To my memory,> I did not <incorporate> this  
15 document <into my list, firstly. And secondly,> the names <on>  
16 this document are the names of prisoners at S-21 because some of  
17 the names -- I have seen some of the names in other lists. And  
18 this is a draft report before <that person actually typed it  
19 down. The person did use the sheet left over from the Lon Nol  
20 regime. Anyway, only the sheet he used was from the Lon Nol  
21 regime, not the content on the sheet. It could have been his  
22 personal handwriting note before he actually typewrote it>.  
23 <Anyway, the> names of <those> people in this report also have --  
24 also -- are also available <on> the list -- <> that I <have  
25 prepared. Again, I did not incorporate this document into my

1 list.>

2 Q. Well, I'm not sure if I understood correctly everything you  
3 said, but you have used this particular document in your list,  
4 more specifically in your list number 1968, 1968, you used this  
5 particular document for a prisoner named Hing Sokhom. So again,  
6 I'm still not sure if I understand. Why are you saying that this  
7 is an S-21 document?

8 [10.03.58]

9 MR. LYSAK:

10 Thank you, Mr. President.

11 I don't know if counsel gave her the OCIJ number reference. I may  
12 have missed it. But the OCIJ number for this person is 1968. And  
13 if you look there, you'll see that, in addition to the document  
14 that counsel is questioning her about, there are three -- at  
15 least three other S-21 records that are listed for that prisoner.

16 BY MR. KOPPE:

17 That might very well be the issue, and I did mention 1968 just  
18 now.

19 Q. My question is only about this document, Madam Witness, and my  
20 question remains. Why did you use this document as a source for  
21 your list? Why is it an S-21 document?

22 [10.05.07]

23 MS. HIN SOTHEANY:

24 A. Please refer to the serial number in my list <again> since I  
25 cannot locate it.

1 MR. PRESIDENT:

2 <The follow-up question was not in line with the response.> The  
3 witness responded that she did not refer to this document in her  
4 list, but in your case, your question put to her is that she  
5 referred to this document in her list. <You asked her to provide  
6 you evidence by referring to the list.> But the witness clearly  
7 states that she did not refer to this document in drawing up <the  
8 updated> list <of S-21 prisoners>, so it seems that your  
9 follow-up question contradicts to her previous response.

10 BY MR. KOPPE:

11 I don't think so, Mr. President, unless you know all the  
12 entrances by heart.

13 Q. But if you look at your laptop, maybe, Madam Witness, and look  
14 at your entrance 1968 in your Excel sheet, and there you can see  
15 that this particular document is being used, among others, for  
16 listing Hing Sokhom.

17 Maybe it will be helpful if you look at your list, 675. Have you  
18 found it?

19 MS. HIN SOTHEANY:

20 A. I still cannot locate it.

21 [10.07.12]

22 Q. Well, to prevent further problems, we have a number in your  
23 Excel sheet you made. It's entry number 1968 for a prisoner named  
24 Hing Sokhom. And as a source for this particular person being a  
25 prisoner, I understand that you have used E3/10398.

1 My question is, why have you used that document?

2 A. Allow me to clarify again. In my list, that is, for serial  
3 number 1968, the name is Hing Sokhom. Am I correct?

4 Q. Correct.

5 A. However, in my list, it seems that I do not refer to this  
6 particular document. And second, I examine this document that you  
7 provided to me, and that name does not seem to appear on this  
8 document.

9 [10.08.17]

10 Q. I'm not sure where things go wrong, but let me revisit the  
11 issue after the break and I'll move on.

12 MR. LYSAK:

13 Thank you, Mr. President.

14 I think the problem may be that the witness is using her original  
15 version, so she's looking at a list that probably only has the  
16 DC-Cam numbers on it. So the DC-Cam number for what is E3/10398  
17 is D14825. So I think perhaps it might be necessary -- I know  
18 that we created a version of the list where we added E3 numbers,  
19 but it may be necessary for this purpose that you -- counsel  
20 reference both the DC-Cam number because then she'll be able to  
21 see that in the list.

22 MR. KOPPE:

23 I'm not sure if I follow, Mr. President. We have been using these  
24 Excel entry numbers all the time, and these are unique numbers.  
25 They are running from 1 till 15,102, so I presume that if I refer

1 to the Excel entry number that that should be very clear to the  
2 witness because she made that list. If I'm wrong, please inform.  
3 [10.10.19]

4 MR. LYSAK:

5 The problem is not the number of the -- on the OCIJ list; it's  
6 the E3 number. You asked the -- asked the witness whether she  
7 used E3/10398. She's looking at a list, probably, that only has  
8 the DC-Cam numbers, so she doesn't see that E3 number, E3/10398.  
9 She sees --

10 MR. KOPPE:

11 That's not correct because I gave her a physical copy of -- I  
12 gave her a binder with physical copy, so she actually has it in  
13 front of her. I mean, she's not disputing the fact that she has  
14 that physical document in front of her.

15 [10.10.57]

16 MR. LYSAK:

17 You're -- that's not -- in looking at her spreadsheet, you asked  
18 her whether she used that in her spreadsheet. Her spreadsheet  
19 only has -- I'm guessing the only she's looking at only has the  
20 DC-Cam number, not the E3 number of the document.

21 MR. KOPPE:

22 Counsel to Khieu Samphan team was so kind to provide me a DC-Cam  
23 number, then, D14825.

24 Oh, it's my team. Sorry.

25 Maybe that will help, D14825.

1 This doesn't change the fact that it's still puzzling, Mr.  
2 President, why the witness doesn't have the unique entry numbers  
3 of the Excel sheet.

4 (Short pause)

5 [10.12.10]

6 MS. HIN SOTHEANY:

7 Allow me to respond. I did not refer to this document when I  
8 found his name. First of all, I referred to the list of the  
9 incoming prisoners. As for this document, his name appears on <a>  
10 document which was handwritten, so it means that his name already  
11 appeared on the incoming prisoners. And that is why I added his  
12 name to the list.

13 And in this list, it also mentions that his document was made,  
14 that is, he had been interrogated.

15 And there were 11 copies, but what I want to say is that I  
16 referred to the initial documents, that is, documents that  
17 mentions that he entered S-21.

18 As for this document, it <was> handwritten by a staff at S-21.

19 BY MR. KOPPE:

20 Q. Or so you assume.

21 [10.13.55]

22 JUDGE FENZ:

23 Can I intervene?

24 Is there anything beside the fact that this name appears on this  
25 document that makes you believe that this document was created in

1 S-21 between '75 and '79, or is the only indication this name,  
2 which is corroborated by various other documents?

3 MS. HIN SOTHEANY:

4 First of all, I relied on his existing name of the incoming  
5 prisoners. Second, regarding the layout of the person who  
6 <registered> the prisoners, in addition, the columns which were  
7 prepared and which is consistent with the typed column, that is,  
8 the <original> names, <alias> and the position as well as the  
9 number of documents regarding a particular prisoner or the  
10 documents referred to what he answered. And that is based on the  
11 documents that I examined.

12 [10.15.30]

13 MR. PRESIDENT:

14 Thank you.

15 It is now convenient time for a short break. The Chamber will  
16 take a break now and resume at 10.30 a.m. to continue our  
17 proceedings.

18 Court officer, please assist the witness at the waiting room  
19 reserved for witnesses and please invite the witness and the  
20 legal officer to the courtroom at 10.30 a.m.

21 The Court is now in recess.

22 (Court recesses from 1016H to 1033H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is now back in session and the Chamber hands the floor



1 to the defence team for Mr. Nuon Chea to resume the questioning.

2 You may now proceed.

3 MR. KOPPE:

4 Thank you, Mr. President.

5 One brief unrelated matter before I go, Mr. President. Does the

6 Chamber already know whether the video link testimony of

7 tomorrow's witness will actually happen? I'm asking because of

8 preparation issues.

9 [10.34.10]

10 MR. PRESIDENT:

11 The Chamber will inform all parties this afternoon or the latest

12 tomorrow.

13 BY MR. KOPPE:

14 All right.

15 Q. Good morning again, Madam Witness. I'll move away from

16 examples of particular documents.

17 Before the break, we discussed briefly your background, some

18 general methodology issues, authenticity, chain of custody, etc.

19 I would like to move now to another subject, and that is the

20 selection of documents, specifically which documents were used.

21 [10.35.02]

22 Just to bring into memory again, according to a memo from the

23 OCIJ, you have reviewed 13,383 contemporaneous records. However,

24 to create that Excel sheet with those 15,000 plus names, you have

25 used only 871 documents.

1 My question is, first of all, how did that number from 13,383 go  
2 down all the way until 871 documents that you ultimately ended up  
3 using for your list?

4 MR. LYSAK:

5 Mr. President, I'd just ask this number of 871, I'm not  
6 objecting, necessarily, but I think counsel should explain how he  
7 came up with that number just so that it can be verified by the  
8 Chamber and the other parties.

9 [10.36.23]

10 BY MR. KOPPE:

11 That's actually not me who did that; it's the memo of the OCIJ,  
12 E443/1.2. That's where I derived these numbers from. So it's not  
13 me who did that.

14 Q. So again, my question, can you explain to the Chamber how  
15 those 13,383 documents -- let me rephrase.

16 How did you end up using only 871 documents? What was the  
17 selection process? Can you shed some light on that, please?

18 Thank you.

19 MS. HIN SOTHEANY:

20 A. In the list, I selected those names <> from the list of  
21 incoming prisoners, and prisoners started to enter into that  
22 location from <1976, 1977, 1978 and> 1979. So <among all the  
23 lists of prisoners,> I selected <only the initial lists of  
24 incoming prisoners>.

25 And as for the 871 documents, <they were> the lists of prisoners

1 that I checked. As for some other documents besides <these  
2 documents>, I have not taken <examined as I mainly focussed on  
3 the lists of incoming prisoners>.

4 [10.38.37]

5 Q. Without going into specific or exact numbers, I'm still not  
6 sure if I understand completely.

7 When compiling this Excel list, you apparently set aside roughly  
8 12 and a half -- 12 and a half thousand documents. Can you  
9 explain why you didn't use the bulk, the vast majority of the  
10 documents in compiling the OCIJ list?

11 A. Let me clarify once again. I looked at the list of incoming  
12 prisoners based on the year. <I focused on the lists of incoming  
13 prisoners in those years. For instance,> I worked on the <lists  
14 of incoming prisoners in> 1976<, and the lists of> incoming  
15 prisoners <in 1977. The lists of prisoners I only selected to  
16 work on the> lists of incoming prisoners<. And based on these  
17 lists of> incoming prisoners<, I> then <> would go to check other  
18 documents <regarding lists of prisoners. For instance, the name>  
19 brought up <by you a moment ago, the person appeared on the  
20 serial number of 1968 on> my list<>.

21 Again, first I <collected all the lists of> incoming prisoner<;>  
22 for example, <lists of prisoners in> 1976. And <only when we knew  
23 that> the name appeared in the <S-21> lists <and> that  
24 <individual's name had been registered> in S-21 <lists would> I  
25 <>go <and search for additional documents relevant to the

1 individual>. However, on some cases, <particularly in 1976,> the  
2 <person> who was in charge of <making> the lists <of incoming  
3 prisoners> was not quite sure<; meaning that, he only asked for a  
4 prisoner's name, position and place of origin. And since he had  
5 not asked for other things, we had to search for other relevant  
6 information regarding those prisoners. This methodology was  
7 applied when I was drawing up the list. So I examined the lists  
8 of incoming prisoners in a chronological order. And only after it  
9 was confirmed that a prisoner had been registered on the S-21  
10 list did we start searching for additional and relevant  
11 information about him or her>.

12 [10.41.07]

13 <>

14 Q. I'm not entirely sure if I follow, but let me try it  
15 differently and let me refer to a memo from the International  
16 Co-Investigating Judge, E393.1. That's a memo to Judge Kong Srim  
17 and Judge Nil Nonn, 30 March 2016, where he describes the applied  
18 methodology and under point 4, he says the following:

19 "In total, 13,383 documents were reviewed, all of which can be  
20 categorized as follows:

21 "a) S-21 prisoner entry Log (that could be daily logs or monthly  
22 logs)

23 "b) Biography of S-21 prisoners

24 "c) S-21 Log prepared by S-21 staff with respect to the condition  
25 of prisoners

1 "d) S-21 list of prisoners interrogated (Interrogation lists),  
2 and

3 "e) S-21 prisoner execution logs."  
4 [10.42.58]

5 So five separate categories, apparently, can be distinguished.

6 My question is: Is it correct that all 13,383 documents can be  
7 divided or categorized in these five categories or is it only the  
8 documents that you have used for your Excel sheets -- Excel sheet  
9 that can be categorized thus?

10 A. The documents of 13 thousand plus, which I examined, of --  
11 these documents were examined by me and after that, <only 871 out  
12 of these documents were based in order to draw up my list. The  
13 five categories of documents mentioned in the memorandum of> the  
14 <International> Co-Investigating Judge issued < on 30 March 2016  
15 were formulated by basing on my list or> the 871 documents <of  
16 reference>.

17 Q. Let me try it differently; maybe my questions are not very  
18 clear. I apologize, Madam Witness, but let me give you an  
19 example. Confessions from prisoners, were they included in the  
20 number of 13,383; yes or no?

21 A. I <only> referred to the lists of confessions from S-21 --  
22 from Tuol Sleng Museum, rather. The heading of those documents  
23 <at Tuol Sleng reads>, "Confessions of the Vietnamese, Thai," for  
24 example; however, after my examination of those documents, <I  
25 found that> those documents <were more likely> biographies. <So I

1 did not use actually use the confessions of prisoners from S-21.>

2 [10.46.05]

3 Q. Maybe if you can answer just yes or no. Confessions from  
4 prisoners, were they included in that number of 13,383; yes or  
5 no?

6 A. Are you saying that I <> used <all> those confessions; I am  
7 not sure with your question?

8 Q. No, it is clear to me in order to make your Excel list, you  
9 used 871 documents; however, you examined many more documents,  
10 almost 13 and a half thousand.

11 My question is: In that number of 13 and a half thousand, were  
12 there also confessions included?

13 A. There was a list of confessions.

14 Q. Can you roughly indicate how many documents of those 13  
15 hundred and -- 13,383 were confessions from prisoners?

16 A. I referred to the list of confessions <prepared by the> Tuol  
17 Sleng <museum>. I did not <actually incorporate any individual's>  
18 confession per se <into the list. I referred to the list of  
19 confessions prepared by staff members of the> Tuol Sleng <museum.  
20 In fact, it is the compiled list of those gave confessions>.

21 [10.47.27]

22 JUDGE FENZ:

23 May I just ask to clarify? So you are talking about one document,  
24 which listed confessions; you are not talking about death  
25 confessions, the documents on which the confessions were written;

1 is that correct?

2 MS. HIN SOTHEANY:

3 That is correct.

4 BY MR. KOPPE:

5 Q. Are you -- are you, nevertheless, in a position to say,  
6 approximately, how many confessions there are -- how many  
7 confessions of prisoners are in the possession either of DC-Cam  
8 or the Tuol Sleng Museum?

9 [10.49.50]

10 MS. HIN SOTHEANY:

11 A. <Allow me to make a clarification.> I <actually> used the list  
12 <of confessions> prepared by a staff of Tuol Sleng and that  
13 document <can be found on the casefile, that is> E3/2775. That is  
14 the list of confessions <that> I used<>.

15 Q. That is clear to me. My question is: In your two years of work  
16 -- 24 months of analysis, are you in the position to,  
17 approximately, say how many confessions there are; confessions  
18 either in the possession of Tuol Sleng Museum or confessions in  
19 the possession of DC-Cam? Is it possible for you to give any  
20 approximate number?

21 A. In <> my list, based on <E3/393.3, the list of references of  
22 871 documents, some of which are titled> confessions and <> there  
23 are 27 confessions<. You may refer to the list of 871 references,  
24 and you would see> 27 documents <of them> have the title of  
25 confessions, but <when you go into> those documents, you can see

1 that <most of them more likely prisoners'> biographies <made in  
2 1976>.

3 [10.52.38]

4 Q. So just to be clear, but it wasn't an answer to my question,  
5 but you are admitting that you have used confessions in the OCIJ  
6 list.

7 But my question is: Can you estimate, roughly, how many  
8 confessions there are? Let me ask it in a different way. There is  
9 an historian, an expert also to this Court, David Chandler, and  
10 he wrote a book about S-21. This was admitted as E3/1684. I'm  
11 referring to English, ERN 00192685; Khmer, 001981 -- excuse me --  
12 835; French, 00357268. He refers to, according to his research,  
13 that roughly 4,300 confessions have come to light so far. Is that  
14 a number that you can, somehow, confirm?

15 JUDGE FENZ:

16 Can we clarify when "so far" was said?

17 MR. KOPPE:

18 I presume the moment he wrote his book. I believe -- I will give  
19 you the year shortly; I don't know it by heart.

20 [10.54.03]

21 JUDGE FENZ:

22 It's just a fair addition if you ask the witness the question.

23 BY MR. KOPPE:

24 Q. With a brief caveat, Madam Witness, Historian Chandler, when  
25 he researched the archives -- when he wrote his book, he said



1 that at moment of publication of his book, 4,300 confessions had  
2 come to light so far.

3 My question: Is that a number that you can, somehow, corroborate;  
4 is that a number that you have, somehow, been able to establish  
5 yourself as well?

6 [10.55.06]

7 MS. HIN SOTHEANY:

8 A. In the list of S-21 prisoners compiled -- drawn up by a staff  
9 of Tuol Sleng Museum, there are around 4,000 confessions. Again,  
10 I would like to inform the Chamber that I compared the list of  
11 confessions prepared by a staff of Tuol Sleng with the list that  
12 I have. After I <had> prepared a list, then I compared my list  
13 with the list drawn up by a staff of Tuol Sleng to make sure  
14 <whether or not> those <some 4,000 names on their lists> are also  
15 available in my list<, firstly. And secondly, since the> list of  
16 incoming prisoners and list of outgoing prisoners are different<,  
17 I cannot tell you whose figure is more accurate. Again, I have  
18 drawn my list by basing on the documents I have collected and  
19 examined.>

20 Q. I'm sure I'm -- I haven't asked the question properly, but  
21 I'll move --

22 JUDGE FENZ:

23 Let me try one last time. Do you have any idea, Witness, today,  
24 how many confessions do exist in S-21 or in DC-Cam; do you know  
25 or do you not know? Forget lists, did somebody tell you; did you

1 count them for whatever reason? Can you tell us how many  
2 confessions still exist today or can you not? It's also possible  
3 to say, "I don't know".

4 [10.56.58]

5 MS. HIN SOTHEANY:

6 I do not know about that since I, myself, did not examine each  
7 and every confession of S-21.

8 BY MR. KOPPE:

9 Q. That's clear now. Thank you, Madam Witness.

10 Another potential source of information would be S-21  
11 photographs. It's not mentioned in the memo of the International  
12 Co-Investigating Judge of 30 March, but have you, in your  
13 analysis, used photographs to reach certain conclusions? Are  
14 photographs part of the 13,383 documents that you have analyzed?

15 MS. HIN SOTHEANY:

16 A. I have not yet examined those photographs.

17 [10.58.22]

18 Q. Same question as in respect of the confessions; are you,  
19 nevertheless, able, somehow, to say how many photographs of  
20 prisoners have been found or are present in either the DC-Cam  
21 archive or the Tuol Sleng Museum archives? Do you know how many  
22 photos there are of prisoners?

23 A. Regarding photographs, I, actually, do not know the number.

24 MR. KOPPE:

25 Just very, very briefly, Mr. President, I have here a list of --

40

1 or a book full with photos of S-21, that is, document E3/9837. We  
2 have used it quite extensively in our examination of witnesses.  
3 May I just briefly hand it over to the witness and ask the  
4 witness to go through it and just to have her confirm that she  
5 never used, or maybe she did, these photographs?

6 MR. PRESIDENT:

7 Yes, please.

8 (Short pause)

9 [11.00.31]

10 BY MR. KOPPE:

11 Q. As you see, it's not only photos, but on the back side of each  
12 photo are prisoner data and bio information, etc. Have you ever  
13 used these photos in your analysis?

14 MS. HIN SOTHEANY:

15 A. I have never used these photos. <Pursuant to the memo of the  
16 International Co-Investigating Judge,> I have not <examined the  
17 list of> all of these photos.

18 Q. Does that even look familiar to you, these photos with, on the  
19 backside, information; have you ever seen these photos before?

20 A. Yes, I have seen them at the Tuol Sleng Museum, though I  
21 cannot recall any specific photo. As for these small photos with  
22 the handwriting on the back, this is the first time that I see  
23 them.

24 [11.01.54]

25 Q. Are you in a position to say why it is that your office has

1 not included these photos in the data in the analysis; is -- do  
2 you know if there was some kind of decision-making process?

3 A. I only worked on the <lists of> incoming prisoner<s> and my  
4 time period was limited, that is, a period of two years. And I  
5 also <worked> on <>certain <lists> of incoming prisoners; for  
6 example, for the incoming prisoners for the year of 1976, I  
7 <dedicated> certain months to <thoroughly> work on them before I  
8 <moved> on and, for that reason, I did not have time to examine  
9 those photos, as indicated in the memo by the International  
10 Co-Investigating Judge, <among the five columns highlighted on  
11 the list, no photos were examined> due to the time limitation.

12 Q. I understand or maybe I don't.

13 Madam Witness, another question: Just before the recess, the  
14 Chamber obtained an original, orange-coloured log book of S-21;  
15 are you aware of this? Have you -- have you seen this original,  
16 orange log book just about, I would say, three weeks ago?

17 A. Please refer to it or please show me which <particular>  
18 document that you are referring to <when you mentioned of the  
19 orange log book>.

20 [11.04.10]

21 Q. That would be a bit difficult.

22 Mr. President, you might recall that before the recess, I  
23 requested, in the very last day, to have WESU contact the witness  
24 to have her show that original, orange log book that was provided  
25 to us by the German filmmaker. Apparently, that hasn't happened,

1 but may I request that maybe CMS together with WESU, in the lunch  
2 break, could show this orange log book to the witness just so  
3 that we are sure that she knows what we are speaking about?

4 Now, let me move on to some general issues of numbers. We  
5 mentioned this number before, Madam Witness. In your list, you  
6 have a total of 15,102 prisoner entries; is that correct you have  
7 established that, according to you, 15,102 prisoners have entered  
8 and have been detained at S-21?

9 A. Allow me to clarify it again. In my list, the prisoner entries  
10 was 15,101 and it's not <15,102. And it is the figure of incoming  
11 prisoners.>

12 [11.06.20]

13 Q. I'm sorry; that's my mistake, 15,101.

14 You have listed in your OCIJ list various columns -- various  
15 categories being, for instance, the date of arrest, date of  
16 execution; are you in a position -- and, of course, if you would  
17 like to have a look at your Excel sheet, that is no problem at  
18 all, but are you -- are you in the position to confirm that of  
19 15,102 prisoners that only -- let's skip the word "only" -- 5,512  
20 prisoners have a date of execution? Is that something that you  
21 can confirm; are our calculations correct?

22 A. Regarding the number of <documents on> prisoners who were  
23 executed, I relied on the original incoming prisoners <by  
24 examining them in a chronological order>; then we tried to find  
25 other <lists or documents> to check whether the prisoners were

1 sent to be smashed or executed.

2 And in the spreadsheet that you showed -- and, as I indicated, my  
3 time period was limited -- I did not focus fully on the <lists>  
4 of prisoners who were executed, but my focus -- my main focus was  
5 on the <lists> of incoming prisoners <to S-21>. However, there  
6 were instances that I referred to those documents, that is,  
7 first, the incoming prisoners' list and then, I referred to the  
8 date of execution.

9 [11.08.46]

10 From my recollection, I used several of these documents <that  
11 were made in> December <in 1978> because <after> the first or  
12 second day of December, there were only lists of prisoners who  
13 were executed and no <more lists> of prisoners who were brought  
14 in. And, as I said, first, I had to rely on the incoming  
15 prisoners' list based on <their dates and> the year and as in the  
16 case of December 1978, the incoming prisoners' list only existed  
17 for the 1st and the 2nd of December and, for that reason, I had  
18 to refer to the list of prisoners who were executed. <Other than  
19 this, no such lists were used.> So you may refer to the columns  
20 in my list and you may know which documents that I refer to.

21 [11.09.49]

22 Q. I appreciate that there might be a margin of error, but  
23 roughly speaking -- approximately speaking, would it be fair to  
24 conclude that, based on your list, approximately one-third of the  
25 alleged S-21 prisoners have a date of execution?

1 MR. LYSAK:

2 Mr. President, I -- my objection to this question is that the  
3 witness has just testified that she didn't do an exhaustive  
4 review based on -- of the execution lists, so counsel is leading  
5 and asking a question that is not -- doesn't comport with the  
6 testimony the witness has just given.

7 [11.10.43]

8 MR. KOPPE:

9 Well, I do not agree with that observation, Mr. President. Either  
10 someone is executed or someone isn't executed; it's not -- it's  
11 quite a binary conclusion, so I'm not quite sure what it means  
12 that she hasn't done exhaustive analysis.

13 We might -- we might come to that if we have time, but my  
14 question simple is whether our calculations on the -- based on  
15 the Excel sheets that we have done, are approximately correct and  
16 that is an answer I think she is able to give.

17 So my question simply is: 15,102 prisoners' entries, is it  
18 correct that 5,512 prisoners have, apparently, a known date of  
19 execution?

20 MR. PRESIDENT:

21 Witness, you may respond to this question and the objection by  
22 the OCP is overruled.

23 MS. HIN SOTHEANY:

24 A. Allow me to respond. Yes, that is correct; I did not focus  
25 <the lists> of prisoners who were executed, but I <focused> on

1 the <lists> of incoming prisoners at S-21.

2 [11.12.28]

3 BY MR. KOPPE:

4 Q. I'm not going to examples, but it seems that from this number,  
5 5,512, approximately 76 people have not died from execution, but  
6 rather from diseases. My question, in general: If someone died of  
7 a disease, did you, nevertheless, list that person as being  
8 executed?

9 MS. HIN SOTHEANY;

10 A. Generally speaking, in the list of executed prisoners,  
11 sometimes, for example, they mention, allow me to say, on the 1st  
12 of January '78, that 100 people had to be smashed; however, there  
13 was a note at the end of the documents that there were five who  
14 died from diseases. This is the kind of documents that I used to  
15 see. However, in my list, I focused and relied on the incoming  
16 prisoners' list and if there was a note at the end that this  
17 person had died from disease, then I may make a reference to that  
18 note in -- from that list, that is, from the original document.  
19 But for me, I did not focus on the list of prisoners who were  
20 executed or who died from diseases and if you have any specific  
21 documents that you may want to refer to, please show that to me.

22 [11.14.24]

23 JUDGE FENZ:

24 But you didn't list somebody who died of a disease as executed;  
25 is that correct? You didn't lump all the dead under executed, but



1 if somebody died of a disease, you made a reference and if he was  
2 executed, then he was put down as executed; is that true?

3 MR. PRESIDENT:

4 Judge Jean-Marc Lavergne, you have the floor.

5 JUDGE FENZ:

6 Can I get an answer for the record? Is the -- is what I said  
7 true? You have to say something; your head doesn't show on the  
8 record.

9 I note for the record that she is nodding her head. So you agree  
10 with what I said, yes?

11 [11.15.32]

12 MR. KOPPE:

13 I -- I'm not sure if --

14 JUDGE FENZ:

15 Okay, then --

16 MR. KOPPE:

17 Maybe --

18 JUDGE FENZ:

19 No, no, I don't want --

20 MR. KOPPE:

21 -- the legal officer should intervene. I'm not sure if she  
22 understands the question.

23 JUDGE FENZ:

24 Okay, let me try again. Did you make a difference between people  
25 who died of a disease and people who were executed in your list?

1 [11.16.02]

2 MS. HIN SOTHEANY:

3 A. If the document states that, for example, this is the list of  
4 executed prisoners and if <> one of the prisoners had a note that  
5 a person died from disease or from other cause, then I would  
6 refer to that. However, as for the differentiation between  
7 prisoners who die from diseases or prisoners who were executed, I  
8 did not make that differentiation and I only <referred> to notes  
9 from the original documents.

10 MR. PRESIDENT:

11 Judge Lavergne, you have the floor.

12 [11.16.48]

13 JUDGE LAVERGNE:

14 Yes, thank you, Mr. President. In order for us to be perfectly  
15 clear on this, I did not see, on the list established by Mrs. Hin  
16 Sotheany, a column indicating whether a prisoner was executed or  
17 not; however, in the document used for <reference> purposes<>,  
18 she referred to documents in which <it was mentioned that>  
19 witnesses <> were either declared as executed or as having died  
20 of ill health. In some cases, the <titles of the> documents were  
21 lists of executed prisoners, but in addition to that, there was  
22 the indication that some prisoners had not been executed, but  
23 died of ill health; did I properly understand you?

24 MS. HIN SOTHEANY:

25 A. Yes<, Mr. President>.

1 [11.17.40]

2 BY MR. KOPPE:

3 Well, maybe it -- it's wise to use an example. Madam Witness, let  
4 me refer you to your binder, examples 7 and 8. That -- these are,  
5 respectively, documents E3/3181 and E3/8460. It seems -- and  
6 correct me if I'm wrong -- that these are names of prisoners who  
7 died on the 3rd of October 1977 of disease, but they are,  
8 nevertheless, according to you, executed while at S-21.

9 So if you can have -- let me be very concrete. In document  
10 E3/3181, we see a prisoner named Thao Nhoeb alias Them; in the  
11 Excel sheet, he is number 3476 and he has as a date of execution  
12 the 3rd of October 1977. So that's a very concrete example, Madam  
13 Witness. It's a 39-year-old male, Thao Nhoeb alias Them, member  
14 of the Protocol Section, Office B-1, entry date 1 April 1977.  
15 Apparently, he died of a disease on the 3rd of October 1977;  
16 however, in your list, he is listed as being executed on the 3rd  
17 of October 1977; can you explain that?

18 [11.20.05]

19 MS. HIN SOTHEANY:

20 A. Allow me to clarify it. In my list, <> he appears at <33476>;  
21 his name is Thao Nhoeb; is that correct?

22 Q. Yes.

23 A. Could you please refer to the document number that you just  
24 quoted since I cannot locate it?

25 Q. It's in your binder under number 7. Our E3 number is E3/3181.

1 JUDGE FENZ:

2 Is that the one with the sickness?

3 BY MR. KOPPE:

4 That's -- yes, that's that particular document, E3/383181 (sic);  
5 it's a list called, "Names of Prisoners Died on 3 October '77,"  
6 died of disease and I just have one example; it's Thao Nhoeb  
7 alias Them, male 39, taken from the Ministry of Foreign Affairs  
8 and his function was a Member of Protocol Section, Office B-1,  
9 entry date 1-4-'77. He appears on the OCIJ list as number 3476  
10 and here it says, "Date of Execution 3 October 1977".

11 Q. Would that be an error then assuming disease -- dying of  
12 disease is not the same as execution?

13 [11.22.09]

14 MS. HIN SOTHEANY:

15 A. <According to> the documents that I reviewed, the document's  
16 title is names of <> prisoners died on 3rd October '77 -- died of  
17 disease and in reference to this document, I put a note in  
18 English that the -- this prisoner died of disease on that  
19 particular day <--that is, the 3rd October 1977 as indicated by  
20 the reference>.

21 And you asked me whether I differentiated between the prisoners  
22 who were executed and those prisoners who died from diseases, I  
23 can tell you that I had already referenced this prisoner that <he  
24 or> she died of disease.

25 Q. May -- maybe you have a different version of the OCIJ list

50

1 than I have, but if I look at number 3476, I do not see a  
2 specific, separate category of this person having died of a  
3 disease; can you tell us where you indicated this?

4 JUDGE FENZ:

5 Would it be possible to put this on the screen and we can  
6 compare?

7 [11.23. 45]

8 MR. KOPPE:

9 It seems to be a bit difficult to put it on the screen. Let me --

10 JUDGE FENZ:

11 Just to be sure that we all have the same list.

12 BY MR. KOPPE:

13 Yes, well, I hope there's only one list, but because of time, may  
14 I move on to another subject which is important to us and maybe  
15 we'll get back to it.

16 Q. That's another statistics which we find interesting, Madam  
17 Witness.

18 Is it, approximately, correct that of the 15,102 entries, 700  
19 persons are listed as wives of other people and that among these  
20 700 persons only 202 persons are listed as, solely, wife of? In  
21 other words, the other ones have a category "wife of",  
22 subsequently, their position within the DK and that 200 of the  
23 15,000 are listed as, solely, being the wife of someone else; is  
24 that a figure that you can confirm, approximately, of course?

25 [11.25.45]

1 MS. HIN SOTHEANY;

2 A. Regarding the available references that I have, if any  
3 document states that person A was the wife of a person B, then I  
4 would use that information in my list; however, as for a -- the  
5 certain number of wives, out of those number of wives, for  
6 example, 200 or something, as you indicated, I did not make that  
7 distinction in my list.

8 MR. KOPPE:

9 I understand.

10 Mr. President, I do have some more questions, but we need to also  
11 save about 15 or 20 minutes for the Khieu Samphan team, so I will  
12 stop here.

13 [11.26.40]

14 MR. PRESIDENT:

15 Thank you and the floor is now given to the Co-Prosecutors to put  
16 questions to the witness.

17 QUESTIONING BY MR. LYSAK:

18 Thank you, Mr. President.

19 Good morning, Madam Witness. I want to just follow up on this  
20 issue about how prisoners who died of disease were treated  
21 because we left that hanging there.

22 Q. In your OCIJ list, the very last column is titled, "Remarks".

23 You were about to be asked where it is that you would indicate if  
24 the prisoner had been -- had died of disease rather being  
25 executed; do I understand correctly that -- was it the remarks

1 column that was used for that information?

2 MS. HIN SOTHENAY:

3 A. Yes, that is correct. The information is included in that  
4 column whether the person was executed or the person died from  
5 disease; however, if this information was not mentioned in the  
6 original documents, then this note would not be included in my  
7 list.

8 [11.28.19]

9 Q. And just so we're clear, you -- you've stated a number of  
10 times already that your focus was on the incoming prisoner  
11 records, but in cases where you found a reference to a prisoner  
12 who died of -- who died of disease; is it correct that your  
13 practice was to put the date of death in the execution-date  
14 column, but then note in the remarks column that this person had  
15 not been executed, but had died of disease on that date? Do I  
16 understand correctly; was that your practice in cases of  
17 prisoners who died of disease?

18 A. I initially referred to the original documents and if, in the  
19 original document, a prisoner <> died of a disease or of another  
20 cause, then I would include that information in the remark  
21 column. But on the list of executed prisoners and usually the  
22 title would be <the> list of executed prisoners on this  
23 particular day, then I would use a similar title <in the column>  
24 in my list. However, if there is a note for a particular prisoner  
25 from the list, then that information would be included in my list

1 as well.

2 [11.30.00]

3 Q. Thank you, Madam Witness. Let me now go back; I have a few  
4 follow-ups on some subjects that were covered with you this  
5 morning by the defence counsel.

6 When you were describing the process for obtaining and reviewing  
7 documents, you indicated that you didn't go to DC-Cam yourself,  
8 but that there was a period, if I got the translation right, you  
9 said in February or March where you went to examine certain  
10 documents at the Tuol Sleng Museum.

11 Can you just describe for us what -- what led you to go to Tuol  
12 Sleng Museum, what year this was, and what documents you examined  
13 when you were at Tuol Sleng Museum?

14 [11.31.10]

15 A. Allow me to respond again. I went to examine the documents at  
16 Tuol Sleng Museum <from> February <to> March of 2016, before my  
17 list was forwarded to the Chamber, and during that period of  
18 time, I went to examine documents; in particular, those  
19 biographies because although <the> DC-Cam <has> similar documents  
20 or biographies, I did not examine the original documents and  
21 that's why I went to examine those documents at Tuol Sleng Museum  
22 with the original <TSL> identification number.

23 I do that in order to clarify their names against my list,  
24 whether they had the names appeared on the incoming prisoners'  
25 list at S-21, because the list of incoming prisoners; sometimes,



1 those documents did not exist in proper order and in order to  
2 complete the list of incoming prisoner at S-21 based on their  
3 existing biographies, then I went to examine those <biographies>  
4 at Tuol Sleng Museum.

5 Q. Let me follow up also on the process through which the 13,383  
6 document list was compiled. Did I understand correctly that this  
7 was a list that your -- the head of the analysis team compiled  
8 based on the DC-Cam website; is that where he came up with that  
9 list?

10 A. (Microphone not activated)

11 [11.33.22]

12 Q. You need to give us a verbal answer, a yes or a no.

13 A. Yes, that is correct.

14 Q. At any point in this process -- this review, was there an  
15 effort made to compile a list of the S-21 records, whether entry  
16 lists or execution lists, that were in evidence or that were on  
17 the case file in Case Number 002?

18 A. Regarding the list of documents compiled by my team leader,  
19 some of the documents derived from Cases 001 or 002 and which  
20 already existed on the shared material drive, so I examined those  
21 documents and found out more information regarding the incoming  
22 prisoners.

23 Q. Okay, do you know what -- what was done -- what effort was  
24 made to ensure that all the S-21 prisoner lists that were in  
25 evidence in either Case 001 or Case 002 were included in the

1 master list of documents you were to review?

2 A. I do not get your question; please rephrase it.

3 [11.35.27]

4 Q. We've already covered that there was a total of 13,383  
5 documents reviewed. You indicated that those documents were --  
6 that list was compiled by the head of the analysis team from the  
7 DC-Cam website.

8 My question is: Was there an effort also made to look through the  
9 case file in Cases 001 and 002 to identify all S-21 records or  
10 did you rely, exclusively, on this list -- on the list of 13,383  
11 that came from the DC-Cam website?

12 A. Among the 13,383 documents, in fact, it is a combination of  
13 those documents and also documents from Cases 001 and 002, which  
14 I, myself, examined.

15 As for the <lists> of the execution; for example, that happened  
16 in year 1976 or '77, I did not fully review those documents due  
17 to a time limitation.

18 [11.36.57]

19 Q. Let me turn to another subject and that is I wanted to follow  
20 up to ask you some questions about how the process with respect  
21 to avoiding duplicate entries.

22 A memorandum that was written by Judge Bohlander, E393.1,  
23 paragraph 6, states as follows: "Only the prisoners that were  
24 verifiable with Khmer Rouge contemporaneous documents were  
25 entered into the S-21 prisoner list. For transliteration of the

1 Khmer names and location into English, the DC-Cam transliteration  
2 system was used. Utmost care was given to avoid double entries of  
3 prisoner names." End of quote.

4 Can you just explain to us, in terms of your methodology, what  
5 was done to avoid or minimize duplicate entries of prisoner names  
6 in the OCIJ list?

7 [11.38.27]

8 A. Regarding the names, I first referred to the original  
9 documents<;> and <secondly, for a name of a person> I referred to  
10 all the relevant information regarding the names, alias,  
11 position, place of arrest, that is, all those information  
12 contained in the list. Then I include them in my list and if  
13 there are other documents that refer to a particular prisoner's  
14 name or a similar name, I <did> not only refer to the name  
15 because, in some cases, people use their father's names and their  
16 actual names and that is based on my personal experience working  
17 for DC-Cam.

18 I then <looked> at the names -- the original names, that is, the  
19 full name and the alias and sometime, this information <was> not  
20 sufficient to confirm whether <it was> the <same> person<>; then  
21 I <had> to refer to his date of birth and position<,> place of  
22 arrest <and the date of the document>.

23 Sometime, there is a misunderstanding in the spelling of the  
24 Khmer names that -- in particular, between the first name and the  
25 revolutionary name and allow me to give <you an example of a

1 person by the name of Hing Sokhom> alias Kor (phonetic), but  
2 sometimes <it was written as Hing> Kor (phonetic) alias <Sokhom>  
3 (phonetic). So there is this mix-up in the writing <in the Khmer  
4 language. For this reason, I had to collect for more  
5 information>.

6 But there had to be two or three information which are the same  
7 before I can conclude that the documents referred to the same  
8 individual, so there is their original names, the alias, the  
9 position, and the place of arrest and the date of the arrest. So  
10 at least two or three of this information had to be the same  
11 before I can conclude that the person or the individual is the  
12 same person.

13 [11.40.54]

14 Q. Let's try to focus on, specifically, how you would discover  
15 when a duplicate existed. I note that you were successful in  
16 finding several hundred duplicate entries in the original -- the  
17 OCP S-21 list and I'm just interested in how you were able to do  
18 that.

19 When you came on a new prisoner name in the list, did you have a  
20 system for checking the names that were already entered or can  
21 you just explain to us, generally, what you did when you would  
22 come across a new prisoner name to check to see whether it  
23 already existed in your -- in your spreadsheet?

24 [11.42.02]

25 A. Generally, I focused on the original <documents>, that is, the

1 <lists> of incoming prisoners and if there is a new name, I had  
2 to, first, look at the original document, that is, the list of  
3 incoming prisoner. I could not, simply, just assume that this is  
4 a new name without looking at the original documents. So I <>  
5 based on the information <> I was given and then I would verify  
6 it with the original list.

7 Sometimes, there are a few documents that I have in order to  
8 verify the names. Let me inform the Chamber that I do not depend  
9 only on one document in case of necessity, but in December <1978  
10 towards the very end of the regime>, there <were lists> of  
11 executed prisoners that I reviewed. That is the only document  
12 that I have. <Other than this, I solely based on the original  
13 lists, according to the year: 1975, 1976 or 1977, that were  
14 produced.>

15 Again, I had to refer to the original document or list of  
16 incoming prisoner to make sure that there is a duplicate name or  
17 not. <However, I cannot so certain that my list does not have the  
18 issue of duplicate names due to the fact that we had different  
19 references, and as> I have informed the Chamber, sometime, there  
20 is a <misspelling of names>; the <mix-up> of the first name<,  
21 family name> and the <revolutionary> name. <When such a case  
22 arose, I had to be more cautious.>

23 [11.43.53]

24 Q. Just to see -- make sure I understand correctly, you've  
25 indicated this a number of times; your primary source in

1 compiling the spreadsheet and list of the prisoners was to go  
2 through the records of so-called -- the prisoner-entry records.  
3 If -- and in cases where you were looking at other documents and  
4 saw a prisoner name, before you would add that to the list, you  
5 would first go back and see whether that person had already  
6 appeared in the incoming prisoner lists; is that correct? Is that  
7 what you did to make sure that you weren't -- to avoid or  
8 minimize duplicates?

9 A. That is correct, Mr. President.

10 [11.44.57]

11 MR. PRESIDENT:

12 Thank you. It is now time for lunch. The Chamber will take a  
13 lunch break from now until 1.30.

14 Before taking the lunch break, the Chamber wishes to inform the  
15 defence team <for Khieu Samphan> and all the parties that the  
16 orange log book of prisoners, the case officers and the <WESU>  
17 will put <it> for <the witness to examine during> the lunch  
18 break.

19 Court officer, please assist the witness in the waiting room  
20 during the lunch break and please invite her back together with  
21 the legal officer of the OCIJ into the witness stand at 1.30 p.m.  
22 Security personnel are instructed to bring Mr. Khieu Samphan to  
23 the waiting room downstairs and please bring him back into the  
24 courtroom before 1.30 p.m.

25 The Court is now in recess for lunch.

1 (Court recesses from 1146H to 1330H)

2 MR. PRESIDENT:

3 Please be seated.

4 The Court is now in session and <> before the Chamber gives the  
5 floor to the parties, the Chamber would like to inform the public  
6 and parties that the witness, 2-TCW-946, whom the Chamber is  
7 scheduled to hear via video link from Germany <in the afternoon  
8 of> 10 <> January of 2017, is not <available> and the schedule to  
9 hear this witness will be informed by the Chamber in due course  
10 and as soon as possible.

11 Madam Witness, have you reviewed the orange log book of prisoner  
12 incomings or prisoners at S-21 already?

13 [13.32.08]

14 MS. HIN SOTHEANY:

15 Mr. President, <>I have reviewed it already. I received it in  
16 hard copy <from a legal officer in> December. <However,> I did  
17 not <review> the original copy but, as I said, I already reviewed  
18 it during the break time.

19 MR. PRESIDENT:

20 Thank you very much.

21 And Anta Guisse, you may now proceed.

22 MS. GUISSSE:

23 I'm sorry to interrupt you, Mr. President, but I think <it wasn't  
24 clear neither> in French <nor> in English. We didn't quite  
25 understand what was said about the witness who was envisaged to

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1 begin testifying <tomorrow>. <Can we have the- actually,> we  
2 didn't understand if he wasn't coming at all or if he was going  
3 to come later. It's just not clear.

4 [13.33.10]

5 MR. PRESIDENT:

6 Regarding the witness <for the hearing tomorrow, it> is not  
7 possible to hear him and the Chamber will inform the parties  
8 later on. As of now, the Chamber is seized of little information.  
9 We are now in the process of communication with that individual  
10 and the information is not clear. I mean the Chamber has not yet  
11 received the clear information and the Chamber will proceed to  
12 hear the witness as soon as possible and the information will be  
13 delivered to the parties later on.

14 It is now not clear for the Chamber whether or not it is possible  
15 to hear the witness. We are communicating with him. We have done  
16 our best efforts in order to be able to hear him but as of now,  
17 as I said, it is we are not yet clear, whether or not, we can  
18 hear the witness.

19 And now the floor is given to the Co-Prosecutors to resume the  
20 questioning.

21 [13.34.25]

22 BY MR. LYSAK:

23 Thank you, Mr. President.

24 Q. Good afternoon, Madam Witness.

25 You have stated a number of times this morning that you compiled



1 the list, the OCIJ list of 15,101 S-21 prisoners based primarily  
2 on a review of the prisoner entry lists. Are you able to give us  
3 a rough approximation of how many or what percentage of the  
4 15,100 prisoners came from S-21 entry lists and what percentage  
5 came from other sources than entry lists?

6 MS. HIN SOTHEANY:

7 A. I did not conduct <an> analysis of <what> percentage <out> of  
8 <the 871 documents came from> the entry lists and <what>  
9 percentage came from other sources. I did not conduct <such an>  
10 analysis<>.

11 Q. But did you go through and review and put into the spreadsheet  
12 all the prisoner entry lists first? Was that the methodology you  
13 followed?

14 A. Regarding the methodology <I applied>, first, I mainly focused  
15 on the list of incoming prisoners from 1975 up to 1979. I focused  
16 on those lists. Normally there are a list of incoming prisoners  
17 on a daily basis, a weekly basis, monthly basis and yearly basis.  
18 And then I <examined those documents separately before I started  
19 reviewing> other documents as indicated in the various columns,  
20 for instance the biographies or other lists.

21 [13.36.56]

22 Q. And so my question was, when you finished going through all  
23 the entry lists, do you have an estimate of how many prisoners  
24 you had? Are you able to tell us were most of the people in the  
25 list of 15,000 names you got from the prisoner lists? Can you

1 give us your best recollection about that?

2 A. My apology. I cannot give you the answer. <I based on only the  
3 documents we managed to collect.> I did not analyze <as to what>  
4 percentages came from the entry lists and <what percentage came  
5 from other sources besides the entry lists of the prisoners>.

6 Let me clarify. Generally, we did not have all documents  
7 regarding the incoming prisoners. So I depended <solely> on the  
8 <lists> of <incoming> prisoners<; for> example, the <lists> of  
9 prisoners <brought in on the first, on the second, and up to the  
10 30th of each month. After that, I examined the> monthly <list of  
11 incoming prisoners; for example, the month of January, from the  
12 1st to the 30th in addition to the monthly list of incoming  
13 prisoners. However, there were cases that these lists went  
14 missing.>

15 I would like to bring up an actual example. In April 1977, <and  
16 between 19 and> 31st April -- 30th April of 1977, there <were no  
17 lists of incoming prisoners>. So I had to <use> other documents  
18 <including the total list of prisoners> in order to supplement  
19 the <missing original lists>.

20 [13.38.51]

21 Q. Let me just -- let me try one more a different way. The  
22 information we received in the memorandum from Judge Bohlander  
23 indicated that you worked on this project for about 24 months.  
24 Do you remember how long, how many months you spent of those 24  
25 months in going through the prisoner entry lists from the

1 earliest ones to the latest ones?

2 A. Based on the experience <regarding drawing up lists>,  
3 concerning the list <for> 1976, I spent almost half a year <just  
4 to develop> it because the <lists were mixed up between the lists  
5 of> incoming prisoners and <the composite lists of> prisoners<,  
6 and other sources besides the ones I described earlier, and you  
7 may refer to> the memorandum <with this regard>. This is my  
8 experience.

9 And as for the list of prisoners of 1977, <I solely based on the  
10 existing documents. Lists of incoming prisoners were>  
11 comparatively clearer <than the ones prepared in 1976> because  
12 <those who prepared those lists could have gained more  
13 experience, in particular, when it comes to information  
14 regarding> places of arrests, names and <their points of entry>.  
15 Again, the <lists> of prisoners, incoming prisoners of 1977  
16 <were> much <> clearer than <those> of 1976.

17 [13.40.37]

18 <Unfortunately, as> I explained, <lists of incoming> prisoners  
19 <between 19th and> 30th April 1976 <went missing; thus,> I had to  
20 <look for> other documents in order to find <out whether or not  
21 prisoners were actually brought in during the period. If we just  
22 entered the data by dates,> the relevant information <on those  
23 dates went missing>.

24 <However,> I had a <composite> list of prisoners and <through  
25 which I could search for> names of prisoners<, from where they

1 were brought in and on which date. So> I had to locate some other  
2 information in order to <support this particular document or list  
3 before I could incorporate it into my list, firstly>.  
4 <And secondly, regarding the lists> of prisoners of 1978, the one  
5 who draw up the <lists> was so -- had -- was very experienced and  
6 he had the lists of prisoners on a <daily,> monthly<> and  
7 <yearly> basis. <And this made my work much easier. However, the  
8 issue regarding the lists occurred again in December 1978. By  
9 basing on the existing documents, it is hard for me to say as to  
10 how much time, or many months I spent working on lists in a  
11 particular year. It was mainly dependent on those documents. So  
12 my priority was to locate lists of incoming prisoners and then  
13 other supporting documents. I did this in a chronological order>.  
14 Again, I spent almost one year to review lists of prisoners <for>  
15 1977 and 1978 and I <spent another half of a year to review lists  
16 developed between late 1978 and early 1979 and> to Tuol Sleng  
17 Museum to locate <other> documents.

18 [13.42.26]

19 Q. Thank you, that's very helpful.

20 I want to follow up on a couple of documents that were shown to  
21 you by defence counsel this morning in questions about whether  
22 the documents you reviewed originated from S-21.

23 And I don't know if you have the binder but, Mr. President, if I  
24 can provide first for the witness E3/9850, E3/9850, which was one  
25 of the documents questioned, the witness was questioned on this

1 morning?

2 MR. PRESIDENT:

3 Yes, please.

4 [13.43.26]

5 BY MR. LYSAK:

6 Q. This was the first document that Nuon Chea's counsel asked you  
7 about, showed you and asked you about this morning, E3/9850,  
8 which is a DC-Cam document, D01167, a list of prisoners who  
9 entered on the 16th of January 1977.

10 And I have highlighted on that list the very first column of the  
11 prisoner entry list. And my question to you is based on your  
12 review of records, did you observe other documents like this  
13 which contained a column identifying the building in which the  
14 prisoner had been detained? The first column here appears to  
15 indicate the building, specific building in which the prisoner  
16 had been detained.

17 Based on your review, did you see many documents like this? Was  
18 this a common practice?

19 MS. HIN SOTHEANY:

20 A. That is correct, Mr. President. I used to see this type of  
21 document. There are many more of this type <of document>. <This>  
22 is <a daily list> of <incoming> prisoners<>.

23 Q. The second document that Nuon Chea counsel asked you about is  
24 E3/10398, E3/10398.

25 And again, Mr. President, if I may provide the pages I would like

1 to refer the witness to; with your leave if I may provide that to  
2 the witness?

3 [13.45.39]

4 MR. PRESIDENT:

5 Yes, please.

6 BY MR. LYSAK:

7 Q. This document you may remember, Madam Witness, is the  
8 handwritten list of prisoner names, one of whom was Hing Sokhom,  
9 who, as was discussed this morning, appears as number 1968 on the  
10 OCIJ list. Based on our search -- we did a search of the OCIJ  
11 spreadsheet at lunchtime -- this prisoner was the only instance  
12 in the entire OCIJ list of 15,000 prisoners in which this  
13 specific document was cited.

14 And what I wanted to make sure I understood, is it correct that  
15 this prisoner, Hing Sokhom, was included on the OCIJ list because  
16 he appeared in a prisoner entry record and that this handwritten  
17 list was cited as what you called a corroborating document  
18 confirming further information about this prisoner? Is that  
19 correct?

20 [13.47.11]

21 MS. HIN SOTHEANY:

22 A. It is correct. The original document shows that <the person by  
23 the name of Hing Sokhom also exists> in another list of incoming  
24 prisoners. In <> the column <where his name exists>, there is no  
25 -- in one column, there is no indication of his function or

1 position that he <was> a professor <from the US. And for this  
2 reason, I made a remark next to his name that information was  
3 added to his name. Again, his name already existed, and so only>  
4 the information <was added to his name regarding> his function  
5 and position, that is, <that it was certain that> he was from  
6 <the US>.

7 Q. And in the document that I've handed to you, that counsel  
8 asked you about this morning, E3/10398, Hing Sokhom 's name  
9 appears on the twelfth page, Khmer, ERN 01160038. I have  
10 highlighted that reference for you.

11 What I wanted to ask you about, you made a brief reference to  
12 this this morning. I wanted to follow up. The second to last  
13 column in this document if you look at the first page, is titled  
14 "Number of documents". If you turn to the first page, there is a  
15 column there is a column that is title "Number of Documents" and  
16 each prisoner has a number, excuse me, a number in there and for  
17 Hing Sokhom, the number is a total of 11 documents.  
18 My question for you, did you see other S-21 records that contain  
19 a column like this and what was your understanding, based on your  
20 review, of what the information in this column meant?

21 [13.49.25]

22 A. I would like to inform the Chamber <from my experience> that  
23 this table consists of a number of <> documents and <the person  
24 by the nickname of> Trul (phonetic) was the one who was in charge  
25 of the documents, that is, that whenever a prisoner came, he had

1 to <have a> document <for> that prisoner.  
2 <However,> I am not sure if there are 11 documents related to  
3 Hing Sokhom as indicated in the column. I have already told the  
4 Chamber already that <my main focus was> on the list of incoming  
5 prisoners and I added only <> information <>that I <managed to  
6 find, and if I could not find anything about a prisoner, I would  
7 add nothing. For example, regarding the document you brought up,  
8 I did not add full information to all the prisoners on the list.  
9 Only additional information about the person in question was  
10 added>.  
11 [13.50.26]  
12 Q. I'm -- continuing on the issue of prisoners who had multiple  
13 records from S-21, in your spreadsheet, there is space for you to  
14 provide references to four supporting documents. So at columns  
15 letter zero, letter "O" through letter "V", contain the title  
16 "DC-Cam", document number -- DC-Cam number and ERN, and you have  
17 space to do that four times.  
18 My question is: Did you find some prisoners who had more than  
19 four supporting records and, if so, why was the spreadsheet  
20 limited to just four document references?  
21 A. Allow me to inform the Chamber that out of <13,383> documents,  
22 <> some names appeared <over> four times but because of time  
23 limitation, I had to put in the information according to the  
24 timeframe, for example, <the date on this document is> 1976. <So  
25 I tried to locate any document in the year 1976 with their



1 names.>  
2 <Sometimes, after> my review, I found <the existence of their  
3 names with the same information; thus, I would not incorporate  
4 their names into my list. But in certain cases where additional  
5 information needed to be added; for> example, Hing Sokhom was -  
6 <who was a prisoner from> Ta Lei and there <was> no indication of  
7 his position<, and in one of the documents I reviewed, they gave  
8 additional information about him, and stated> that he was a  
9 professor from the U.S.<; thus, I had to add this piece of  
10 information in my remark by stating I added this piece of  
11 information to his name by referring to certain documents>.

12 [13.52.42]

13 Q. And the other question about the spreadsheet, the very next  
14 column in the spreadsheet column "W" is titled "ERN number of  
15 relevant page" and it usually contains some ERN that comes from  
16 some source other than the specific documents that are listed.  
17 Can you explain what the reason was for that column, column "W",  
18 the ERN number of relevant page?

19 A. Regarding ERN numbers, I reviewed documents of Cases 001 and  
20 002. Some of those ERNs have something to do with the previous  
21 case files, <Cases> 001 and 002. I was allowed by my team leader  
22 to use the page numbers and ERN numbers. So I included ERN and  
23 page numbers whenever I added extra information to be sure that  
24 <> the information is consistent.  
25 <Many> documents<> I reviewed <show that not only this particular

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1 prisoner, but also many other prisoners> had more than four  
2 documents and, as I said, I reviewed <only> the <lists of  
3 incoming> prisoners according to the year and since I had  
4 limitations, time limitations, I did not review everything.

5 [13.54.48]

6 Q. The last subject I want to cover with you today relates to the  
7 reason counsel has pointed this out to you and repeatedly noted  
8 this during these proceedings.

9 The reason that there are only 5,512 execution dates in the OCIJ  
10 list and you had told us a little bit about that this morning,  
11 you mentioned -- you indicated that you primarily focused on the  
12 prisoner entry lists and had limited time to look at the  
13 execution lists.

14 What I want to make sure is clear. Do I understand correctly that  
15 you did not have sufficient time to go through all the execution  
16 lists and put all those dates into the spreadsheet; is that  
17 correct?

18 A. That is correct, Mr. President.

19 Q. And just because -- defence counsel has made a big issue of  
20 this, I want to take you -- to show you a few execution lists and  
21 to see and ask you about whether or not they were incorporated  
22 into the OCIJ S-21 list.

23 [13.56.36]

24 With your leave, Mr. President, I'd like to provide first to the  
25 witness document E3/8463, E38463; specifically ERNs Khmer 00016040

1 through 16074; English, ERN 01032508 through 2536, which is an  
2 S-21 list titled "List of Prisoners Smashed on the 27th of May  
3 1978", if I may provide that to the witness with your leave, Mr.  
4 President?

5 MR. PRESIDENT:

6 Yes, please.

7 BY MR. LYSAK:

8 Q. The document that I have handed to you, Madam Witness, is a  
9 list titled "List of Prisoners Smashed on the 27th of May 1978".  
10 The list is dated at the very end on the 29th of May and it  
11 contains 582 names of prisoners who were sent for execution.

12 [13.58.17]

13 The reason I am asking you about this list, and I don't know  
14 whether you are able to run a filter on your spreadsheet, but if  
15 you filter and if you search for this date, 27 May 1978 in the  
16 date of execution column in the OCIJ spreadsheet, there are only  
17 107 prisoners who are recorded with this execution date. This  
18 list has -- itself has 582 names.

19 And what I'd -- the reason I am starting with this list, when we  
20 looked at the names if you filter on there -- when we looked at  
21 the names that were -- that did have the execution date recorded,  
22 the first 102 prisoners on this list, that is the first six pages  
23 of the Khmer original, prisoners 1 through 102 have the 27 May  
24 1978 execution date recorded but the remaining prisoners do not  
25 have the date recorded.

1 My question to you is: Why is that? Do you remember this  
2 document? Do you remember why it was that you were unable to  
3 record all of the dates for all 580 prisoners?

4 [13.59.55]

5 MR. KOPPE:

6 Yes, Mr. President.

7 I object to this question because the underlying Khmer document  
8 is not in fact one Khmer document but it is a compilation of many  
9 Khmer documents. To present this to the witness as one exhaustive  
10 list on that particular date is, I think, misrepresenting the  
11 evidence.

12 So obviously, it's difficult for me to read the Khmer original  
13 but the document with this particular E3 number is in fact  
14 consisting of many various documents with many different  
15 typographies (sic), formats, etc.

16 So I object to this question because the underlying assumption is  
17 it's wrong.

18 MR. LYSAK:

19 I'll respond briefly.

20 That's absolutely false. The reason I listed specific ERNs is  
21 this is part of E3/8463, consists of multiple different lists;  
22 that is correct. The ERN I cited is one list only within that  
23 document and it is a list of prisoners. It's titled, "List of  
24 Prisoners Smashed on the 27th of May 1978". It runs consecutively  
25 from number 1 through to number 582, following which there is a

1 date.

2 So it's very clear that this is a standalone document. It's been  
3 the subject of questioning.

4 I asked Duch specifically about this list, as Your Honours may  
5 remember. So there is certainly a basis to ask this witness about  
6 this particular list.

7 [14.01.56]

8 MR. PRESIDENT:

9 The question is permissible and the objection by the defence  
10 counsel, Koppe, is overruled.

11 Witness, please respond to the question put to you by the  
12 International <Deputy> Co-Prosecutor.

13 MS. HIN SOTHEANY:

14 Please repeat your question.

15 BY MR. LYSAK:

16 Q. Yes. Specifically my question about this list is that if you  
17 look -- if we looked at the first 102 names that appear -- that's  
18 the first six pages of the document -- and for all of those  
19 persons, the 27 May 1978 execution date is included in your  
20 spreadsheet but it was not included for the subsequent prisoners  
21 on the list.

22 And my question is: You've indicated that you didn't have time to  
23 completely review the execution lists; was this an instance where  
24 you didn't have time or do you remember why the dates were only  
25 included for the first approximately 100 prisoners?

1 [14.03.45]

2 MS. HIN SOTHEANY:

3 A. Based on the information on my list, initially, I relied on  
4 the list of incoming prisoners, and if the execution list  
5 indicates the date of the execution, I <would> also check those  
6 dates. And if the dates match, I would skip it because I could  
7 rely on the previous existing data.

8 And for this particular document, when we reviewed the list, for  
9 example on the 27th of May 1978, when we filtered that date, the  
10 number would be only 100-plus, but in the original document,  
11 there were more names. So it means that I referred to other  
12 documents besides this one.

13 And when we filter, for example only one particular day, you  
14 could see that number. But then other names may appear on the  
15 following day, that is, the 28th.

16 And based on my information sometimes the execution date or data  
17 happened not only on one <date>. And that depends on the list  
18 maker. So it could happen on the <>day <that the list was  
19 actually prepared, for example, it could be on 29th instead;> and  
20 that is based on the information that I reviewed on the existing  
21 documents.

22 So it is possible that another document existed with a different  
23 date.

24 [14.05.50]

25 And if the name already <existed,> then I <would> not include

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1 that name on the list, on my list, because our primary focus  
2 <was> not on the list of the <executed prisoners>. And <sometimes  
3 it was our own error as> we <did> not <remember> every single  
4 entry due to time limitation. As I said, <when I found out that a  
5 particular name already existed on> the execution list<,> I would  
6 <not> include <his or her name in my list. Sometimes I just put>  
7 the date on my list. But I did not have time to include every  
8 single entry since I had to move onto the next <document>.

9 [14.06.39]

10 Q. I certainly understand that.

11 Just so you know, for the record, we also searched for the 28th  
12 of May 1978 just to see whether some of those dates may have been  
13 entered for that date, and there were no entries for that date.

14 And also so you understand, all of the prisoners, all 582  
15 prisoners from this list are in your spreadsheet. It's just that  
16 for four -- over 400 of them -- they are missing the execution  
17 date. Let me show you another few examples just to see if we can  
18 understand what happened with the execution dates.

19 Mr. President, there are four large execution lists that appear  
20 in document E3/2285, E3/2285. With your leave I'd like to provide  
21 the originals to the witness. While they are being provided, I'll  
22 identify the specific ERN pages for the Court.

23 MR. PRESIDENT:

24 Yes, you may.

25 [14.08.08]

1 MR. LYSAK:

2 For the record, the four documents that are being provided to the  
3 witness are the following -- they all come from E3/2285. The  
4 first is a list of prisoners smashed on the 9th of December 1977.  
5 It is Khmer, ERN 00009293 through 9302; English, 00873605 through  
6 633.

7 The second document is a list of prisoners smashed on the 15th of  
8 October 1977, Khmer, ERN 00009147 through 9162; English, 00873281  
9 through 320.

10 The third is a list of prisoners smashed on the 3rd of August  
11 1977, which is at Khmer,  
12 0009247 through 9254; English, 00873521 through 540.

13 And the fourth and the last list is a list of prisoners executed  
14 on the 20th of July 1977. It appears at Khmer, 00009226 through  
15 9233; and English, 000873466 through 486.

16 [14.10.18]

17 BY MR. LYSAK:

18 Q. Madam Witness, the reason I provided you these four lists, the  
19 first, the list of prisoners smashed on the 9th of December 1977  
20 that identifies 301 prisoners sent for execution on that date,  
21 when we filter for the 9th of December 1977 in the date of  
22 execution column on the OCIJ list however, there are no prisoners  
23 recorded with that execution date.

24 Second, the list of prisoners smashed on the 15th of October 1977  
25 identifies 418 prisoners executed on that date. When we search



1 for 15 October 1977 in the date of execution column, there are  
2 only 12 prisoners recorded as having been executed on that date.  
3 The third list, list of prisoners from Bong Huy Srae's section  
4 smashed on the 3rd of August 1977 lists 229 prisoners executed on  
5 that date but there are only eight people who have execution  
6 dates for that same date in the OCIJ column.  
7 And the last list, a list of 231 prisoners executed on 20 July  
8 1977, only seven however appear as having that execution date in  
9 the OCIJ list.

10 [14.12.14]

11 The point of all this, you've indicated that it was not the focus  
12 of your work and that you've already told us that you did not  
13 have time to put in all the execution dates. But is it correct  
14 that the reason we don't have execution dates for the many  
15 hundreds of people who are on these lists was simply because you  
16 didn't have time and that was not the focus of your work?

17 MR. KOPPE:

18 I object to this question, Mr. President; it's leading.  
19 I've been calculating along with the Prosecution. If he is  
20 correct, then roughly another thousand might be added to the list  
21 of execution bringing it roughly to the same number as crania or  
22 skulls that the expert, Vuthy, has analyzed but still very far  
23 away from the 15,000. So implying or suggesting or even leading  
24 the witness to say that she missed a few numbers, therefore,  
25 there are in fact 15,000 executions because that the underlying

1 idea is incorrect; that's why I object.

2 [14.13.48]

3 BY MR. LYSAK:

4 If I may respond, I'm happy to ask an open question to the  
5 witness but the statements that counsel has just made are  
6 incorrect.

7 In fact, from the five execution lists I have just identified for  
8 this Court, there are an additional 1,650 execution dates that  
9 would be added to the 5,500 that already appear. And that's from  
10 these five lists only. This is just the start, but we can argue  
11 about that some other time.

12 Q. My question to the witness is: Why is that? Why are these  
13 execution dates not in the OCIJ spreadsheet?

14 MS. HIN SOTHEANY:

15 A. Regarding the four documents that I received from the  
16 Co-Prosecutor <are> the execution <lists>, that is, the prisoners  
17 who were smashed according to the day and month. For example, on  
18 the 9th of December '77, on this list, you said that only a small  
19 number of these prisoners appear on my list.

20 I reviewed these names but I did not include the information <in  
21 those columns> regarding the execution date since I did not have  
22 sufficient time to do it and I <already> made mention <of> the  
23 period of <between> the 19 <and> 30 of April <in 1978 where there  
24 were no lists> of incoming prisoners<>.

25 [14.15.41]

1 On this particular document, Vaung Sam Kol -- he entered S-21 on  
2 the 28 of April '77, so I only extracted this name and <it does>  
3 not <mean that no attention was paid on other> names that  
4 appeared on the list. <It was frightening to see that >there were  
5 hundreds of names appeared on the list and I did not review each  
6 of the names due to time constraints. And my main concern is to  
7 avoid any duplication of names regarding the list of names of the  
8 incoming prisoners and the names that appear on the execution  
9 list. And I had to be careful with that.

10 And if I were to focus on the four execution lists, then I would  
11 need to spend much more time than the list that I prepared with  
12 the main focus on the incoming prisoners list, that is, I had to  
13 review each of the names of the 15,000-plus and it means that I  
14 needed much more time to do it. And in order to avoid the  
15 possible duplication, I had to be careful with that. And for that  
16 reason, I cannot say, for example, on <the 9th December 1977>,  
17 hundreds of people were executed. <And it was impossible for me  
18 as well to point out all the names on the list one by one who was  
19 killed on that day. I had limited time to work on this.>

20 [14.17.15]

21 Q. Thank you. I think that's clear.

22 I want to make sure that you understand I'm not saying that all  
23 these people are not on your list. Many of them or most of them  
24 are. All I'm saying is that the execution dates were not -- are  
25 blank for these people. Undoubtedly, many of them, based on your

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1 review of the entry lists, were recorded that way.

2 Do I understand correctly then that you simply did not have the  
3 time to go through all the execution lists and enter execution  
4 dates for each of -- all these prisoners; is that correct?

5 A. Yes, that is correct.

6 MR. LYSAK:

7 Thank you very much for all your time compiling this list and for  
8 your appearance here today.

9 We have no further questions, Mr. President.

10 MR. PRESIDENT:

11 Thank you.

12 And the Chamber now hands the floor to the Lead Co-Lawyers for  
13 civil parties to put questions to this witness.

14 [14.18.27]

15 MS. GUIRAUD:

16 Thank you, Mr. President, and good afternoon everyone.

17 We have no questions for the witness.

18 MR. PRESIDENT:

19 Thank you.

20 And lastly, the floor is given to the defence teams. And Counsel  
21 Koppe, do you wish to put questions to the witness regarding the  
22 orange log book, that is, regarding the list of prisoners  
23 appeared in the orange log book?

24 [14.19.26]

25 MR. KOPPE:

1 I do. I also have more questions that I wasn't able to ask this  
2 morning, but I think the normal sequence would be that the Khieu  
3 Samphan team asks first and then the remaining time I would use  
4 -- I think that would be the most appropriate way of proceeding,  
5 Mr. President.

6 QUESTIONING BY MS. GUISSÉ:

7 Thank you, Mr. President. I would like to reassure the parties  
8 and the Chamber that I <just> have <some> very <> brief questions  
9 for clarification, <> regarding what the witness said this  
10 morning.

11 [14.20.15]

12 Q. <Good afternoon,> Madam Witness, <two brief clarifications>  
13 regarding what you said this morning as regards to the documents  
14 you had access to when you were drawing up the list. You stated,  
15 inter alia, that you saw documents <which bore> the logo of S-21  
16 and other documents on which there was no logo but <> which you  
17 did recognize <as> S-21 documents, <on the basis of> the manner  
18 in which they were drafted and so on and so forth. <So,> my first  
19 question is whether as part of the documents that were <handed  
20 down> to you by your hierarchy, as I understand that that is how  
21 things happened, did you <ever> have any documents from other  
22 security centres <at hand>, that is, <from> security centres  
23 other than S-21?

24 MS. HIN SOTHEANY:

25 A. Yes, among the 13,383 documents that I reviewed, there were

1 documents coming from other security centres and there were other  
2 documents <dated post-1979 >, but I only <incorporated> those  
3 documents <or lists of incoming prisoners> that are related to  
4 the entry at S-21.

5 [14.21.41]

6 Q. So if I understand correctly, you analyzed some documents that  
7 you ruled out. Under those circumstances as regards to documents  
8 you ruled out, did you discuss <this> with your hierarchy and did  
9 you have a particular procedure to say that those documents were  
10 not related to S-21 or how did <that work> exactly?

11 A. Every document that I reviewed and before we made a decision  
12 whether they were S-21 documents, we discussed among members of  
13 the group with the team leader. For example, the documents from  
14 Krang Ta Chan, he would put a note that usually those documents  
15 would be signed at the bottom and the layout of the S-21  
16 documents were different from documents from other centres.

17 Q. You have just referred to Krang Ta Chan. Apart from documents  
18 from Krang Ta Chan, do you remember the names of other security  
19 centres in respect of which you saw documents?

20 A. It is difficult to respond to your question. If you refer to a  
21 particular document then I can describe it to you. Otherwise,  
22 it's like you are asking me to make an assumption.

23 [14.23.40]

24 Q. In fact, that was precisely my question. When you considered  
25 after collective discussions that a document was not related to

1 S-21, would you agree with me that you, yourself, had no reason  
2 to work on those documents and it was perhaps someone else on  
3 your team who would work on such documents? Did I properly  
4 understand that to be your testimony?

5 A. I <only> worked on lists of prisoners, incoming prisoners at  
6 S-21.

7 And for other documents from other security centres, I do not  
8 know whether other team members worked on those documents. But  
9 for me, I only examined those S-21 documents in particular, in  
10 relation to the incoming prisoners as outlined in the memo set  
11 out by the International <Co-> Investigating Judge.

12 [14.24.55]

13 Q. And I have one last point to broach with you. You refer to  
14 more than 13,000 documents that you used in drawing up the list.  
15 <I would like to> know whether in addition to those documents,  
16 <did> you read and study the statements of persons working at  
17 S-21 like Duch, Him Huy and others? Did you use such materials as  
18 part of your work in <>compiling the document <or was that not  
19 the case at all>?

20 I say that specifically because we know that Duch, whether we're  
21 talking of <the examination> before the Co-Investigating Judges  
22 or when he appeared before this Chamber in Case 001 and Case 002,  
23 we know that he made comments on those documents. Is that  
24 something you studied as part of your task in drawing up those  
25 lists?

1 A. No, I did not work <nor analysed anything related to the>  
2 staff working at S-21. I worked only on the list, the <lists> of  
3 incoming prisoners<, composite lists of prisoners> or the <lists>  
4 of confessions. So my primary focus was on those lists.

5 MS. GUISSÉ:

6 I have no further questions for the witness, Mr. President, and  
7 my colleague, Kong Sam Onn, has no <further> questions either.  
8 <Our remaining> time <may be allotted> to <our> colleagues <from>  
9 the Nuon Chea team.

10 [14.26.50]

11 QUESTIONING BY MR. KOPPE RESUMES:

12 Yes, thank you, Mr. President.

13 Q. Hello again, Madam Witness. The President briefly mentioned  
14 already this orange log book, which clearly seems to be - or,  
15 most likely seems to be an S-21 document. What can you tell us in  
16 general about this log book? You have now seen it. Does it in any  
17 way affect or alter your findings or is it a document that is of  
18 limited use for your analysis?

19 MS. HIN SOTHEANY:

20 A. Regarding the orange log book, it is a master list of  
21 prisoners and that is also a title. So it is a list of -- or a  
22 combined list of prisoners, for example, on a particular day how  
23 many prisoners entered S-21 and <the man by the name of> Hor was  
24 the one who wrote in that <orange> log book.

25 [14.28.20]



1 I have the same list although it is not the original document and  
2 I also refer to that document in my list. And the list had a  
3 signature of Hor, although in this log book there is no<> Hor's  
4 signature. Hor sent a copy of the list to the upper echelon while  
5 he, himself, maintained a copy. <It was the daily log of  
6 prisoners.>

7 Q. We can confirm that indeed certain pages from that log book  
8 are on our case file, but we have been able to identify, if I am  
9 correct, only a few.

10 Isn't it correct that this is the complete log book over a  
11 certain period of time and that up until now, either Tuol Sleng  
12 or DC-Cam or the Court only had access to a few excerpts from  
13 this log book?

14 A. Regarding the orange log book, I reviewed -- I reviewed it and  
15 a portion of them are the same with Hor's signature. So what I  
16 can say is that this is a list that Hor himself maintained at  
17 S-21 and another list he forwarded to his superior. And towards  
18 the end of the log book, orange log book, the writing was not  
19 Hor's.

20 [14.30.30]

21 Q. Following up on my initial question, did you have time enough  
22 to analyze this log book in such a way as to adapt your list or  
23 is that -- has that not been possible in the last few weeks?

24 A. The title of the list is the <>combined list of prisoners and  
25 Hor actually had the list in order to review on a particular day

1 which prisoners from where they <came from>. So the list  
2 contained figures and at the bottom of the list there would be a  
3 note that if this prisoner A or B died of disease.  
4 And there is no other information contained in this log book. And  
5 as I indicated earlier, if <there was a note> in the incoming  
6 prisoner list <that a prisoner had died from a disease,> I would  
7 <not put the name of the prisoner on my list>.

8 Q. Very well.

9 Following up the question from the Prosecution earlier this  
10 afternoon, he showed you lists with names of prisoners who were  
11 allegedly executed sometime in '77 or '78 and the Prosecution  
12 asked you to agree with them that you didn't have enough time to  
13 add execution dates to prisoners in your list.  
14 I'm not sure if I fully understand why it was that you didn't  
15 have enough time to do this. How many lists of executions or how  
16 many execution dates were there? Why is it that you, in those two  
17 years that you had been working on these lists, did not have  
18 enough time to tick the box of a potential execution date?

19 [14.33.38]

20 A. My work was to focus on the <lists> of incoming prisoners at  
21 S-21 according to the year, for example 1975<,> 1976, <or 1977  
22 and> the number of <>prisoners <were brought in. I had to mainly  
23 use and base on these lists first>. Then I proceeded to review  
24 other documents <due to the fact that some> of the Khmer Rouge  
25 documents <had gone missing>. The reason that I did not have

1 enough time to review all the <execution lists was mainly>  
2 because I <was worried that it could lead to confusion if the  
3 lists of incoming prisoners and execution lists were examined and  
4 used at the same time>.  
5 <> Sometimes <a person had two different> names<. If I had to  
6 work on the execution lists, I would need much more time compared  
7 the time spent on working with lists of incoming prisoners.  
8 Sometimes, names are> confusing as well as the function and  
9 position of prisoners. I was so concerned about <duplication of  
10 names. However, people on my list were those> prisoners <who>  
11 entered S-21, but <it was not certain all of them> were killed.  
12 <>  
13 Again, I did not have enough time to review <all> the <lists> of  
14 executed prisoners in Cases 001 and 002. <On the other hand,> I  
15 was afraid <of duplicating> names.  
16 [14.35.45]  
17 Q. I am not sure if I understand, but that aside, you did make an  
18 entry list called "Date of Execution" not only date of arrest and  
19 other personal details of the relevant person but you apparently  
20 were instructed to make a column called "Date of Execution". So I  
21 presume that whenever you knew or have reasons to believe that  
22 someone was executed, you would put that date in that column.  
23 But my question still is why did you, having started this,  
24 decided not to add other execution dates? I'm not sure if I  
25 follow the decision to sort of do it a little bit half bacon

1 (sic).

2 MR. LYSAK:

3 The witness has just done -- done her best to answer the  
4 identical question and now he's juiced up the same question, but  
5 this is a repetitive question. The witness has explained already  
6 that it would require a lot of time to go back and search to make  
7 sure these aren't duplicate entries and find the names. So I  
8 think this is repetitive of what the witness has already  
9 explained.

10 [14.37.23]

11 JUDGE FENZ:

12 I agree, but perhaps one question, which might help:  
13 Did you have, from the beginning, a timeframe within which you  
14 had to finish this? So when you got the task, make this list, did  
15 your boss tell you or your supervisor tell you, "This has to be  
16 done by" -- I don't know, whatever date. Was there a certain  
17 date, a deadline?

18 MS. HIN SOTHEANY:

19 Yes, I had a limited time.

20 JUDGE FENZ:

21 A deadline or, sorry, limited time? When I say deadline I mean  
22 did somebody tell you this needs to be finished by -- and now I  
23 am inventing a date -- 30th of October 2016 -- or did such date  
24 not exist?

25 MS. HIN SOTHEANY:

1 I had a limited time, that is to say, in a year. For example, if  
2 I reviewed the incoming prisoners of <1975 and '76>, usually, I  
3 was directed to review from which month to which month of that  
4 year or those years. <On a daily basis, I also had to review  
5 certain number of documents. When I finished the lists for 1976,  
6 then> I had to move on to review other lists <in 1977>.

7 [14.39.09]

8 I had to <plan ahead and> consult with my head team leader to  
9 review certain documents <in 1977 and how much time I needed to  
10 review them in order to make sure that they were lists of  
11 incoming prisoners. That> is the limited time I am referring to.  
12 <After I had finished the lists for 1976, 1977, and up until  
13 1979, at> the end, I went to <the> Tuol Sleng Museum to review  
14 documents there. It was by the time that I was told <by my team  
15 leader> that <> my <list> was <complete>.

16 JUDGE FENZ:

17 So if I understand you correctly the reason why this enterprise  
18 has remained incomplete is because your contract ended. And if I  
19 say incomplete I mean certain data which were available were not  
20 included in your final list. Is that one reason or one of the  
21 reasons that your contract ended? And if it's not the only  
22 reason, what are the other reasons?

23 Was that too much at one time for one question?

24 [14.40.29]

25 MS. HIN SOTHEANY:

91

1 The main reason is that I had limited time. My list was sent --  
2 forwarded to the Court on 30 <>March <> 2016. The list was not,  
3 once again, reviewed <for the second time> by me <for time  
4 limitation> after my submission of that list. <But my way of  
5 review was that; for example, after I was done with the lists for  
6 1976, I went over my list just for that particular year.>  
7 Frankly speaking, there may have had errors in the list, since we  
8 did not once again review <the whole list after it was  
9 completed>.

10 JUDGE FENZ:

11 So what you are saying, if I understand you correctly, you were  
12 told this list has to be submitted to the Court on the 30 March,  
13 I believe you said, no matter -- do whatever you can until then.  
14 Is this what you are telling me? And since you didn't get to  
15 everything, it's not complete. Is this what you are saying?

16 [14.41.43]

17 MS. HIN SOTHEANY:

18 Let me add. We reviewed list of incoming prisoners from 1976 up  
19 to 1979 <accordingly>, so I reviewed lists of incoming prisoners.  
20 As for the list of executed prisoners, I did not <review  
21 completely> those lists --

22 JUDGE FENZ:

23 And the question is why, and you told us because of time  
24 constraints. And the last question we want an answer to is: why  
25 were there time constraints? Is it because your contract ended or

1 what else?

2 I don't know how else to phrase it, it sounds like an easy  
3 question. It's not about method, it's about why you had to submit  
4 a list which isn't complete.

5 MS. HIN SOTHEANY:

6 I did not have enough time, Your Honour.

7 [14.43.02]

8 BY MR. KOPPE:

9 Just finishing the subject before the break, Mr. President.

10 Q. Whatever the reason might be, Madam Witness, the Prosecution  
11 is making the point -- and we are eagerly awaiting their closing  
12 submissions on this subject -- that, in fact, many more people  
13 were executed than the 5,512 that you mentioned.

14 Now, assuming for hypothetical reasons, just assuming that the  
15 Prosecution is right and that the examples that he gave would  
16 raise the number of executions to -- counting quickly --  
17 something like 6,600 and something, are you in a position to say  
18 that that could be approximately the number? That it might not be  
19 5,500 but rather six-and-a-half thousand or is your work so  
20 incomplete that it might even go up further all the way up to  
21 15,000?

22 So my question is, are you in a position to inform us a bit as to  
23 how incomplete the number of executions in your list is? Is it  
24 where the Prosecution says it is or where it stops or does it go  
25 further? That is a very interesting question for us, at least,

1 Madam Witness.

2 [14.44.56]

3 MR. LYSAK:

4 Mr. President, I don't have any objection if the question is "Do  
5 you have a basis to provide a reasoned estimate to the Court of  
6 how many people are in the execution lists?", but I think the  
7 witness should be clear that she should not be encouraged here to  
8 speculate and guess as to what the number would be if all the  
9 execution lists were reviewed.

10 As counsel indicates, we are in the process of doing that and it  
11 will be much, much higher than 6,600, but I don't -- this witness  
12 should not be encouraged to speculate here.

13 MR. KOPPE:

14 I would agree with the objection if it is any other witness,  
15 however, this is a witness who's working for an investigating  
16 judicial organ of the Court and I believe S-21 is part of -- this  
17 is one of the crime sites in, I believe, Case 003.

18 [14.46.03]

19 So surely as an analyst, evidence analyst, she should have some  
20 idea as to whether it would get much higher -- it could get much  
21 higher than 5,512 or whether it sort of stays at six-and-a-half  
22 thousand.

23 I think because of her position as analyst, working for the  
24 Office of the International Co-Investigating Judge, that would be  
25 within the realm of her capabilities in terms of making



1 approximates.

2 MR. LYSAK:

3 I want to reiterate here that Judge Bohlander expressly indicated  
4 in his limitations that this is not an expert witness who should  
5 be asked for opinions.

6 So if she has a factual basis but to do so, that's one thing, but  
7 she shouldn't be asked for an opinion on how high the number  
8 could go and counsel should also keep -- stop referring to 6,500.

9 Just based on the five lists again, as I indicated, it's over  
10 7,000, and when we start going into more lists it's a lot higher,  
11 but -

12 [14.47.10]

13 MR. KOPPE:

14 That is all fine. That would be fine if we were in the beginning  
15 of this trial, but we are 10 years -- nine-and-a-half years  
16 ahead. We have done S-21 extensively. There's been a trial in  
17 S-21, Case 001, and now we're sort of assuming that there might  
18 be much more at this stage. I find - well --

19 JUDGE FENZ:

20 Can we shorten that?

21 Witness, do you feel confident -- and if you don't, tell us -- do  
22 you feel confident to give an estimate of the overall number of  
23 people who were executed at S-21? If you cannot do it, tell us "I  
24 cannot do it".

25 MR. KOPPE:

1 Confer with the legal officer.

2 [14.48.26]

3 MS. HIN SOTHEANY:

4 I am not an expert on S-21. I did not <do an analysis as to> how  
5 many people <on my list had> died. I am here testifying as a  
6 witness on facts.

7 JUDGE FENZ:

8 Sorry, so to sum up, the answer is no, you cannot -- you don't  
9 feel confident to give an estimate as to the overall number of  
10 people who were executed in S-21?

11 MS. HIN SOTHEANY:

12 That is correct, Your Honour.

13 MR. PRESIDENT:

14 The Chamber is grateful to you, Madam Hin Sotheany.

15 <Counsel, you> run out of <time>. The Chamber allotted much more  
16 time than it <was> planned. You could calculate the time by  
17 yourself.

18 <Only two> questions were put by Khieu Samphan defence team. You  
19 did not even request <for> additional time and when I wanted to  
20 conclude the hearing, you stood up, so it is not really  
21 appropriate.

22 [14.50.10]

23 MR. KOPPE:

24 Well, I apologize for that misunderstanding. I stood up because I  
25 looked at the time and it was time for a break and that's why I

1 was sitting down.

2 Khieu Samphan team has allowed us to use their time and I believe  
3 the planning for this witness was all day, two sessions for the  
4 Prosecution, two sessions for the Defence, and I'm just filling  
5 up I believe the sessions with at least 20 more minutes, if I'm  
6 not mistaken, from our side.

7 But if that's incorrect and -- and that's it.

8 MR. LYSAK:

9 Counsel is clearly incorrect. He went up to almost 11.25 this  
10 morning. So he -- they have used their two full sessions. That is  
11 not to say that if the Trial Chamber couldn't grant some  
12 additional time if he requested it, but he would need to make the  
13 request and I'm not sure that's warranted.

14 But it is certainly not correct that the Defence has not used its  
15 two sessions.

16 [14.51.33]

17 MR. KOPPE:

18 I actually think that is true. So my request would be to have a  
19 little additional time.

20 MR. PRESIDENT:

21 So how much time <do> you want? It is clear to everyone that the  
22 defence team for Khieu Samphan had 20 minutes. <Since the Chamber  
23 delayed from 10.45 until> 11 and 45 this morning, and a while ago  
24 the last -- remaining 40 minutes were granted to the defence  
25 teams.

1 And a little bit ago, while ago, you asked additional time, but,  
2 please, indicate clearly how much time you really want. <From my  
3 observation, you spent quite a lot of time on asking questions to  
4 the witness for her presumptions.>

5 MR. KOPPE:

6 What I really want, Mr. President, I will not reiterate here.  
7 Maybe 20 minutes, would that be all right? Just a few additional  
8 questions.

9 [14.52.52]

10 MR. PRESIDENT:

11 Okay, please, and you <may proceed with your line of questioning>  
12 now.

13 MR. KOPPE:

14 Thank you, Mr. President.

15 BY MR. KOPPE:

16 Q. Very briefly, Madam Witness, this is a completely different  
17 subject.

18 In your OCIJ list, you referred many times to the so-called  
19 revised S-21 prisoner list. That is the list that was originally  
20 made by, I believe, someone from the Prosecution who, in its  
21 turn, placed him or herself on also DC-Cam document.

22 Now, this revised S-21 prisoner list has 12,273 entries whereas  
23 your list has 15,501 -- 15,101, excuse me. Can you explain  
24 difference in numbers between those two lists?

25 [14.54.13]

1 MS. HIN SOTHEANY:

2 A. I primarily worked on the list of incoming prisoners and some  
3 lists of S-21. <And based on these documents,> I recorded the  
4 prisoners according to the year. I cannot explain <to> you about  
5 the differences <between the two lists> because we were in charge  
6 of different tasks. The result of -- in my list was from the  
7 documents that I reviewed and the names were included in my list  
8 because of the supporting documents that I reviewed. <To simply  
9 put it, only a name with supporting documents could it be  
10 included on my list.>

11 I cannot explain <to> you <as to> why the <OCP's list had a>  
12 number -- smaller <or bigger> number of prisoners <compared> to  
13 the number of prisoners in my list. <Again, I primarily based on  
14 lists of incoming prisoners.>

15 Q. I understand. However, you have relied very extensively on the  
16 OCP list. Of the 15,101 entries, you refer 9,478 times to the  
17 revised S-21 prisoner list.

18 But my question is the following. If we calculated correctly,  
19 there are 340 entries in your list, which only has as a source --  
20 which only have as a source the revised prisoner list. In other  
21 words, with 340 entries, the only source for your listing is the  
22 OCPs revised S21 prisoner list.

23 Can you explain that?

24 [14.55.02]

25 MR. LYSAK:

1 I'd simply ask that if counsel could provide some examples of  
2 that so that we can see where this takes place in the OCIJ list?

3 MR. KOPPE:

4 While I'm searching, let me rephrase the question a bit by being  
5 more general.

6 Madam Witness, is it correct that a number of entries in the --  
7 in your prisoner list has only the OCP revised list as a source?  
8 Did that happen and if, yes, why did that happen?

9 MS. HIN SOTHEANY:

10 A. I do not really get your question, counsel, could you repeat  
11 it?

12 [14.57.29]

13 JUDGE FENZ:

14 I think an example would really make it easier.

15 MR. KOPPE:

16 Yes, I have the list here. Well, I'll just take any number. For  
17 instance, 1459, that is prisoner from the Northwest Zone, Dy  
18 Samin, with the date of entry and the date of execution, and then  
19 we go to the "Remark" and then it says only "OCP's revised S-21  
20 prisoner list", and then it adds the number "1944". I can give  
21 more examples. Entry 16191, 1460, 1492, 2184 and then I have  
22 another 360-something.

23 BY MR. KOPPE:

24 Q. So, again, is it correct that in a number of occasions you've  
25 only used as a source for a particular prisoner the OCP's revised

100

1 S-21 prisoner list?

2 [14.59.00]

3 MR. LYSAK:

4 I've only had a chance to check the first one, but it's incorrect  
5 that the only cite -- source cited there is the OCP list. There's  
6 a document. There's a reference, for example, also to a S-21  
7 confession existing for this individual.

8 MR. KOPPE:

9 Well, what we have done, just to explain, Mr. President, is go to  
10 the column with "Remarks" and where it only says in the ERN and  
11 then OCP revised S-21 prisoner list, we've all collected these  
12 and that's how we came to this number of 370.

13 But let me move away from the -- I can give other examples. Maybe  
14 there are better examples.

15 Let me just take this example for instance. Number -- if I'm  
16 correct at least -- number 7753. It's a prisoner also from the  
17 Northwest Zone, Neach Chreng, and the only source it seems is the  
18 OCP's revised S-21 prisoner list, and he is listed as number  
19 6,040.

20 [15.00.39]

21 BY MR. KOPPE:

22 Q. So again, but first in general, Madam Witness, is it correct  
23 or am I wrong that sometimes the only source for your entry is  
24 the OCP list?

25 MS. HIN SOTHEANY:

101

1 A. It is not correct what you said. Let me clarify <this>.  
2 In the "Remark" column <on my list>, the ERN number is 0016144.  
3 That is the referencing number. So you can check that <ERN  
4 number>, you will see that the name appears on that page.  
5 <However, for OCP, I call it the OCP list; it only shows the  
6 existence of a particular name on the list. It is just a serial  
7 number to show that a particular> name <was identical to> the  
8 name <that> already <existed on the original list of the OCP>. I  
9 did not base solely on the OCP list, but I used the list to  
10 verify <whether certain names also existed on the OCP list>. So  
11 <I want to make it clear that> the OCP -- the revised OCP list  
12 <was> not the sole source, original source, that I used.

13 [15.02.25]

14 MR. LYSAK:

15 And if I can -- excuse me, if I can identify the ERN references  
16 in both the examples provided by counsel, in fact, are not from  
17 the OCP list, they're from a contemporaneous document that is a  
18 long document but it is a list of the prisoners killed in 1978.  
19 So those ERN references are to a contemporaneous document not to  
20 the OCP list.

21 BY MR. KOPPE:

22 Q. Well, let me rephrase it again. We have identified in your  
23 lists about 370 prisoners where in the column "Remark", there's  
24 only reference being made to the OCP revised S-21 prisoner list.  
25 Are you in a position to say under which circumstances you only



1 used the OCP list in your remarks? When would that situation  
2 arise?

3 MS. HIN SOTHEANY:

4 A. I did not use the revised OCP list. I referred to the original  
5 documents <with> the ERN numbers <as show in the reference  
6 column. As stated by the Co-Prosecutors, there was a wide range  
7 of original documents>. Again, I did not base or use on the  
8 revised list of the OCP. <I only used the serial number, not the  
9 reference ERN number, to show that certain names also existed on  
10 the original list of OCP>.

11 [15.04.20]

12 JUDGE FENZ:

13 Counsel, your question doesn't work because you keep speaking of  
14 identifying a couple of hundred where only the list is mentioned,  
15 and with each example we've heard so far, two, it actually turns  
16 out that additional documents are mentioned. So there's a problem  
17 with the premise. Admittedly, so far two, but that's the only  
18 ones you identified from the couple of hundred you claim to have  
19 identified.

20 MR. KOPPE:

21 I do follow what you're saying, but the only thing that we have  
22 done is do a search on the OCP prisoner list. We have around  
23 9,478 references to this list and if I'm -- if we are incorrect  
24 that of this 340 only rely on the OCPs list then I'll accept  
25 that. But let me just finalize the subject.

103

1 [15.05.31]

2 BY MR. KOPPE:

3 Q. Is it then correct that you never solely relied on the OCP  
4 list for an entry?

5 MS. HIN SOTHEANY:

6 A. That is correct. I did not rely solely on the OCP list. I  
7 mainly based on the original documents, not the <list> that were  
8 already compiled by the OCP.

9 Q. Moving to -- briefly to another subject, Madam Witness.  
10 Sometimes in certain documents, your example -- in your binder  
11 your example number 6, E3/2272, it says that a particular person  
12 was "removed". It seems -- and if I'm wrong please correct me --  
13 that you interpret the word "removed" as execute.

14 Is that correct? And if yes, why is that? To guide you a bit,  
15 E3/2272 is a document with the name Lach Vary on it and it says  
16 "Removed". It's a person on the OCIJ list at entry 4,243.

17 A. Could you tell me <the serial> number <of> this name <on my  
18 list>?

19 [15.07.47]

20 Q. It's our document E3/2272. It's OCIJ listed entry 4,243,  
21 4,2,4,3, Lach Vary.

22 A. Regarding the document mentioned by you, the word "removed"  
23 means smash or executed.

24 Q. And why do you say that the word "removes" must mean execute  
25 or executed?

1 A. In the list of the documents, <there is a note to> the name  
2 Lach Vary is -- appears in that document, in the list, and there  
3 is a handwriting in the document.

4 In the "Remark" column of my list, I used the word "executed". I  
5 used that word for the ease of my finding of the names.

6 Q. And my final question, Madam Witness. Is your sample 12 in  
7 your binder? That is document E3/8648. These are names of people  
8 released on 26 November '77; they're from Division 920, dated 2  
9 December 1977. And if I understand your list correctly, 100  
10 individuals who were released three days after their entry in  
11 S-21. Do you have that document 8648?

12 A. Let me clarify <this> once again. The heading of the document  
13 is the names of those who were released on 26 November 1978 from  
14 Division 920. I heard from you December, but it's not December.  
15 [15.11.36]

16 Q. I said 26 November 1977. These people were released and  
17 according to the OCIJ list, 47 of these people were apparently  
18 re-arrested from S-21.

19 Can you explain that why, on the one hand, there's a list of 100  
20 people being released and, at the same time, you list 47 of them  
21 as prisoners in S-21?

22 A. Let me inform you again. E3/8648, there are names of those who  
23 were released on 26 November 1977. You asked me why some  
24 individuals were re-arrested. My answer is that it based on the  
25 documents that I reviewed.

1 [15.13.05]

2 Q. I understand what you're saying, but there's a story about  
3 this list appearing in various newspapers. One of the articles is  
4 on the case file and Youk Chhang -- you're well familiar with him  
5 -- he used this particular list as an example of prisoners who  
6 were, in fact, released from S-21. And so, it's not just a random  
7 example, there has been quite some publicity about this specific  
8 instance.

9 Can you say now what made you conclude that of those people who  
10 were released, 100 individuals, 47 of them apparently were  
11 re-arrested?

12 A. Based on the documents that I reviewed, those are the  
13 prisoners who were indicated that they were released on 26  
14 November 1977 were in one list. <However, when I reviewed another  
15 document and <the names of the people who came from the Division  
16 920> appeared in the later list that I reviewed and it indicated  
17 that <these individuals were> re-arrested and detained at S-21D.

18 Q. I understand. I will not put the article before you, but the  
19 director of DC-Cam presumably used the very same documents that  
20 you have used and his position, according to this article, is  
21 that these people were released, full stop.

22 [15.15.22]

23 MR. LYSAK:

24 First, counsel's not citing an article and there's absolutely  
25 nothing in this brochure, which is what I believe it actually is,

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1 that indicates that anyone did what this witness did, which is  
2 review all the prisoner records. She cites here where she  
3 indicates that the date they were arrested again and cites the  
4 documents. So I don't understand the point of a question that  
5 asks her to argue with an assertion that Youk Chhang has not made  
6 a definitive assertion on what happened to these people after  
7 this release date. So I think the question's improper.

8 MR. KOPPE:

9 I will provide the "Cambodia Daily" article shortly, E3 number,  
10 Mr. President, but the whole point of that press release, the  
11 brochure and the article was that these people were released,  
12 full stop.

13 JUDGE FENZ:

14 What's your question?

15 BY MR. KOPPE:

16 Q. My question is --

17 JUDGE FENZ:

18 Clear question.

19 [15.16.22]

20 BY MR. KOPPE:

21 -- whether you know this particular example and do you know that  
22 Youk Chhang told this to the media and that there was a brochure,  
23 as the Prosecution called it, that there was information coming  
24 from DC-Cam that these people were, in fact, released?

25 MR. LYSAK:

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1 Again, I would simply ask that he cite the article. All the  
2 article does is mention that this document exists. It does not  
3 make any representations that there was any determination on what  
4 happened to these people after that release date.

5 [15.17.10]

6 BY MR. KOPPE:

7 I have now both E3 numbers for you, Mr. President. It's the  
8 DC-Cam brochure where it says where we -- what we argue is  
9 E3/7326 and the "Cambodia Daily" article is E3/3992.

10 Q. But let me ask very general and open -- Madam Witness, are you  
11 aware of --

12 MR. PRESIDENT:

13 Please hold on. We are running out of space on the DVD, we need  
14 to change it.

15 (Short pause)

16 [15.18.02]

17 MR. PRESIDENT:

18 Counsel, you may proceed, however, this is your last question  
19 because actually the time that you requested is over, and  
20 actually, you are over it by seven minutes.

21 BY MR. KOPPE:

22 I will make this my final question, Mr. President.

23 Q. Madam Witness, are you aware of this brochure that DC-Cam  
24 brought out about these particular prisons and are you aware of  
25 media publications in respect of this DC-Cam brochure?

1 MS. HIN SOTHEANY:

2 A. No, I am not aware of that, however, allow me to respond.

3 My list was drawn up based on the original documents.

4 Q. But presumably so the DC-Cam when they made this brochure?

5 JUDGE FENZ:

6 You asking her to speculate on what basis DC-Cam made their press  
7 release?

8 Do you know, on the basis of your knowledge, if anybody ever was  
9 released from S-21? That's the question.

10 MR. KOPPE:

11 No, that's not the question.

12 [15.19.40]

13 JUDGE FENZ:

14 Sorry, then -- but that -- question I would be interested in.

15 Can you say anything about that?

16 MS. HIN SOTHEANY:

17 Based on the documents that I examined <and used in> my list,  
18 <none of them indicated> that a prisoner was released from S-21,  
19 although in some instances, as counsel put it, the prisoners were  
20 released, <while in fact, they were> detained somewhere else and  
21 later on were sent for execution.

22 BY MR. KOPPE:

23 Q. Hence my question. Where did you base that conclusion upon?

24 Apparently, DC-Cam is reaching a completely different conclusion  
25 because that's the reason why they brought out this brochure to

1 start with.

2 [15.20.53]

3 MS. HIN SOTHEANY:

4 A. <I was referring> to documents that I reviewed <in my> list of  
5 S-21 prisoners, and <>, as I said, <I was referring> always to  
6 the original documents that I <had access to. I did not base on  
7 other sources of documents.>

8 MR. PRESIDENT:

9 Madam Hin Sotheany, the Chamber is grateful of your testimony and  
10 your testimony is now concluded and it may contribute to the  
11 ascertainment of the <truth> in this case. You are no longer  
12 required to be present in the courtroom and you may return to  
13 your residence or wherever you wish to return to, and the Chamber  
14 wishes you all the very best.

15 [15.21.40]

16 Also, the Chamber is grateful of Mrs. Priyanka Chirimar, the  
17 legal officer of the Office of the Co-Investigating Judges, and  
18 the hearing of the testimony of this witness is now concluded.

19 <You are now excused.>

20 Court officer, please work with WESU to send Madam Hin Sotheany  
21 to her residence or wherever she wishes to return to.

22 The Chamber will adjourn its proceeding today and resume tomorrow  
23 <morning at 9 o'clock>, that is Tuesday, 10 <January> 2017, and  
24 tomorrow the Chamber will continue to hear testimony of the  
25 expert Voeun Vuthy.



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1 And, after its conclusion, <the Chamber will> hear the response  
2 by the Khieu Samphan defence to the rebuttal made by the  
3 Co-Prosecutors in relation to the key documents presented by  
4 Khieu Samphan defence concerning the Role of the Accused.

5 [15.22.40]

6 Security personnel, you are instructed to take the two accused  
7 back to the <ECCC> detention facility and have them returned to  
8 attend the proceedings tomorrow before 9 a.m.

9 The Court is now adjourned.

10 (Court adjourned at 1522H)

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