



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
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CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 June 2016
Trial Day 411

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

The Accused: NUON Chea
KHIEU Samphan

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

For Court Management Section:
UCH Arun

I N D E X

Mr. SUOS Thy (2-TCW-816)

Questioning by The President (NIL Nonn) page 4
Questioning by Mr. DE WILDE D'ESTMAEL page 7

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. SUOS Thy (2-TCW-816)	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber begins to hear the testimony of a witness --

6 that is, 2-TCW-816. The Chamber is scheduled to hear this

7 testimony for a period of three days.

8 Ms. Se Kolvuthy, please report the attendance of the parties and

9 other individuals to today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case

12 are present.

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

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

15 been delivered to the greffier.

16 The witness who is to testify today - that is, 2-TCW-816,

17 confirms that to his best knowledge, he has no relationship, by

18 blood or by law, to any of the two accused -- that is, Nuon Chea

19 and Khieu Samphan, or to any of the civil parties admitted in

20 this case.

21 The witness took an oath before the Iron Club Statue on the 23rd

22 May 2016.

23 And Mr. Moeurn Sovann is the duty counsel. Both are ready to be

24 called by the Chamber, and there is no reserve witness today.

25 [09.03.54]

1 MR. PRESIDENT:

2 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
3 request by Nuon Chea.

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

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

13 Having seen the medical report of Nuon Chea by the duty doctor
14 for the Accused at the ECCC, dated 2nd June 2016, which notes
15 that Nuon Chea has back pain when he sits for long and recommends
16 that the Chamber shall grant him his request so that he can
17 follow the proceedings remotely from the holding cell downstairs.

18 [09.05.13]

19 Based on the above information and pursuant to Rule 81.5 of the
20 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
21 follow today's proceedings remotely from the holding cell
22 downstairs via an audio-visual means.

23 The Chamber instructs the AV Unit personnel to link the
24 proceedings to the room downstairs so that Nuon Chea can follow.

25 That applies for the whole day.

1 And before we proceed to hear testimony of witness 2-TCW-816, the
2 Chamber would like to remind all the parties that in order to
3 have a better and clearer proceedings, all parties should adhere
4 to the request by the interpretation unit for proper record of
5 the proceedings and transcript. Please adhere to the following
6 instructions.

7 All parties are reminded that for the proceedings before the
8 Chamber, we use three official languages of the ECCC with mixed
9 cultures and backgrounds. Whenever a party is on his feet, please
10 speak slowly and clearly.

11 [09.06.22]

12 As for the dates, names and geographical locations, as well as
13 the document identification number -- that is, ERN, please do it
14 slowly and precisely and, if possible, please repeat it. For
15 complex names, please spell them out properly.

16 During the course of an exchange of two parties who speak the
17 same language, please leave adequate pause between your responses
18 so that the interpreters can interpret the previous response
19 fully and accurately.

20 The Chamber also notes that this matter occurs rather frequently
21 when a party rises to make an objection, and I sincerely hope all
22 parties are reminded of these guidelines, and please bear in mind
23 that you should adhere to them strictly so that we could have a
24 smooth and proper proceeding.

25 Court officer, please usher witness 2-TCW-816 as well as the duty

1 counsel, Moeurn Sovann, into the courtroom.

2 (Witness enters the courtroom)

3 [09.09.27]

4 QUESTIONING BY THE PRESIDENT:

5 Q. Good morning, Mr. Witness. What is your name?

6 MR. SUOS THY:

7 A. My name is Suos Thy.

8 Q. Thank you, Mr. Suos Thy.

9 Do you recall when you were born?

10 A. I was born in 1951.

11 Q. And where were you born?

12 A. I was born in Preaek Kaev village, Kaoh Khael sub-district,
13 S'ang district, Kandal province.

14 [09.10.20]

15 Q. Where is your current residence?

16 A. At present, I still live in the same village <as I said
17 earlier>.

18 Q. So you are living at the village where you were born; is that
19 correct?

20 A. Yes, that is correct.

21 Q. What are the names of your parents?

22 A. My father is Suos Thuy, deceased; and my mother, Nhim Roeun,
23 also deceased.

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

5

1 A. My wife is Uop Chanthol, and we have three children -- that
2 is, <two sons> and <one daughter>.

3 Q. Thank you.

4 The greffier made an oral report that you are not related, by
5 blood or by law, to any of the two accused -- that is, Nuon Chea
6 and Khieu Samphan, or to any of the civil parties admitted in
7 this case. Is that report accurate?

8 A. Yes, the report is correct.

9 [09.11.57]

10 Q. And that you already took an oath -- that is, when you were
11 first summonsed to appear, did you take an oath before the Iron
12 Club Statue before your appearance today?

13 A. Before I appeared to testify, I took an oath before the Iron
14 Club Statue.

15 Q. Thank you, Mr. Suos Thy.

16 And the Chamber would like to inform you now of your rights and
17 obligations as a witness.

18 Your rights: As a witness in the proceedings before the Chamber,
19 you may refuse to respond to any question or to make any comment
20 which may incriminate you. That is your right against
21 self-incrimination.

22 [09.12.32]

23 As for your obligations, as a witness in the proceedings before
24 the Chamber, you must respond to any questions by the Bench or
25 relevant parties except where your response or comments to those

6

1 questions may incriminate you, as the Chamber has just informed
2 you of your right as a witness. And you must tell the truth that
3 you have known, heard, seen, remembered, experienced or observed
4 directly about an event or occurrence relevant to the questions
5 that the Bench or parties pose to you.

6 And Mr. Suos Thy, have you been interviewed by investigator of
7 the Office of the Co-Investigating Judges? If so, how many times,
8 when and where?

9 A. I have provided several interviews with the investigators of
10 the Office of the Co-Investigating Judges, although I cannot
11 recall exactly how many times.

12 Q. And before you appeared today, <did> you read or review those
13 written records of your interviews with OCIJ investigators in
14 order to refresh your memory?

15 A. Before my appearance today, I read and reviewed my previous
16 statements.

17 [09.14.38]

18 Q. And to your best ability and recollection, can you tell the
19 Chamber whether those written records of your interview are
20 consistent with what you provided to OCIJ investigators?

21 A. The written records of my interviews and my statements are
22 consistent with what I said.

23 MR. PRESIDENT:

24 And Mr. Suos Thy, you are now having a support from a duty
25 counsel per your request through WESU -- that is, you have Mr.

7

1 Moeurn Sovann, who is sitting next to you.

2 And pursuant to Rule 91bis of the ECCC Internal Rules, the
3 Chamber grants the floor first to the Co-Prosecutors before other
4 parties. And the combined time for the Co-Prosecutors and the
5 Lead Co-Lawyers for civil parties is five sessions.

6 You may proceed.

7 [09.15.56]

8 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

9 Thank you, and good morning, Mr. President. Good morning, Your
10 Honours. Good morning to all parties.

11 Q. Good morning, witness. My name is Vincent De Wilde, and I'm
12 going to be putting questions to you today and, in fact, until
13 the end of the day. And probably I will be putting questions to
14 you for 15 minutes tomorrow morning, and then my colleagues from
15 the civil parties will put questions to you up until about 10
16 past 10.00 tomorrow morning.

17 So I'm going to ask you today to place yourself back in the
18 situation where you were, even if it's painful, between 1975 and
19 1979 so that you may answer my questions in the most specific way
20 possible.

21 I also would like to reassure you that you're not here to be
22 accused of anything. We simply want to hear your testimony on
23 what happened at S-21, mainly.

24 And if you do not understand one of my questions, please say so,
25 ask me to repeat it. And if you do not know the answer, simply

8

1 tell me and do not invent any answer.

2 So first, I'm going to ask you a few questions, very briefly
3 speaking, on the period that preceded 17 April 1975. Can you tell
4 us in -- very, very briefly when you joined the revolution and in
5 which division and in which regiment did you work <just> before
6 the capture of Phnom Penh on 17 April 1975?

7 [09.18.00]

8 MR. SUOS THY:

9 A. <I studied at Chumpu Voan high school. However,> after 1970,
10 that after the coup d'état by Lon Nol, the school was closed, so
11 I returned to my native village, and that <was> in 1970. And in
12 1971, upon hearing the appeal by Samdech Sihanouk for people to
13 go to the maquis forest in order to attack and liberate the
14 country from Lon Nol regime, although I cannot recall the exact
15 <day or> month of 1971 <when I joined the revolution>. It was in
16 <around early> 1971 <when I became a commune messenger> in Kaoh
17 Khael commune. I took part in the movement there. About a year
18 later, I was enlisted into the troop of the Special Zone of
19 <Company 23,> Battalion <112>.
20 <> Initially, I was a combatant <of Platoon 3, Company> 23. And I
21 remained in the <Company, and fought against> the Lon Nol
22 <soldiers>. And I took part in the battlefield in Siem Reap
23 province. <Because of aerial bombing,> I was wounded <and became
24 unconscious>. Then I was reassigned as a medic -- that is, to
25 train as a medic in the same <Platoon> -- that is, <Platoon> 3,

1 <Company>123 (sic).

2 [09.20.05]

3 <I was there until> 1974, my wound was not fully healed, so I was
4 reassigned to Battalion 112 office -- that is, in <around> early
5 1974. And while I was in that office, I was assigned to maintain
6 the list. And Huy at the time was the chairman of Battalion 112.
7 The list that I <maintained entailed> the list of members of the
8 army in that battalion, the amount of weapons and ammunition, and
9 a daily report had to be made to the regiment.

10 I was in that position to maintain the list until the day Phnom
11 Penh fell in April 1975, and I was <in Phnom Penh> maintaining
12 the list for about a month <>. Then I was reassigned again to <>
13 Battalion <112>, but then I was assigned as a deputy <group>
14 chief <of Platoon 3, Company 23>.

15 Then I was in <Company> 23 for about three or four months. Then
16 the battalion that I was attached to -- that is, Battalion 112,
17 was relocated to Wat Har pagoda near Prey Sar.

18 By that time, Hor actually took me to go and work with him,
19 though at the time I did not know him very well since he was
20 chief of Regiment <267, Division 12>. And Hor came to take me
21 because he received instruction from Huy that I used to maintain
22 <the> list with him.

23 [09.22.34]

24 Hor took me to work with him. Initially, I was assigned to stay
25 at the PJ location <in Phnom Penh. It was called -->

10

1 Q. Witness, yes, I must interrupt you because here you're giving
2 me the whole account, and your life story, basically, until you
3 arrived at S-21. So I would like to be a bit more specific and
4 focus on specific aspects on your revolutionary activities before
5 you arrived at S-21.

6 First I would like to provide you with two documents. These are
7 two biographies. One is indexed E3/9320 on English page 00885189;
8 French, 00887840; Khmer, 00051642. And the other biography, which
9 is a little longer, is indexed E3/10570, so E3/10570.

10 So I'd like to provide these two biographies to the witness, Mr.
11 President, with your leave.

12 [09.24.25]

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. So Witness, the first document is a brief biography of Suos
17 Thy. And the second document is a longer biography which was
18 written on 6 June 1977.

19 So first, did you write these biographies yourself now upon
20 seeing these documents?

21 MR. SUOS THY:

22 A. Yes, that is correct. I wrote the two biographies <myself>.

23 Q. Well, a little point of clarification. These -- in both
24 biographies, it is said that you joined the revolution on 3
25 August 1971 and that you joined the Communist Youth League of

11

1 Kampuchea on 30 June 1973.

2 Are these dates correct, and do you remember these dates today?

3 A. To my recollection, it is my handwriting.

4 [09.26.12]

5 Q. Did you join the revolution, indeed, on 3 August 1971 and join
6 the Communist Youth League of Kampuchea on 30 June 1973 as stated
7 in both of these biographies?

8 A. Yes, that is correct. I wrote the biography.

9 Q. So in 1977, you were still a member of the Youth League.

10 Were you ever promoted to become a member of the CPK? And if
11 that's the case, when, or if that's not the case, <do you know>
12 why were you never promoted to become a member of the CPK?

13 A. I was a member of Youth League on the 3rd of August '71. It
14 was during wartime, so my biography was not fully scrutinized.
15 Later on, I could never be a full member of the Party due to the
16 background of my family and that my family members used to live
17 under the Lon Nol regime <and I was categorized as a petite
18 bourgeoisie student>.

19 [09.27.52]

20 Q. Fine. So now we're going to step away from these biographies
21 for a little while.

22 So earlier, you spoke about Regiment 123. There might have been a
23 translation issue here. I'm not sure.

24 I noted in your various statements Company No. 23 within Division
25 12 or maybe Battalion 112. So was this a company or was this a

12

1 regiment of which you were the deputy chief?

2 A. I was a deputy chief of a group of a platoon, of Third
3 Platoon, <Company 123>. And I was not a deputy chief of a
4 regiment <or a battalion>.

5 Q. And what about Battalion 112, which you spoke about? Was it
6 part of Division 12 which later on became Division 703?

7 A. I do not fully understand your question. Please repeat it.

8 [09.29.35]

9 Q. You stated that you were a member of Battalion 112 within the
10 Special Zone. Were you a member of the division when it became
11 Division 703?

12 A. Battalion <12> was under a regiment, though I cannot recall
13 that regiment number clearly. And both were under Division 12,
14 which later on changed to Division 703.

15 Q. Very well. We're going to talk about the period that followed
16 the 17th of April 1975. You spoke about it a bit.

17 Can you tell us when you were assigned to work at S-21, and can
18 you also tell us where that security centre was located when you
19 joined it?

20 A. Hor initially took me to PJ location, and at that time, I did
21 not know that it was S-21 office. I only knew that it was a
22 prison. And I learned about the existence of S-21 when I came to
23 work at Tuol Sleng <prison>.

24 [09.31.20]

25 Q. And during what period and in what month were you assigned to

13

1 work at the judicial police office. That prison was located
2 within the premises of the judicial police department.

3 A. Hor came to take me in late 1975 and sent me to PJ location. I
4 cannot recall the exact month of that year.

5 Q. <Your biography E3/10570 provides part of the answer. It is in
6 French> on page 5, number 17, in English page 4. Still number 17.
7 And it is the first part of your biography titled "Personal
8 Information".

9 And if you look at your biography in <Khmer> it is on page
10 01241616. And it is still number 17. <It's rather long.> And this
11 is what you stated, and I quote:

12 "In December 1975, Angkar transferred me to the S-21 centre." End
13 of quote.

14 Does it refresh your memory as to the period when you were
15 assigned to S-21 to work in the premises of the judicial police?

16 A. Based on the document that I wrote, it is true that it was in
17 December 1975.

18 [09.33.42]

19 Q. You stated that Hor took you to that security centre at the
20 judicial police department.

21 Did he tell you before you were assigned there that it was a
22 prison or a security centre?

23 A. Before Hor came to take me, I was not told where I would go to
24 work. I was told that I needed to go to Phnom Penh on a
25 motorbike. Before that time, I was not told that I would be taken

1 to the prison location.

2 Q. When you realized that it was a prison <could> you <have
3 objected> to your assignment to work at that place?

4 A. After I learned that the location was the prison compound, I
5 could do nothing because it was an assignment from the upper
6 level. I had to do it.

7 [09.35.22]

8 Q. And what did your mission or your work consist of? What did
9 you have to do, exactly?

10 A. My main tasks at the location were as follow: Hor assigned me
11 to be in charge of the register or list of the prisoners <at PJ
12 location>. I was responsible for registering names of incoming <>
13 prisoners. Particularly, I was assigned to write a brief
14 biography, that is to say, the origin of those people and their
15 function. It was just a short biography.

16 Q. Was the judicial police department a detention facility and an
17 interrogation facility as well? In other words, what was that --
18 what was the purpose of that prison, to be very precise?

19 A. That PJ prison was used for housing prisoners, and I did not
20 know the interrogation locations whereabouts. <At the time, I was
21 inside>. I did not know where the prisoners were taken for
22 interrogation.

23 Q. When you arrived there and started your work, how many
24 prisoners who had already been detained did you find there?

25 A. When I was at that location, I noticed there were prisoners.

15

1 When I was there, <Hor gave me> a list of prisoners so that I
2 could copy all their names into my document or my list, and I
3 cannot tell you for sure how many prisoners were there at the
4 location.

5 [09.38.00]

6 Q. On the 27th of July 2009, you were in this courtroom. And it
7 is document E3/7465. And you stated the following at 13.53 - or,
8 rather, <13.57.38>. And this is what you stated:

9 Regarding the judicial police, <I quote, ">the detainees who had
10 been imprisoned earlier must have been about a hundred in
11 number." End of quote.

12 Do you confirm that that is approximately the number of prisoners
13 who were there when you arrived, numbering about hundred?

14 A. It is just my estimate of the number of prisoners. It was
15 about that number, but at the time, I did not total the number of
16 the prisoners at that location. <I cannot recall well.>

17 Q. And while you were there, were there regular arrivals?

18 A. The prisoners did not arrive at that location on a frequent
19 basis. There was no serious situation that let the prisoners to
20 be brought into the location. In fact, the prisoners had been
21 there already before my arrival.

22 [09.40.20]

23 Q. And what type of prisoners were imprisoned or<, possibly,>
24 interrogated at the judicial police department?

25 Did you observe a certain category of prisoners detained there?

16

1 A. At the PJ prison, mostly they were former factory workers. I
2 cannot recall very well at the present time because it happened a
3 long time ago, and some were the internal staff members, as that
4 happened long time ago, so I cannot recall very well the types of
5 prisoners.

6 Q. And regarding the workers who were detained there, had they
7 committed any offences? Do you know what they were accused of?

8 A. I do not know about the offences they were accused of. I only
9 know that they were taken from the factory and I did not know in
10 detail about other matters in relation to them.

11 Q. Apart from those workers, <were there>, at the judicial police
12 department, persons who had been officials of the former Lon Nol
13 regime, whether they were soldiers or civil servants?

14 A. As I indicated, unless I was given the document to recall what
15 happened at the time. <Now> I <cannot recall> the <former>
16 positions or roles of those prisoners <who were detained> at the
17 <PJ prison>.

18 [09.43.08]

19 Q. You kept a register of prisoners leaving the judicial police
20 department. Do you know the <reasons for> their exits? Do you
21 know why they were removed?

22 A. <At the time, prisoners at PJ prison> were not taken out. And
23 it was not in the sphere of my responsibility to know about
24 taking out the prisoners.

25 Q. Did you ever hear that there were detainees at the judicial

17

1 police department who were transferred to a prison at Takhmau?

2 A. No transfer of prisoners from PJ prison to any other location.

3 They remained in detention at that location, the PJ.

4 [09.44.42]

5 Q. That said, during that period, did you ever hear of the

6 Takhmau prison as a prison under Division 703 situated in a

7 former psychiatric hospital at Takhmau?

8 Did you ever hear anybody talk about that during that period?

9 A. Regarding a prison at Takhmau, I learned some information

10 about it. I heard people <talk> about that prison, and I, myself,

11 <did> not know the person in charge of that Takhmau prison.

12 I, myself, had never been to that location.

13 Q. What did you hear regarding that prison at Takhmau? Did you

14 ever hear that prisoners detained there were executed?

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness.

17 You can now proceed, Counsel Koppe.

18 [09.46.01]

19 MR. KOPPE:

20 Thank you, Mr. President. Good morning, Your Honours.

21 I object to this question because whether prisoners detained in

22 Takhmau or, for that matter, PJ were executed or whatever

23 happened to them is outside the scope of this trial.

24 We're dealing with S-21 as a security centre, possibly, in a

25 broader sense, the S-21 independent regiment. But I don't think

18

1 any detention facilities belonging to Division 703 are part of
2 this trial.

3 MS. GUISSÉ:

4 Yes, Mr. President.

5 To follow up on the objection of my colleague, I, too, object to
6 the manner in which the Co-Prosecutor is examining this witness
7 because, once more, there was a <suggestion in his answer>. And I
8 would like him to ask <totally> open questions.

9 [09.47.11]

10 MR. DE WILDE D'ESTMAEL:

11 May I respond, Mr. President?

12 First of all, there is an obvious link between Takhmau prison and
13 S-21. According to Duch, the passage from one to the other was a
14 practice at <one point>.

15 Secondly, I <just> asked the witness whether <he heard if> there
16 were any executions on the spot. I didn't suggest that executions
17 were carried out. <He can very easily> say whether he <did indeed
18 hear> about that or not, <or if it's totally beyond> his
19 knowledge.

20 And thirdly, I would like to say that Takhmau prison also had to
21 do with possible executions of former Lon Nol <regime staff>, so
22 it is proper for me to ask the witness that question.

23 MR. PRESIDENT:

24 The objections by the two defence teams on the questions put by
25 the Co-Prosecutors are overruled.

19

1 The questions are meant to seek information about the
2 <relationship> between the two <or three> prisons.

3 Mr. Witness, please respond to the question or questions by the
4 Co-Prosecutors, and if you cannot recall them, you can ask him to
5 repeat them.

6 [09.49.03]

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. The question was as follows: Did you ever hear that prisoners
9 were executed at Takhmau prison?

10 MR. SUOS THY:

11 A. I <did> not know in detail about what was happening at Takhmau
12 prison. I only knew of what happened at PJ.

13 Q. <A few> last <questions> in this line of questioning.

14 Do you know whether the Takhmau prison was closed, and when it
15 was closed? <Did> it <remain> open when the S-21 prison was
16 established at Tuol Sleng? Did you ever hear anything about that?

17 [09.50.14]

18 A. I <did> not know for sure about the closing down of Takhmau
19 prison, when it was closed down. I <did> not know about that.

20 And as for S-21, I know that there were different units,
21 interrogation unit, guard unit and rice farming unit. And I,
22 myself, do not know for sure about the prison at Takhmau.

23 Q. To your knowledge, did the Takhmau prison ever bear the code
24 name S-21C?

25 A. I do not recall about Takhmau prison because it happened long

20

1 time ago. And as for <the establishment of> S-21A, <S-21B> and
2 <S21-C>, they were <> at Prey Sar.

3 And as I told you, I <did> not know about the establishment of
4 Takhmau prison and what was going on at that location.

5 MR. DE WILDE D'ESTMAEL:

6 With your leave, Mr. President, I would like to show the witness
7 a document, and it is document E3/1539. And the reference is also
8 E3/1540. It is titled "Names of prisoners who died at S-21 kor"
9 <, K-O-R> which is translated as S-21C. This list consists of 162
10 persons who died in March 1976 at S-21 kor,<K-O-R>.

11 May I show the witness this document, Mr. President?

12 [09.52.51]

13 MR. PRESIDENT:

14 Your request is granted.

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Witness, look at this document and its form, and also look at
17 the last page thereof. In Khmer, it's page 4, number 0006747. So,
18 00006747, <in French page 10, so the last page,> and it is in
19 English, page 12. And it is indicated on the document that 153
20 prisoners were <executed> and nine died of illness.

21 First of all, when you look at the list, can you tell us who drew
22 up this list, and <in particular> can you also tell us whether
23 you are the person who drew up this list?

24 [09.54.02]

25 MR. SUOS THY:

21

1 A. Regarding the compilation of the names in the list, there was
2 an individual named Meng <from the interrogation unit>. He was in
3 charge of all <the> lists. He may have been aware of the lists
4 <of those three units>. This list has nothing to do with me.
5 And I can say that, as for the list of prisoners at Takhmau, they
6 were done by Meng <because he totaled the lists of those three
7 units>. And Meng was <a head of office> of Division 12 -- <that
8 is, Ta Nat's division.>

9 Q. You have just stated that, as regards the Takhmau list, it was
10 Meng who was in charge of drawing up that list.

11 Are you saying that on the basis of the title of this document --
12 that is, "Name of prisoners who died at S-21 Kor<, K-O-R>"<,> you
13 <can> confirm that this is a list of persons who were detained at
14 Takhmau prison? Is that what I should take from your answer?

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness.

17 You can now have the floor, Koppe.

18 [09.55.37]

19 MR. KOPPE:

20 Thank you, Mr. President.

21 I'm not quite sure if I followed the question because in earlier
22 testimony, the witness has explicitly indicated that he doesn't
23 know what S-21C stands for, so now to jump to the conclusion that
24 S-21C, because of his testimony, is necessarily Takhmau prison,
25 is unjustified. So I object to this question.

1 MR. DE WILDE D'ESTMAEL:

2 Mr. President, I relied on what the witness just stated when he
3 said that this list from Takhmau was compiled by Meng. <I just
4 wanted> to ask him whether this list in particular has to do with
5 Takhmau prison.

6 This is a well-founded question because I am only relying on the
7 statement made by the witness.

8 [09.56.42]

9 MR. PRESIDENT:

10 The objection by Counsel Koppe is overruled. The question is
11 appropriate to put to the witness because there is a clear basis
12 for putting the question. And the Chamber needs to hear the
13 answer from the witness.

14 Mr. Witness, please answer the question last put by the
15 Co-Prosecutor.

16 MR. SUOS THY:

17 A. Could Mr. Co-Prosecutor repeat the question once again? I
18 cannot remember it well.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Yes, Witness. I would like to know whether, on the basis of
21 the title of this document -- that is, "Names of prisoners who
22 died at S-21 Kor", K-O-R, translated as S-21C -- can you tell us
23 whether, to your knowledge at the time, that list has to do with
24 prisoners detained at Takhmau prison?

25 MR. SUOS THY:

1 A. I indicated earlier, I am not certain about the list of
2 prisoners at Takhmau. <The list was not only drawn up by the
3 guard unit, but> there was a master list of prisoners. And I <am
4 not quite sure regarding these issues because it happened a long
5 time ago>.

6 [09.58.38]

7 Q. I'll try to refresh your memory. This is what you stated
8 before the Co-Investigating Judges of the military tribunal. That
9 was a very long time ago, and it's document E3/10568. And it is
10 on page 2 in French, page 2 in English and Khmer. This is what
11 you stated:

12 "The service of S-21C was also a security service, but it was in
13 charge of guarding prisoners at Takhmau." End of quote.

14 Do you recall saying that to the Investigating Judges of the
15 military tribunal here in Phnom Penh?

16 A. Regarding S-21 Kor or C, I am a little bit confused <about>
17 S-21 Kor or C since it was under the management of Division 703.
18 I learned about S-21C, but I did not know <in detail about> the
19 tasks performed by that unit, S-21C.

20 [10.00.25]

21 Q. Now I would like, therefore, to get back to this list that I
22 showed to you, E3/1539. Now, we note on this list that there are
23 essentially officers and servicemen listed.

24 And can you tell us what the CPK policy was with regard to the
25 officers and the non-commissioned officers and servicemen from

24

1 the Lon Nol army between 1975 and 1976? Did you ever hear about
2 any kind of policy in their regard?

3 A. Regarding the policy of the CPK, I did not know in detail. I
4 only focused on my work -- that is, to maintain the list.

5 Q. <Under entry> 44 as well as at <entry> 50, as well as at
6 <entry>136 and <entry> 150, we see the names of members of the
7 Long Boret network, and all of their names begin with "Long".
8 So when you were at the PJ, did you see members of the Long Boret
9 family being detained on site <while> you held the register? Did
10 you note that they were family members of the Long Boret family?

11 [10.02.26]

12 A. While I maintained the list at PJ prison, I did not know where
13 those prisoners came from, including <the> Long Boret <network>.
14 My sole focus <was> on maintaining the list. And I did not know
15 details regarding those detainees or their positions.

16 Q. I will use, therefore, a last document regarding S-21C to see
17 if we can clarify things a little bit. It's document E3/8493.

18 E3/8493. In Khmer, it's on page 00095505. In French -- in
19 English, it's on page 1, that is to say, 00181623. There is no
20 French translation.

21 It's a document dated 11 April 1976, Mr. President. May I provide
22 this document to the witness?

23 MR. PRESIDENT:

24 Yes, you may.

25 [10.03.56]

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. So on this first page, there is a table, a table that includes
3 certain number of figures <on prisoners who were> at Office 21A
4 as well as at Office 21C. So there are different categories of
5 prisoners, as you can see, in this <so-called> daily list.

6 And among these prisoners, 262 are detained at S-21A and 396 are
7 detained at S-21C, for a total of 658 prisoners.

8 So was this document drawn up at S-21? Did you draw up this
9 document?

10 MR. SUOS THY:

11 A. Referring to this document, it is a master list belongs to Ta
12 Nat. <Meng drew up that list>.

13 Q. And who drew up this list? Was it Ta Nat himself, or did
14 somebody do it for him?

15 A. The chief of the office of Ta Nat, whom I reported to -- that
16 is, to Meng. Meng was the one who drew up a compilation of the
17 list.

18 [10.06.05]

19 Q. Do you know if, on 11 April 1976, if Ta Nat was still heading
20 S-21 or if Duch had already replaced him?

21 A. When S-21 was moved to Tuol Sleng, Ta Nat was replaced by
22 Duch.

23 Q. I have two <more> questions on this document. Can you explain
24 the distinction that is made here between S-21A and S-21C? What
25 does this mean? Where were these people detained, the people who

1 were detained at S-21A as well as the people who were detained at
2 S-21C?

3 A. For S-21C, I did not know about the backgrounds of prisoners.
4 And PJ was labeled as S-21A.

5 Q. And last question regarding this topic <before the break>. If
6 you go to the following pages and if you look, you will see that
7 behind the table, there's a list of prisoners who entered on 11
8 April 1976 who had been taken from Sector 25, Preaek Dach. And
9 here, there are 33 people listed, mainly Pakistani people, Indian
10 people and <so-called> "Arabs"<.>

11 Does this list ring a bell? Did you draw up this list, or was it
12 Meng who drew up this list as well?

13 A. As for this list, through my examination and, in fact, upon my
14 arrival, the prisoners had been detained already, so I can
15 conclude that it was Meng who drew up the list.

16 [10.08.52]

17 Q. On this list in particular at <entry> 5, there is a surname
18 Kung Sen, K-U-N-G S-E-N, who is described as Arab.

19 So does "Arab" refer here to a nationality or to the Cham ethnic
20 group in Cambodia? Can you shed a bit of light on this for us,
21 please?

22 A. As I have stated, I did not pay attention to the roles or the
23 nature of work of detainees or what nationality they were. I did
24 not pay much attention to that.

25 MR. KOPPE:

27

1 Yes, Mr. President. A question for clarification.

2 I looked at the Khmer version of this document, and in those two
3 pages, I see two completely different formats. The only thing
4 that seems to be in common of those two documents is the date, 11
5 April '76, but I don't see any reference in relation to that
6 second part of the document, the name list, that this is, in
7 fact, an S-21 list. It is attached to each other, but who
8 attached these two documents which clearly, from the format, do
9 not seem to have anything to do with each other.

10 So what's the basis for the Prosecution to submit to the witness
11 that the second part of the document is, in fact, an S-21
12 document?

13 [10.11.04]

14 MR. DE WILDE D'ESTMAEL:

15 Mr. President, I do not believe I said <straightaway> that this
16 was an S-21 list. I simply said that this was a list entitled
17 "<Names of prisoners entering 11> April 1976". I didn't say where
18 this list came from.

19 That is precisely what I'm trying to understand, to see if these
20 were prisoners <who may have been> detained at S-21 and, if that
21 is the case, I'd like to know if they were detained at S-21A or
22 S-21C. <I will be satisfied with the witness's answer, because>
23 it's not clearly established that there's a direct link between
24 both parts of these documents. <We can agree on that.>

25 MR. PRESIDENT:

28

1 It is now appropriate for a short break. We'll take a break now
2 and resume at 10.30.

3 Court officer, please assist the witness at the waiting room
4 reserved for witnesses and civil parties and invite him, as well
5 as his duty counsel, back into the courtroom at 10.30.

6 The Court is now in recess.

7 (Court recesses from 1012H to 1031H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Court is now back in session and the floor is given to the
11 Deputy International Co-Prosecutor to resume his questioning.

12 You may now proceed.

13 BY MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President.

15 Q. Witness, when you leave the premises of the PJ, <was> S-21
16 <set up> directly at the Pohnea Yat <high school>, or not?

17 MR. SUOS THY:

18 A. PJ was located close to Phsar Thmei. And as for S-21, it was
19 in Pohnea Yat <high> school.

20 [10.32.54]

21 Q. <Do you remember how long> you <were> at the PJ, and when did
22 you arrive at the Pohnea Yat Lycée premises to work there?

23 A. I do not recall the exact date. It may have happened in late
24 1975 or early 1976. I cannot tell you for sure <which month>
25 exactly, I went to S-21, which was located at Pohnea Yat Lycée.

1 Q. I'll ask the question otherwise.

2 You stated in your biography that you arrived at the PJ in
3 December 1975. <How many months> thereafter<, how many weeks, how
4 many months> did you stay there before you went to S-21 when it
5 was moved to Tuol Sleng?

6 A. I worked at PJ perhaps for a shorter period of time <because
7 it was at the end year>. And <then> I was reassigned to work at
8 <S-21 which was located in> Pohnea Yat Lycée <>.

9 [10.34.50]

10 Q. Was Hor still your superior when you were transferred to S-21
11 -- that is, Tuol Sleng?

12 A. Yes, it was the same Hor who was my superior.

13 Q. The same way as you were not given the choice to stay at the
14 PJ and work there, you also did not have the choice to work at
15 S-21.

16 A. That is true.

17 Q. At S-21, Tuol Sleng, were you entirely subject to the orders
18 of your superiors?

19 A. I was under the supervision of my superior at S-21. I had to
20 do whatever tasks I was assigned to perform.

21 Q. I would like to talk about a passage from your biography,
22 <E3/10570>. <Your attorney can help you find it.> It's a long
23 biography, E3/10570. And it is point number 16, which is still in
24 the first part titled "Personal Information". And this is what
25 you stated in that passage, and I quote:

1 "My capacity in the revolutionary society, I have a formidable
2 spirit of unconditional sacrifice for the nation, the people, the
3 revolution and the Party. The more I endeavoured to accomplish
4 with all my heart and with my soul the tasks that the Party has
5 entrusted to me." End of quote.

6 [10.37.08]

7 This is what you stated in 1977. You talked of unconditional
8 sacrifice for the revolution.

9 Was that something that was demanded of you as part of your work
10 at S-21?

11 A. In the biography that I had to fill in, I had to show my
12 loyalty and also my commitment to the tasks assigned to me;
13 <otherwise, I would have been in trouble>.

14 Q. You kept the register of S-21. Were you constantly under
15 pressure during the three years you spent working there?

16 A. For that three-year period, I was trying hard to perform my
17 duties since I was afraid <of being in danger>. If I had
18 committed any wrongdoings, I would have been considered <their>
19 enemy.

20 [10.39.15]

21 Q. Did Hor tell you what would be the consequences of any errors
22 you may <have committed>?

23 A. Hor <repeatedly> emphasized that if I had mixed up the
24 prisoners who had already been interrogated with those who had
25 not yet been interrogated, I would fall into the category of a

1 prisoner, so I was very cautious of <writing> down the prisoners
2 in the lists.

3 Q. Hor was your superior. From whom <exactly> did Hor himself
4 receive his orders and instructions?

5 A. Hor was my superior in my guard unit, and he received direct
6 orders or instruction from Duch.

7 Q. Did you happen to receive instructions and orders not from
8 Hor, but from other cadres such as Duch, either directly or
9 indirectly, Meng <who> you referred to a while ago, or Mam Nai
10 alias Chan?

11 A. I did not receive any order from other individuals beside Hor.
12 Only Hor gave <me> orders.

13 Q. Did you know to which superior authorities Duch had to <answer
14 or> report <to>? Did Hor or any other persons ever talk about
15 that to you?

16 A. Regarding the reporting system, which superior Duch reported
17 to, I have no idea about that matter because I was just working
18 at the low level.

19 [10.42.26]

20 Q. Did you ever attend technical training sessions or political
21 study sessions at S-21 conducted by Duch?

22 A. The political session which presided -- which was presided
23 over by Duch, I did participate in those political session, but I
24 only attended that session -- those sessions once in a while
25 since I was engaged in my duties <inside the prison. But for the

1 others, they met him frequently>.

2 Q. When you say from time to time, <how often>, approximately?

3 Was it several times a year, once a year? Can you please give us
4 an idea?

5 A. For example, during the anniversary of the victory, we would
6 be invited to attend the meeting.

7 [10.44.10]

8 Q. I would like to read what you stated in the record of your
9 interview, E3/7603. To be more specific, page 8 in French and
10 English, it is 00146799. In Khmer, 00145610 up to 11. And this is
11 what you stated to the Office of Co-Prosecutors:

12 "Each meeting was chaired by Duch, and <the> meetings were <only>
13 held <by group, and there were never> meetings <with> all of us
14 together. <Only the training> meeting <was held with everyone,
15 about once a year, lasting for a maximum of three days, each
16 time.> Duch conducted <the> sessions. <Politics were taught at
17 these training meetings.>

18 I had attended major training sessions only twice. At the first
19 <big training> meeting, <someone named> Son Sen delivered a
20 speech. He was the commanding officer. He <just came to open> the
21 meeting, and Duch then continued." End of quote.

22 Did you only attend two meetings of the sort or <did> you attend
23 other types of meetings chaired by Duch?

24 A. I attended the <big> political study sessions, particularly
25 during the anniversary of 17 April. And usually, that kind of

1 meeting was conducted and everyone was invited to that so-called
2 anniversary <of the victory>. But for other <simple> meetings, I
3 did not attend them since <there was only me> to do <my job in
4 the prison>.

5 [10.46.45]

6 Q. And during those meetings commemorating the 17th of April,
7 apart from Son Sen, who spoke once, was it only Duch who spoke,
8 or did Hor, Meng and <Huy> Sre also speak at those meetings, or
9 did any other cadres speak at the meetings?

10 A. Duch was the only speaker at the time.

11 Q. Did Duch or Son Sen tell you what was the role and
12 significance of S-21 nationwide in terms of security and defence?
13 Did they explain the role of S-21 to you?

14 A. They did not explain the role of S-21 in that political study
15 session; I mean the commemoration of the victory. We were <only>
16 taught <about the victory of> revolution.

17 Q. What did you know about the <objective> of S-21 and, in more
18 general terms, the objectives of the regime as regards security?

19 [10.48.56]

20 A. I do not know about the objective <> of S-21 or that of the
21 regime. I had to do whatever task <was> assigned to me. I did not
22 bother poking into other business which were not in the realm of
23 my responsibility.

24 Q. Witness, you were at S-21 for three years. Nevertheless, I'm
25 asking you to tell us what you remember about what was said

1 during those meetings that sometimes lasted three days.

2 What did Duch talk about during that period? Did he ever talk of
3 the importance of the work of each person at S-21?

4 A. Regarding meetings at S-21, the <most important> subject of
5 the discussion was about the victory, and we were advised to
6 perform clearly our duties and tasks. And mostly the discussion
7 was on tasks and duties of each worker.

8 Q. During those meetings and training sessions, did you receive
9 any Party documents to study and did you receive any written
10 directives <or instructions>?

11 A. <During> the political study sessions, I was not given any
12 pieces of documents. I was invited to sit there and listen to the
13 speeches.

14 [10.51.30]

15 Q. Let me rephrase my question. I'll read out to you an extract
16 from a notebook by an interrogator at S-21. That notebook
17 supposedly belongs to Mam Nai <alias Chan>. It is document
18 E3/833. <In French it is on page 3 ERN 00282470.> In Khmer, it is
19 00077663. There is no English translation. And this is what is
20 stated:

21 "In 1977, we continue to vigorously get rid of the agents of the
22 enemy who <are corroding> our army our Party<,> and our people
23 <from the inside>, and we have <partially cleansed> the networks
24 of the CIA, the KGB and the networks of the Vietnamese who
25 swallow territory." End of quote.

1 Did you hear anyone talk of the <cleansing> of the networks of
2 the CIA, the KGB and Vietnamese while you were at S-21? Did you
3 ever hear anyone also talk of getting rid of the <enemy> agents
4 <>?

5 [10.53.10]

6 A. In relation to Mam Nai's <saying> about the purges, I do not
7 know about that. I <rarely> attended such meetings <because it
8 was the meetings for the interrogation unit. They might have
9 comments during their meetings. Those are their documents>.

10 Q. You did not attend all the meetings<, you said you were busy>
11 working. <But you> attended only a few meetings ,around> the 17th
12 of April.

13 Did Duch and Son Sen talk <about> the enemies of the regime, the
14 enemies from within and from <the outside> during those meetings?
15 Did you ever hear them talk about them?

16 A. I cannot recall the full content of Duch's speeches. The main
17 subject was about the victory of 17 April 1975 and, for other
18 subjects, I do not recall them since the events happened long
19 time ago.

20 Q. I'll go into another line of questioning and then we'll
21 revisit the issue of enemies again later.

22 Regarding the surface area of S-21 and its geographical
23 <position>, did S-21 and Tuol Sleng go beyond the Pohnea Yat
24 <High School> and, if yes, how far did it extend beyond the
25 premises of the Pohnea Yat Lycée <on each side>?

1 [10.55.22]

2 A. In relation to S-21's location, it had a large geographical
3 area and prison was surrounded by zinc iron, and it extended to
4 the sewage canal. And as I said, the fences were surrounded by
5 zinc fence. <The surface area of S-21 was not only covering the
6 prison compound, it was also surrounded by the zinc fence.>

7 Q. Regarding that fence, was there one or several successive
8 fences that you had to go through in order to get into the
9 premises of S-21 -- that is, the Pohnea Yat Lycée premises?
10 How many fences did you have to get through?

11 A. <At Pohnea Yat high school>, there were two levels of fences,
12 one surrounding the prison compound and there was another level
13 of fence that was the outer fence.

14 Q. As regards the internal fence, was it surrounded by a wall
15 mounted with barbed wire?

16 A. Yes, there was a wall mounted by barbed wire together with
17 zinc. And as for the outer fence, it consisted of only zinc
18 fence.

19 [10.57.44]

20 Q. Was the barbed wire around the <high school> itself
21 electrified?

22 A. The barbed wire <around the prison building> was not
23 electrified, to my recollection.

24 Q. Within the premises of the <high school>, where was your
25 office located? Can you tell us what was close to your office?

1 A. My office was opposite the entrance of Pohnea Yat <high
2 school>, <that is, the entrance of the prison>. And in fact, that
3 was -- that office was reserved for Hor. That was his main
4 office. <Hor asked> me <to position there>.

5 Q. You spoke about Meng earlier. Did Meng also have an office in
6 this building <across from> the main entrance to S-21?

7 A. As for Meng's office, it was in a separate location since he
8 was part of the interrogation unit. And he worked closely with
9 Duch, not with me. <It was close to Duch's house>

10 Q. Where were the prisoners interrogated in relation to the
11 Pohnea Yat high school?

12 A. <That> location, I mean the interrogation location, was
13 located far away from the prison compound. In fact, it was <close
14 to> the outer <zinc fence area>.

15 [11.00.45]

16 Q. And were these locations<, these interrogation sites,> spread
17 out into different houses or were the prisoners interrogated in
18 the same house?

19 A. I was not fully aware of the exact locations of the
20 interrogation locations. Usually, they would be interrogated in
21 separate houses.

22 Q. You told us that your office was within the Pohnea Yat high
23 school.

24 Aside from the moments when you took place in meetings that were
25 chaired by Duch, did you ever have the opportunity <to step> out

1 from the premises of the high school <very often>?

2 A. I did not have the authority to move around freely from the
3 office where I worked. I could go to join the dining hall and,
4 after that, I had to quickly return to my office <because I was
5 assigned to be on standby there>.

6 [11.02.34]

7 Q. Did you work and were you housed in the same office?

8 A. I worked and lived in the same office. I remained there 24
9 hours a day.

10 Q. So you were close to the main entrance of S-21, and you kept
11 the registers.

12 So was your mission not to allow new prisoners to come in without
13 recording them and to not let prisoners <leave> without also
14 recording their names? So therefore, did you have to somewhat
15 control the entrances and the exits of prisoners in your lists?

16 A. That was my main task that I was assigned to do.

17 Q. Was there a special prison, and what was meant by "special
18 prison"?

19 A. At that time, there was a special prison located outside the
20 main <prison> compound, and it was meant to house senior
21 <prisoners>.

22 [11.04.25]

23 Q. Did you ever learn if this special prison was in one single
24 building, or in several?

25 A. I did not have any authority to go to the special prison since

1 it was only for senior people, and I did not know the exact
2 location of the special prison <either>. And I did not know
3 whether it was a single building or a series of houses.

4 Q. So you <maintained> the prisoner lists <and> statistics <at
5 S-21>. So were you ever able to see how many prisoners, on
6 average, were sent to that special prison?

7 A. I did not have a full grasp of people <who> were detained at
8 the special prison since I did not have the right to know about
9 that. <Either Hor or Duch would know about that because that was
10 their task.> I did not know about the <functions> of <> that
11 special prison.

12 [11.06.08]

13 Q. But would you receive the names <and number of> people who
14 were detained in the special prison, <not their function,> just
15 the name of the people who were detained there and the number?
16 And if yes, can you give us an idea of how many people were
17 detained at the special prison?

18 A. Initially, I did not know who <was> detained in the special
19 prison and who <was> not. And only later on when those <people>
20 were brought in from the special prison to the main prison was
21 aware of their existence.

22 Q. So do I <understand> you correctly when you tell us that
23 people in the special prison had been brought to the main
24 building?

25 So do you mean by that that, at a certain point in time, there

40

1 was no longer a special prison outside of the compound <but> that
2 these important prisoners were brought to the main prison<, to a
3 specific building>?

4 Did I understand you correctly?

5 A. At the beginning, the special prison was located outside the
6 main compound, but <later on the special prison was relocated
7 inside the main compound, and it happened> when <most of> those
8 important prisoners had been taken out, then <the rest of them
9 were transferred to be detained in> the main prison. Even though
10 those important prisoners were brought in to be detained in the
11 special prison in the main compound, I did not have any authority
12 to go and to check with them.

13 [11.08.20]

14 Q. And where was this building located within the main prison
15 which housed the important prisoners? Was it to the south, was it
16 to the west, was it to the north of the prison?

17 A. The building where they detained the important prisoners
18 within the main compound was located to the furthest south of the
19 main compound. <That was a big building>.

20 Q. So I believe <it> was <known as> building A, or at least this
21 is what I learned in the first case. So I'd like to get back to
22 the different sections of S-21. We spoke about this a little bit
23 earlier.

24 So we're no longer going to speak about S-21C but, rather, we
25 will be speaking about sections A, B, and D.

41

1 So you were working for which section? Were you working for
2 S-21A, B or D?

3 A. In term of buildings A, B, C, etc., I cannot recall the full
4 details. However, if you enter the main entrance, the special
5 building to house those important prisoners was located on the
6 left-hand side -- that is, to the south of the compound.

7 [11.10.20]

8 Q. Let me rephrase. I think there's a mix-up between the
9 buildings themselves, A, B, C, D, E. E is where you were
10 working<, I think>, but now I'm speaking about the different
11 sections, the different units, the guard unit, the interrogator
12 unit and the rice growing unit which you referred to earlier as
13 S-21A, <S-21B> and S-21D.

14 So which -- you were part of which section? Were you part of the
15 guard section, the rice-growing section, or the interrogators'
16 section?

17 A. I was part of the guard unit.

18 Q. And were you told why you, as a person keeping the lists, were
19 part of the guard unit, and can you tell us if we're speaking
20 here about S-21B or not?

21 A. Hor was the one who was in charge of the guard unit and when I
22 was there at S-21B, I was part of the guard unit under the
23 supervision of Hor.

24 [11.12.10]

25 Q. And aside from the guards and yourself, did this unit also

1 include the <cooks, the> messengers, the drivers?

2 A. For the guard unit, it also included those drivers. <Those who
3 were from an office like me were> also part of the guard unit.

4 And <as for> the cook or the chef, they were also part of the
5 guard unit. <But> the typist unit, the photographer unit, and the
6 interrogator unit, they belong to <the interrogation unit>.

7 Q. And what about the photographers, typists, and interrogators,
8 they were part of which unit? What was the name of their unit?

9 A. Typists, interrogators, and photographers, they were part of
10 the interrogation unit -- that is, S-21A.

11 [11.13.46]

12 Q. I believe that you told us that it was Meng who was heading
13 this unit; so was Meng replaced at one point in time and by
14 whom<, if so>?

15 A. Meng was arrested, although I cannot recall as to which month
16 or year he was arrested. After his arrest, S-21A office was
17 separated into various entities and I was not clearly sure about
18 that and I only knew that Duch was overall in charge and he had
19 several messengers and Hor made a direct report to Duch.

20 Q. What about Mam Nai alias Chan and Pon, do these names ring a
21 bell in the interrogator unit and what were their positions in
22 that unit?

23 A. Mam Nai alias Chan and Pon, I heard of their names, but I did
24 not know the real positions they occupied at the time.

25 [11.15.40]

1 Q. You said earlier that Meng would draw up some lists and you,
2 yourself, were in charge of the prisoner lists; was it,
3 therefore, necessary, at one point in time, for Meng and yourself
4 to cooperate in order to draw up complete and reliable prisoner
5 lists?

6 A. As for the drawing up the list, <> I can only speak about what
7 happened inside the prison where I worked. As for Meng, Meng he
8 was overall in charge of the three units -- that is, the rice
9 farming unit, the interrogation unit, and the guard unit; <he
10 drew up the master list.> And I did not know about the
11 coordination amongst the three units; I only knew I made a report
12 of the list of incoming and outgoing prisoners to him.

13 Q. So you said you would address this list to Meng, but did Duch
14 also receive that list?

15 A. I delivered the list to Meng and Meng would forward that
16 <list> to Duch; that <was> the chain of command.

17 Q. What about the medical unit, to which unit did it belong; was
18 it part of S-21A or S-21B?

19 A. <The> medical unit <belonged> to S-21B; <it was> part of the
20 guard unit under the supervision of Hor.

21 [11.18.29]

22 Q. You said something else, in fact, on 27 July 2009 at E3/7465;
23 it's a <hearing> transcript <from the Duch trial,> at 2.07 and 41
24 seconds in the afternoon. You said the following: "The medical
25 unit was also part of S-21A; that is to say, it was part of the

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1 interrogator unit. However, later on, after the first doctors
2 were arrested, those who replaced them were part of section
3 S-21B." <End of quote.>

4 So could we say that the medical unit was first part of the
5 interrogator unit?

6 A. Regarding the medical unit and as it was part of S-21B, <> I
7 did not know about its previous arrangement, nor about the
8 existence of the medical unit. And when I was there, I knew that
9 it was part of S-21B since it made a report to Hor.

10 Q. In the excerpt that I read out to you, you said that doctors
11 -- or rather, <medics> had been arrested; so when you would keep
12 the lists, <were> many members of the medical unit were arrested
13 <as time went by at S-21>?

14 A. As for medics working in S-21, they were former members of
15 Division 703. To my understanding, all of those medics were later
16 arrested and <later on, Duch brought in the children <> from
17 Amleang to replace those medics>.

18 [11.21.17]

19 Q. And to finish off with these units, there's also S-21D or
20 S-24; so what were the duties <and functions> of that unit and
21 who led that unit?

22 A. S-21D was a rice farming unit and Huy was in charge of this
23 S-21D. Huy was my former <battalion> commander.

24 MR. PRESIDENT:

25 Counsel Koppe, you have the floor.

45

1 [11.21.50]

2 MR. KOPPE:

3 Yes, Mr. President, thank you. No objection, but a request for
4 clarification because we're now at the subject.

5 It is our understanding -- and if we're wrong in this respect,
6 please have us corrected, but -- that Prey Sar or S-24 is not
7 included in your severance decision of the 4th of April 2014.

8 Prey Sar is dealt with by the Investigating Judges as a separate
9 crime site, is dealt with in the paragraphs 400 till 413 and
10 those specific paragraphs are, as we understand, excluded from
11 your Severance Order.

12 Having said that, I would like now to return to my initial
13 objection in relation to Takhmau. Takhmau is, as we can see, not
14 mentioned in the Closing Order at all. It is potentially
15 mentioned very briefly -- but that's uncertain -- in paragraph
16 417, but as such, Takhmau is not part of the Closing Order.

17 Making the analogy with Prey Sar, is it -- should it be our
18 understanding that, like Prey Sar, Takhmau is indeed not part of
19 the scope or within the scope of this trial? So it is a request
20 for clarification following my earlier objection in relation to
21 questions from the Prosecution about whether executions took
22 place at Takhmau prison; yes or no?

23 [11.24.00]

24 MR. DE WILDE D'ESTMAEL:

25 <At this time> I'm going to only answer about Prey Sar or S-21D.

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1 The Chamber will tell us whether <or not> this is part of the
2 scope of this trial, but in my eyes, <it is> because we're
3 speaking about the same <organizational flow> and prisoners
4 detained at S-21D <were sent> to S-21 and we will see examples
5 later on of execution lists mentioning that prisoners were
6 transferred from Prey Sar to S-21, to <then> be executed.
7 Now, regarding Takhmau, I think we can answer this question
8 easily. If Takhmau was <indeed> known as S-21C, at least <at one
9 point in> time, <then it was part of S-21. We know that Takhmau
10 was later closed. In any case,> there were links <and transfers
11 that can be established> between Takhmau and the main <S-21>
12 prison. So I don't know if I was really dealing with an objection
13 or not and may I proceed with my questions, Mr. President?

14 [11.25.18]

15 MR. KOPPE:

16 Mr. President, if you allow me to respond very briefly, then, of
17 course, the question remains: Why was that in your severance
18 decision you specifically excluded paragraphs 400 to 413 which
19 deal exclusively with Prey Sar, which is a separate crime site,
20 as I said earlier? So that question then is still open.

21 MS. GUIRAUD:

22 Thank you, Mr. President, for <contributing> in this discussion
23 because I know you're going to deliberate, but as far as we
24 understand it, none of the Accused persons is being indicted for
25 the crimes that were committed at Prey Sar. This is what we

1 understand from your decision from your Severance Order, <>
2 however, Prey Sar may be brought up in the proceedings in the
3 general discussions related to S-21. This is how we understand
4 the Severance Order and the annex that seizes your Chamber in
5 this trial.

6 (Judges deliberate)

7 [11.28.25]

8 MR. PRESIDENT:

9 The Chamber is grateful of the observations by concerned parties
10 on this issue. It is also an important issue within the current
11 context; in particular, in light of the Severance Orders issued
12 by the Trial Chamber for Case 002/02 and it should be debated
13 properly.

14 It is now appropriate for lunch break anyway and we need more
15 time to deliberate on this issue and to have it clear once and
16 for all so that this matter won't pop up again and again. The
17 Chamber will deliberate the matter and issue an oral ruling this
18 afternoon before we continue hearing the testimony of this
19 witness this afternoon.

20 [11.29.24]

21 The Chamber will take a break now and resume at 1.30 this
22 afternoon.

23 And Court officer, please assist the witness at the waiting room
24 reserved for witnesses and civil parties during the lunch break
25 and invite him as well as duty counsel back into the courtroom at

1 1.30.

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

5 The Court is now in recess.

6 (Court recesses from 1129H to 1329)

7 MR. PRESIDENT:

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

9 Before the Chamber gives the floor back to the Deputy
10 International Co-Prosecutor, the Chamber is now issuing a ruling
11 on the objection put by Nuon Chea defence team.

12 The Nuon Chea defence submits that questions as to Prey Sar S-24
13 are irrelevant as it is addressed as a separate crime site in the
14 Closing Order; in parentheses, paragraphs 400 through 413 which
15 was not part of the severed case in Case 002/02.

16 It further submits that Takhmau is not included in the Closing
17 Order and questions on that location are equally irrelevant.

18 [13.31.17]

19 The Chamber confirms that the Prey Sar S-24 worksite does not
20 form part of the charges in Case 002/02. The Chamber, however,
21 considers that questions as to S-24 are interrelated with the
22 creation and functioning of S-21 and therefore relevant.

23 The Chamber further notes that while the Takhmau Psychiatric
24 Hospital is mentioned only briefly in the Closing Order, in
25 parentheses, paragraph 419, it may, nonetheless, be relevant to

1 both the targeting of Lon Nol soldiers and to the history of
2 S-21. The Chamber will therefore permit questions on these two
3 locations insofar as they relate to the S-21 security centre or
4 the targeting of Lon Nol soldiers.

5 Next, the floor is given to the Deputy International
6 Co-Prosecutor to resume his questioning. You may now proceed.

7 [13.33.02]

8 BY MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President.

10 Q. Witness, you stated that you kept registers of S-21 and
11 sometimes, lists of entering prisoners<, > biographies<, and lists
12 of> outgoing prisoners. Did you do that work alone <and> given
13 the workload<, were you able to fulfill your duties>?

14 MR. SUOS THY:

15 A. Registering the -- the names of incoming and outgoing
16 prisoners at S-21, there was only me <doing> the job, so I was,
17 at the time, doing my utmost to get the work done in time and
18 sometime, the register was not compiled or drawn up properly.
19 Later on, I was assisted by a young man in the registration of
20 prisoners <who were brought into the rooms>.

21 [13.34.32]

22 Q. Who was that young man; where was he from, and what was his
23 age?

24 A. The young man or <boy's> name was Lann; he was around 14 or 15
25 years old at the time.

1 Q. As regards, specifically, the Vietnamese prisoners, did you
2 ever receive any assistance regarding interpretation?

3 A. Concerning the Vietnamese prisoners, there was a prisoner who
4 knew how to read and write Vietnamese <who> assisted me in my
5 registration. He was responsible for asking the names, <the
6 occupations and the places where the prisoners were arrested>.

7 Q. Did that same prisoner, who knew Vietnamese, also assist
8 interrogators when they had to interrogate Vietnamese?

9 A. That prisoner did not engage in interrogating other prisoners.
10 I was assisted by him to learn about the occupation, the origin,
11 and also the names of the prisoners. He did nothing else besides
12 this.

13 [13.36.52]

14 Q. I didn't mean that he interrogated other prisoners; what I
15 meant was whether he served as an interpreter <to some>
16 interrogators <when they> had to interrogate Vietnamese. Do you
17 know whether that person assisted as an interpreter during the
18 interrogation of Vietnamese?

19 A. Regarding interrogation of Vietnamese prisoners, I do not know
20 about that matter since the Vietnamese prisoners were taken out
21 to the interrogation location which I was not aware of.

22 Q. Do you know the name of that prisoner who worked as an
23 interpreter when you put some basic questions to Vietnamese
24 prisoners?

25 A. I cannot recall the name of that Vietnamese prisoner since it

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1 happened a long time ago.

2 Q. Does the name Phan -- P-<H>-<A>-N <- Than - T-H-A-N --> Chan
3 -- C-H-A-N, alias Chan ring a bell?

4 A. Concerning Phan Than, I do not know very <much> about that
5 individual; but I know about the person by the name Chan.

6 [13.39.07]

7 Q. When you say that you know a person called Chan, <was> that a
8 person who interpreted towards Vietnamese or from Vietnamese
9 towards Khmer?

10 A. Yes, it was that Chan who <taught me how to ask questions in
11 Vietnamese, particularly> the prisoners' <names, prisoners'
12 occupations> and prisoners' origin; that was Chan.

13 Q. I would like to briefly revisit the qualities of a <good>
14 worker <in the service of the revolution> at S-21. Can you tell
15 us whether <the parties, if > Duch or Hor wanted the workers at
16 S-21 to be pure in the accomplishment of their task at S-21; did
17 you ever hear of that concept of purity?

18 A. In performing our obligations and duties, we were pressed to
19 do the best. If we did not perform a good job, we would have some
20 trouble, so we had to do our best.

21 [13.40.50]

22 Q. I would like to read out to you an <excerpt> of <an interview>
23 the person called Phan <Than Chan> alias Chan; it's a
24 transcription of a filmed interview, number E3/2352 and at the
25 4th minute 28 seconds, this is what he states regarding the Khmer

1 Rouge and I quote. "They wanted to create new beings who were
2 perfect and pure."

3 And then at 5 minutes 27 and I quote: "Those who were not pure,
4 those who were not the product of their creation were not one of
5 theirs and they had to eliminate them. The essential problem was
6 precisely that."

7 And then the following question was put to him: "What did they
8 mean by pure? What did it look like? What were the
9 characteristics of such purity?" And Phan Chan answered as
10 follows: "Being pure meant being respectful; listening, obeying.
11 They worked and carried out orders. They did not have to know
12 anything. They had to content themselves with listening. There
13 was no need for democracy. Those who were pure had to show
14 respect in society. Those were the pure <ones>; they did what
15 they were told to do and they slashed when they were asked to
16 slash and they burnt when they had to burn. If they contested
17 anything, they were no longer <of theirs>. They were no longer
18 pure, so they had to be executed. That is the difference between
19 the pure and the impure." End of quote.

20 What is the -- your reaction to what Phan Chan alias Chan said
21 regarding the workers who had to be pure in the accomplishment of
22 their tasks in the service of the revolution? Do you agree with
23 the distinction he makes between the pure and the impure?

24 [13.43.28]

25 A. Let me inform the Chamber, in performing our function, we were

1 afraid of <committing> infractions. If we had done anything
2 wrong, we would have been imprisoned. We had to do whatever we
3 can to avoid committing any infractions <in order to survive>, so
4 it was useless to contest the tasks or jobs that we were assigned
5 to do.

6 Q. Did you hear your colleagues and superiors -- whether it was
7 Duch, <Hor,> Meng, or other <colleagues, other> cadres<, rather>
8 -- at S-21, characterize prisoners at S-21 as enemies of the
9 revolution?

10 A. For this particular matter, I am not certain; however, at that
11 location, I was doing my best in performing my work and others
12 did the same to avoid <making any mistakes because we were afraid
13 they would arrest us>.

14 [13.45.28]

15 Q. To your knowledge, you, who were there when they started
16 recording prisoners, do you know whether the newly arrived
17 detainees enjoyed the right to defend themselves against any
18 accusations leveled against them; were they entitled to look at
19 their files, to be assisted by a lawyer, or to be tried before
20 judges? Did you observe that or not?

21 A. In the period, the new prisoners, when they came in, were not
22 represented by any lawyers or were not adjudicated by any judges;
23 they were imprisoned right away without contest.

24 [13.46.51]

25 Q. When you were in contact with the prisoners, <notably> when

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1 they were brought in, did you receive any instructions from Hor
2 as to how you were supposed to behave vis-à-vis those prisoners;
3 in other words, did you have the right to <show any feelings>
4 towards those prisoners or to pity them?

5 A. We had to focus on our work. We did not bother having any kind
6 of sentiment or <pity> on the prisoners. <We did not dare ask why
7 they were arrested.> I was assigned to register the names of the
8 incoming and outgoing prisoners <properly, and I tried my best to
9 perform the task>.

10 Q. In all the assignments you had to carry out, did you have to
11 be firm, determined, and to act absolutely in an absolute manner?

12 A. We had to perform our tasks assigned to us. If we had <made
13 any mistakes>, we would have been considered enemies.

14 [13.48.48]

15 MR. DE WILDE D'ESTMAEL:

16 With your leave, Mr. President, and with the assistance of the
17 <technicians>, I would like to have screened an excerpt of a film
18 by Rithy Panh called "<The Khmer Rouge> Killing Machine" and it's
19 number E3/2330R. I had informed the Chamber by email just before
20 the 23rd of May at the previous hearing of this. The text -- the
21 first excerpt is at 1 hour 29 minutes and 55 seconds up to 1 hour
22 30 minutes and 39 seconds.

23 May I have this film screened, Mr. President?

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 AV technician, please project the video on the screen as
2 requested by the International Deputy Co-Prosecutor.

3 (Short pause)

4 [13.50.25]

5 (Audio-Visual presentation)

6 (End of Audio-Visual presentation)

7 [13.51.10]

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, I'll read out in English the subtitles of that
10 film because we didn't have the French translations. I think
11 <that would be more useful>, so I'll read out the subtitles in
12 English and I quote and this is what Mr. Suos Thy said.

13 "I was the one who kept the record of incoming prisoners. When
14 they arrived here, I knew they were dead. I never saw them as
15 living human beings. In my mind they were already dead. So I
16 never asked questions like, 'Uncles, brothers and sisters, why
17 have you been arrested? What are you guilty of?' All I thought
18 about was noting the biographies and putting them in a cell. Then
19 we hear another voice saying, 'Better to make a wrong arrest than
20 to let the enemy eat away of us from within.' End of quote.

21 [13.52.10]

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. In the <excerpt> we've just seen, you said that when prisoners
24 arrived, you knew they were already dead. That is when they
25 arrived at S-21. What did you mean by that?

1 MR. SUOS THY:

2 A. I know that the prisoners who came into S-21 were already
3 considered dead. <I thought to myself that> they never returned
4 back <home> and survived.

5 Q. In other words from what you have just said, and please
6 correct me if I am wrong, everyone who entered the internal
7 perimeter of S-21 was necessarily destined to die at S-21. Is
8 that correct?

9 A. That is true. It was the reality that after they came into
10 S-21 <and after their interrogations were concluded>, they were
11 considered dead already.

12 [13.54.05]

13 Q. Did the fact that you considered those prisoners as already
14 dead and <not see them> as living human beings assist you in not
15 feeling any pity for them?

16 A. I said they were dead already when they came in.
17 I, at the time, felt sympathy on them but I <> I could not do
18 anything. <It was others' tasks. When they were brought in, they
19 were supposed to be killed. I did not have any authority to> help
20 them.

21 Q. At the end of the video clip I had screened, there is an
22 expression which is as follows: "Better to make the wrong arrest
23 than to let the enemy eat away at us from within."
24 During the Democratic Kampuchea regime did you ever hear another
25 expression that <was>, "It is better to arrest 10 persons in

1 error than to liberate one person in error?"

2 A. To the best of my knowledge that was a kind of a slogan from
3 others and I, myself, do not really know whether it was really --
4 what they meant. <That expression might have been the policy of
5 the interrogation unit.>

6 [13.56.20]

7 Q. You stated a while ago that those who entered S-21 were
8 already dead. Does that mean that to your knowledge, there was
9 quite simply no case of any of those detainees at S-21 being
10 released?

11 A. That is true. To my knowledge, it was a rare occasion that the
12 prisoners were released and they survived the detention. All of
13 them were dead.

14 Q. Let us talk about those rare occasions. Can you tell us during
15 <in> what period some persons <, you say some people> could have
16 been released? When did that happen? Was it while you were still
17 at the PJ or while you were at Tuol Sleng?

18 A. To my knowledge, nothing happened at PJ and when I was working
19 at Tuol Sleng, I rarely heard that the prisoners had been
20 released.

21 Q. When you said that you rarely heard of prisoners who were
22 released, <were there ever, to your knowledge,> cases of
23 prisoners released; yes or no? I mean, were there any cases in
24 which detainees at S-21 were allowed to freely go back to their
25 homes?

1 A. It was a rare case, to my knowledge, that a prisoner or
2 prisoners were released <from S-21> and allowed to go back home.
3 [13.58.48]

4 Q. You were very clear during the hearing on the 27th of July
5 2009, document E3/7465 at <16.00.28>. And the question that was
6 put to you was as follows: "To the best of your recollection,
7 were there any cases of prisoners released during the time you
8 spent working at S-21?"

9 And your answer was as follows: "To the best of my recollection,
10 the prisoners detained at S-21, that is, Tuol Sleng, during the
11 period when I worked there all died at S-21. No one was released.
12 That is what I was able to observe. That is what I believe
13 happened."

14 And later at 16.14.42 you said the following: "At Tuol Sleng
15 prison as regards the treatment and the arrest of members of
16 staff of S-21, once they were arrested, those persons were
17 executed. There were no cases of those persons <being> released.
18 Those persons underwent the same treatment as the ordinary
19 prisoners." End of quote.

20 So in 2009, you stated that there were never any cases of S-21
21 detainees released. What version are you giving us today? Do you
22 confirm that or are you telling us that there were cases in which
23 prisoners were released?

24 A. No, <there was none>.

25 [14.01.10]

1 Q. When you were at Tuol Sleng, did you <yourself> record any
2 prisoners who, as far as you know, were then transferred to
3 S-21D, that is to say Prey Sar?

4 A. Prisoners who were brought in the prison, none of them <were>
5 ever transferred to S-21D. <If there was such a case,> I was not
6 aware of it; <perhaps when they arrived outside the compound,
7 they were then sent directly to S-21D>. I'm <not> sure <about
8 that>.

9 Q. Now, regarding the people who had not yet come into the S-21
10 compound, therefore people who had not been recorded by you but
11 who had been arrested, do you know if some of them were
12 transferred directly to Prey Sar without going through S-21?

13 [14.02.43]

14 MR. PRESIDENT:

15 Witness, please hold on.

16 Counsel Anta Guisse, you have the floor.

17 MS. GUISSSE:

18 Yes, indeed, I have an objection in relation to the question that
19 was put to the witness.

20 If I understood the question properly, <the Prosecutor> is asking
21 the witness to speak about people who apparently <did> not go
22 through his office. But before putting this question we should
23 know, first of all, if the witness was aware of what was
24 happening to people who <did> not go through his office.

25 Otherwise we are talking here about pure speculation.

60

1 MR. DE WILDE D'ESTMAEL:

2 Well, indeed that's what I am trying to understand<, whether he
3 was aware, keeping in mind that he did not leave his office,> but
4 he worked for three years within S-21. He might have had
5 conversations. He attended certain meetings. So he might have
6 learned some things. So what I am asking, and I am asking the
7 Chamber to give me the leave to do so, is whether or not the
8 witness had obtained information regarding the fact that people
9 who had been arrested did not go <to> S-21 and were sent directly
10 to Prey Sar.

11 [14.03.39]

12 MR. PRESIDENT:

13 The objection by the defence counsel is overruled and the
14 question is permissible in order to clarify whether he has that
15 knowledge or not.

16 And Mr. Witness, respond to the last question by the Deputy
17 Co-Prosecutor if you recall it.

18 MR. SUOS THY:

19 A. For prisoners who were brought into S-21, if they were not
20 brought into the main compound itself, I was not aware of that.

21 <That was the upper level's business.>

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Well, what you might know is whether or not there were
24 transfers from Prey Sar, S-21D therefore, to S-21. Were some
25 people transferred from S-21D to S-21 in order to be detained

1 there?

2 [14.05.40]

3 MR. SUOS THY:

4 A. As for prisoners at S-21D, if they were to be brought to the
5 prison, they would be arrested there and then they would be
6 brought to the prison.

7 Q. And once they were brought to the prison, would you record
8 them and would you also take down their biographies?

9 A. Prisoners who were brought in would be <simply registered just
10 like what we did every day>. <Whenever> they were brought in,
11 <we> would <note down their brief biographies>; including their
12 <parents' names> and their positions.

13 Q. Well, in that regard I would like to show to you two
14 documents. I would like to see, first of all, if you drew up
15 these documents.

16 [14.06.44]

17 MR. DE WILDE D'ESTMAEL:

18 The first document is E3/2277, 2277. This is a list <of
19 prisoners>. So may I present this document to the witness, Mr.
20 President?

21 MR. PRESIDENT:

22 Yes, you may.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. So I am going to focus on pages 1 and 2 in French, that is to
25 say <entries> 1 and 10. In Khmer it's also on page 1, so the

1 prisoners from <entries> 1 to 10, and in English it's the same,
2 pages 1 and 2.

3 So the first -- on the first page in Khmer we see a list of 10
4 former servicemen from Division 703 and coming from S-21D. And in
5 the title, it is stated: "In total seven people and three who
6 disappeared."

7 So we that <next to> the person's position, each time it is said
8 that the person came from S--21D, we see the entry date and we
9 see the cell.

10 So Witness, are you the person who drew up this list of prisoners
11 who entered S-21?

12 [14.08.58]

13 MR. SUOS THY:

14 A. I am not sure about this list. They could be possibly sent
15 from <Division> 703 <> to S-21D. And I did not see on this list
16 anything that they were sent to the main prison.

17 Q. Witness, can you look at the last column which lists the cell
18 number, for example on the first line <there is a person named>
19 Ouch Son of Division 703, a former group deputy leader who came
20 from S-21D, entered S-21 on 11 October 1977 and his cell 1129. So
21 do these numbers in the column listing the cells match the system
22 you used at S-21 to identify these cells where the prisoners were
23 detained?

24 MR. KOPPE:

25 Mr. President.

1 [14.10.13]

2 MR. PRESIDENT:

3 Witness, please hold on.

4 Counsel Koppe, you have the floor.

5 MR. KOPPE:

6 I object, Mr. President, to this question for two reasons. First
7 of all, the Prosecution is very much leading the witness into
8 answering the question he would like to hear.

9 But, secondly, there is no mention of S-21 on that document. It
10 says from S-21D. The witness just said that, at least that's how
11 I understood his answer, is that this might be people who were
12 sent directly from 703 to Prey Sar.

13 [14.10.47]

14 But just assuming that the column with the cell is automatically
15 an S-21 document, especially in the light of the witness not
16 knowing this document or recognizing this document is not
17 appropriate. That's why I object also, for that second reason.

18 JUDGE FENZ:

19 Can I just ask because perhaps it's a translation issue, but my
20 understanding was, I know you rose before the question actually
21 came, but the question in the end was: whether this way of
22 writing this list is the same as it was in S-21? That was the
23 question. Do I understand that correctly?

24 MR. DE WILDE D'ESTMAEL:

25 The question was basically whether or not the references in the

1 cell column corresponded to the references the witness would use
2 to identify the cells at S-21. And this will allow us to know if
3 indeed this is a document that -- if this document <might be>
4 from S-21 or not.

5 [14.12.06]

6 MR. KOPPE:

7 If it had just been that question, I might not have risen but in
8 the introduction to the question, the Prosecution said that this
9 an S-21 document and that is something that we don't know.

10 JUDGE FENZ:

11 Well, you are on record.

12 I understand no objection to the question? Go ahead.

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. So Witness, can you tell us if <annotation> on the first line
15 11/2/9 corresponding to the cell reminds you of anything? Is this
16 how cells were identified at S-21?

17 MR. SUOS THY:

18 A. To my knowledge, this cell number does not match the cell
19 number series at S-21. The cell number at S-21 <would include>
20 the <> building, the small <room or the big room number, but for
21 this one, it does not include the small room nor the big room; so
22 it doesn't match with each other>.

23 Q. Aside from this element of information, can you tell us how
24 this may be different from the list that you would draw up when
25 prisoners would enter S-21?

65

1 A. The list differs in terms of the cell number or the
2 notification of the cell number as this one does not include the
3 building.

4 [14.14.54]

5 MR. DE WILDE D'ESTMAEL:

6 I would like to show another document to the witness. This is
7 document E3/3187.

8 In Khmer, it's at ERN <00008845> to 46 and in English 00874401 to
9 11. There is no French translation, as far as I am aware.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 Mrs. Se Kolvuthy -- or the Court officer, please deliver the
13 document from the Deputy Co-Prosecutor for the witness'
14 examination.

15 [14.15.55]

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. This is a list with 92 names and I will focus on <entries> 1
18 to 69. So my apologies for the photocopy that seems to be
19 reducing the size of the text. So <from entries 1 to 69 on this
20 list,> we are dealing with 69 people, females coming from S-21D.
21 Based on what we can see here, in the function column they are
22 described as being wives or mothers<, sisters or daughters> of
23 <factory, railway, or power plant> workers. So we see that there
24 is an entry date, 8 November 1976 for some of them, and an
25 execution date, 9 November 1976, and for some others the entry

1 date is 14 November 1976 and the execution date, the next day, 15
2 November 1976.

3 And I would like to add here that the title is the following:

4 "List of prisoners who were executed from 1 November 1976 to 15
5 November 1976."

6 Witness, is this a list that you drew up at S-21?

7 [14.17.12]

8 MR. SUOS THY:

9 A. I cannot recall clearly about the list - this list. However,
10 the names on the list could be consolidated by Meng's group. <I
11 never drew up a list like that.>

12 Q. Do you at least recognize the kind of list that this is or at
13 least the model? Is this a model you are familiar with? Were
14 these the kinds of mentions that you would include in your lists?
15 So this is a list covering all of the people who were executed
16 over a two-week period?

17 MR. KOPPE:

18 Just a clarification. I am not following. Which page is the
19 Prosecution referring to, English and -- in English?

20 MR. DE WILDE D'ESTMAEL:

21 Well, English just look at <entries> 1 to 69, all of the women.
22 For example, <under entry> 1 we can see Sek Kimpha<, wife of Yin
23 Laom, worker of electricity plant number 2>, and there are 69
24 women coming from S-21D in this list.

25 MR. KOPPE:

1 In translation we heard E3/3187.

2 [14.19.38]

3 BY MR. DE WILDE D'ESTMAEL:

4 That's true. It's a very long combination of lists here; E3/3187
5 on page 00874401. It starts at the bottom of the page and it
6 continues to 00874412. So you have to look at <entries> 1 to 69
7 in the list.

8 Q. So Witness, is this a kind of list that you saw at S-21 and
9 that was used to list people who were entering S-21? Do you
10 recognize the different <annotations> in this list?

11 MR. SUOS THY:

12 A. The list that I drew up did not have such notations. To my
13 understanding, this could be a consolidated list that was drawn
14 up in order to forward it to Duch. That's why I see annotations
15 here on this list.

16 Q. I'm not saying the contrary. Indeed, it's a compiled list
17 including <the> names of people who were executed <over a period
18 of two weeks,> from November 1, 1976 to 15 November 1976.

19 So you yourself, did you have to draw up such lists, lists
20 listing all of the people who would leave S-21 every two weeks<,
21 or not>?

22 [14.21.38]

23 MR. KOPPE:

24 Sorry to interrupt again, Mr. President, but I think we are
25 receiving the wrong English ERN because on those pages, starting

68

1 from ERN 401 up till and further, we do not see a list of 69
2 people, not in the English E3/3187 document.

3 MR. DE WILDE D'ESTMAEL:

4 Well, I can give you this list in the English version if you need
5 it.

6 MR. PRESIDENT:

7 Yes, you may do that.

8 [14.22.48]

9 BY MR. DE WILDE D'ESTMAEL:

10 What I know is that on this <list there are often> two versions
11 of the same lists of prisoners that <may or may not> follow each
12 other.

13 Q. Witness, were you in charge of drawing up summary <lists> of
14 all of the prisoners who would leave S-21, in particular the
15 people who were executed, every two weeks?

16 MR. PRESIDENT:

17 Witness, please hold on.

18 Counsel Anta Guisse, you have the floor.

19 [14.23.37]

20 MS. GUISSÉ:

21 I have a problem regarding the way the question was phrased.

22 Asking the witness if he had to draw up a <summary> list of
23 people leaving S-21 is not a problem for me. However, I object to
24 the reference to executions because the witness said that he
25 <himself> did not witness any executions and he did not know

1 where the people <mentioned on the outgoing list> would go when
2 they would leave S-21. So it's the way the question was phrased
3 that is problematic for me.

4 MR. DE WILDE D'ESTMAEL:

5 I object to this completely. This is again a useless objection.

6 <Even the> title of the document itself is the list of people who
7 were executed.

8 So <later> we will get back <> to the question if the witness
9 knew or not if the people were executed or not but <in any case>,
10 I am simply basing myself on the title of the document here.

11 [14.24.38]

12 MR. KOPPE:

13 Mr. President, I think, if I may, that was at least part of the
14 confusion. In E3/3187 starting from ERN 401 the list of prisoners
15 executed from 1 November '76 to 15 November 76 doesn't go to 59
16 but to 92. That's first of all.

17 But, secondly, if the reasoning of the Prosecution is correct and
18 these were Prey Sar prisoners being executed, then obviously the
19 witness would not have been able to say something about this
20 because it doesn't say that these prisoners were sent from Prey
21 Sar to Tuol Sleng premises.

22 In addition to this, if this is indeed a Prey Sar list, then the
23 question as you have ruled earlier right after the lunch break,
24 fall outside of the scope of this trial.

25 [14.25.58]

1 MR. DE WILDE D'ESTMAEL:

2 Mr. President, I think I'm going to have to ask for extra time.

3 First, I said that there were 92 <names> on this <list>, indeed,

4 and I was only focusing on the 69 first <names>. Among the

5 <names> there are indeed people not coming from S-21D. <And yet,

6 they> are on this list of people who were executed during those

7 two weeks from 1 to 15 November 1976.

8 So saying that this list is a purely internal list at S-21D <does

9 not appear to be> based on any solid foundation. We are simply

10 saying that these are people who <came> from S-21D who entered

11 S-21 at a specific date and who were executed at a specific date.

12 So Mr. President, I simply would like <for> the witness to answer

13 my question which is: did he <himself> or anyone else asked to

14 draw up lists every two weeks <at S-21, of people leaving S-21>;

15 in particular, people who were executed?

16 MR. PRESIDENT:

17 Objections by the two defence counsels are overruled. The

18 question by the Deputy Co-Prosecutor is permissible and the

19 Chamber wishes to hear the response from the witness as well.

20 [14.27.39]

21 And Witness, please respond to the last question by the Deputy

22 Co-Prosecutor.

23 MR. SUOS THY:

24 A. In regard to this list, I did not see such a list while I was

25 working there. It is possible that this list was drawn up by

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1 another <unit>. As I said, someone was in charge of all the lists
2 from three units.

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. Well, now, let's put this list aside for the moment.

5 Did you ever note that people coming from <Prey Sar> and entering
6 S-21 would enter on one day and then were executed the next day
7 or in the days that followed? Is this something that you noted or
8 not?

9 MR. SUOS THY:

10 A. As for the list coming from S-21D, I personally did not pay
11 attention to the coming or going <of those> prisoners <>. So the
12 -- whenever I was asked to prepare a particular list, for example
13 incoming list or outgoing list of prisoners then I simply did
14 that because this <was> a daily activity. Prisoners were brought
15 in or were taken out almost on a daily basis and I kept doing
16 what I did and I did not pay attention to anything else.

17 [14.29.52]

18 Q. You stated that prisoners came to S-21 and left almost every
19 day. Did the number of prisoners entering S-21 increase with time
20 -- that is, from the time you arrived at S-21 -- <and in>
21 1977-1978? Did that number increase or decrease?

22 A. To my knowledge, the number of prisoners varied depending on
23 whether there were more incoming prisoners or there were more
24 outgoing prisoners. <If there were a lot of incoming prisoners, a
25 lot of detainees would be taken out, and if there were not many

1 incoming prisoners, few of them would be taken out as well;> and
2 for that reason, I am not certain as to the <increased or
3 decreased> number of prisoners.

4 Q. Were there periods during which the number of entering
5 prisoners was higher than during other periods? Can you remember
6 a specific period and <if so, the reasons>?

7 A. As for the increasing number of incoming prisoners, that
8 varied, as I stated. And of course, I am not certain as to -- as
9 from which zones they were brought in. Sometimes a number of
10 prisoners were brought in from <one> particular zone <rather>
11 than other zones.

12 So my role was simply to register them upon their arrival.

13 [14.32.18]

14 Q. Did you receive numerous prisoners from the North Zone -- that
15 is, the former Central Zone, the Northwest and the East Zones?

16 A. Concerning prisoners from zones on some particular days, there
17 were many of them from the north, from the east and also from the
18 <northwest>, so it depended on those respective zones sending the
19 prisoners to S-21.

20 MR. DE WILDE D'ESTMAEL:

21 I would like to show the witness document E3/2164, Mr. President.

22 It is a table of <prisoner> statistics. It was established on the
23 <25th> of October 1977 at S-21.

24 MR. PRESIDENT:

25 You can proceed.

1 [14.33.31]

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. In Khmer, it is page <00008076> up to 77; in English, 00181692
4 up to 93; and in French, 00845961 up to 62.

5 May I correct in English? That is from 00181693 up to 94.

6 To the left of this document, we see that it is from <the> S-21
7 <office> and it is titled "<Prisoner Inspection Report>, 25
8 October 1977", the title reads.

9 We see on this document that the total number of <remaining>
10 prisoners on the <26th> of October 1977 was to the tune of 980
11 persons <on that day,> and that document was signed by Hor.

12 Witness, have you already seen this type of document and is this
13 a document that you wrote for Hor <for Hor to sign>?

14 MR. SUOS THY:

15 A. In fact, this particular list is the list of the total
16 prisoners.

17 [14.36.05]

18 Q. Yes. Are you the person who drew up this document or not?

19 A. I do not really understand at all about this list. <I cannot
20 recall well because it happened a long time ago.> This is a list
21 of the total prisoners, as I said.

22 Q. Do you have any idea as to who was responsible for drawing up
23 such lists on a daily basis at S-21?

24 A. I did not compile or draw up such lists but <I do not know
25 whether> Hor <drew up the list of the total number of prisoners

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1 or not. As> for the list of incoming and outgoing prisoners, <it
2 was different from that list, and it> could be seen in the master
3 list. <Regarding the list of> the total number of the prisoners,
4 <I am not sure because I cannot recall it>.

5 [14.38.08]

6 Q. Precisely regarding the total number, you see mentioned 980
7 persons. Is that a number of prisoners who, perhaps to your
8 knowledge, which was normal at that period?
9 Were you used to seeing such figures of the number of prisoners
10 around a thousand <or slightly less>?

11 A. This is a large number of prisoners' list. I do not know how
12 that number was totalled <because the number of prisoners in the
13 prison could not be up to thousands of people, but> I cannot
14 <estimate> the total numbers of prisoners <because I cannot
15 recall it.> Usually, the list that I compiled was not <of> such a
16 nature -- that is, the list of total numbers of prisoners.

17 [14.39.24]

18 MR. PRESIDENT:

19 I thank you very much.

20 It is now the break time, so the Chamber will take a short break
21 from now until 3 o'clock.

22 Court officers, please assist witness in the waiting room during
23 the break time and please invite the witness together with the
24 duty counsel back into the courtroom at 3 p.m.

25 The Court is now in recess.

75

1 (Court recesses from 1439H to 1500H)

2 MR. PRESIDENT:

3 Please be seated.

4 The Court is now back in session and again the floor is given to
5 the Deputy Co-Prosecutor to continue putting further questions to
6 the witness.

7 You may proceed.

8 [15.01.15]

9 BY MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. I am going to try to plough ahead. It's
11 possible, however, that <at the end of the day> I may request
12 extra time <for tomorrow>.

13 Q. Witness, when there were many prisoners in the prison, what
14 would happen? Would Duch take decisions <to> take measures for
15 the prison never to be full and for there to <continue to> be
16 room to take in new detainees?

17 MR. SUOS THY:

18 A. I did not know whether Duch issued such instructions. Duch
19 rarely came into the compound.

20 [15.02.16]

21 Q. When prisoners had to be executed, were you therefore in
22 charge of drawing up lists of these people who had to exit S-21
23 to be executed or smashed, as they said back then?

24 A. For outgoing prisoners, <Duch made> an annotation. Hor would
25 give me the list with the annotations so I would draw up a list

1 indicating which cells they were in.

2 Q. Fine. So who would make these annotations on the lists that
3 would allow you to know who had to exit S-21?

4 A. Annotations for outgoing prisoners <were> made by Duch.

5 Q. And what would Duch note in those annotations? What would he
6 write down? Did he use any specific words or any kinds of signs?
7 How did you know that people had to leave S-21 <or> be executed?

8 A. Annotations by <Duch were noted on> the margin of the page and
9 he wrote the word "kom" in Khmer. The word "kom" means "komtech"
10 or smash.

11 [15.04.32]

12 Q. So he would write "kom" or "komtech". There is an excerpt of
13 your WRI -- E3/7643 -- which I would like to read out to you. In
14 French it's on page 01226635; English on page 9; and in Khmer
15 it's also on page 9.

16 And the following question is put to you: "You would receive
17 Duch's annotations but what would he write in general in his
18 annotations?"

19 And you answered: "Duch would write in his annotations, EX, E-X
20 three times. He would write EX three times when the prisoners had
21 to be executed. EX meant execute." End of quote.

22 So maybe there is an issue of translation here but would he write
23 "kom" in fact or would he just use crosses? I just want to make
24 sure about this<.>

25 A. I never saw any annotation by Duch by the letter EX. Usually

1 he would annotate with the word "kom", denoting the word
2 "komtech" or smash.

3 [15.06.15]

4 Q. So indeed. Yes, I believe that there was a translation issue
5 here in this document.

6 Now, regarding these people who <Duch said> had to be executed,
7 at certain periods were there great numbers of prisoners who were
8 leaving S-21 to be executed?

9 A. Duch was the one who made the decision as to the number of
10 prisoners to be taken out. <The number varied according to how
11 many prisoners had been interrogated. Sometimes many
12 interrogations were concluded, and sometimes there were less>.

13 Q. Do you remember if Duch took the decision on certain days to
14 have hundreds of people executed?

15 A. I did not know much about the words that he spoke, but usually
16 I would see his annotations on the document and I would prepare
17 the list based on those annotations.

18 MR. DE WILDE D'ESTMAEL:

19 Well, I have a very long list here before me which I would like
20 to present to the witness. It's list E3/8463. Can I give this
21 list to the witness?

22 [15.08.00]

23 MR. PRESIDENT:

24 Yes, you can.

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. This is a list, Witness, that was drawn up, as you can see on
2 the <very> last page, on 29 May 1978 and the title on the second
3 page is the following: "Lists of prisoners who were smashed on 27
4 May 1978."

5 So, in total, there are 582 names on this list who apparently
6 were smashed on 27 May 1978. And among these people, there are
7 about 400 people from the East Zone. In particular, if you can
8 see this between numbers 1 and 329, we see that these people all
9 came from the East Zone. There are also 25 people with Vietnamese
10 names at numbers 557 to 581. So this is a very long list.

11 Is this a list that you recognize; first, and is this a list you
12 were ordered to draw up?

13 [15.10.04]

14 A. To my understanding, this is a consolidated list of prisoners
15 <who were> brought in from the East Zone. <I don't know how many
16 days it took them to draw up the consolidated list of the
17 prisoners. It would not be possible to take out 500 people in one
18 day>.

19 Q. I am simply referring to the title, "List of prisoners who
20 were smashed on 27 May 1978" which seems to indicate that these
21 people were executed on the same day or around the same day.

22 So do you remember similar episodes during which hundreds of
23 people left S-21 whom you had to check in one single day? Does
24 this remind you of any specific event or not?

25 A. To my knowledge, it would not be possible to do this number of

1 prisoners per day. As I said this -- it is possible that this is
2 a consolidated list of prisoners who were brought in for a period
3 of time and on different days.

4 [15.11.40]

5 Q. Well, I believe that there's a translation issue here because
6 <you're> telling us people were brought in at different <times>.
7 Indeed, the entry dates on this list show that these people
8 arrived at different dates; many in April and in May 1978, others
9 at an earlier moment.

10 However, the title on the cover page, indeed it is said or it is
11 written "List of prisoners who exited S-21 in May 1978", but on
12 the second page we see "List of prisoners who were smashed on 27
13 May 1978".

14 So in order to be perfectly honest, I note that as of Number 526
15 on this list--

16 MR. PRESIDENT:

17 Deputy Co-Prosecutor, please hold.

18 JUDGE FENZ:

19 You always rise before there is a question.

20 [15.12.42]

21 MR. KOPPE:

22 Yes, because the assumption is that in English in relation to
23 this document, that it is one continuous list from 1 to
24 500-something, but when you look at the Khmer it's a completely
25 different document. There are about 10 or 15 kind of documents,

1 with different fonts, with different numbers, with different --
2 so that's why I'm rising before a question. The English seems to
3 be completely different as to what I can see in Khmer, if we
4 indeed speak about E3/8463. There is no such thing as a
5 continuous list and that's -- I think should be observed before
6 we continue.

7 MR. DE WILDE D'ESTMAEL:

8 The English translation is quite clear. I believe that there's a
9 list with sequential numbers. <That is in the English version.>
10 We say here a list that starts at number 1 all the way to number
11 582. I simply wanted the Chamber to note that as of number 526,
12 we see people who entered S-21 on 28 May 1978 and on the very
13 last page after number 582, it is stated that the list was drawn
14 up on 29 May 1978.

15 MR. KOPPE:

16 I do apologize, Mr. President, but I would urge the parties and
17 the Chamber to just have a look at the Khmer version of E3/8463,
18 scroll through it, and you will see all kinds of documents put
19 together but certainly not a continuous list from 1 till 582.

20 [15.14.28]

21 BY MR. DE WILDE D'ESTMAEL:

22 Well, indeed it's possible that the translation here is not
23 exactly reliable, but all of this, however, is compiled under a
24 title in Khmer. So, let me put another question on the first
25 page, on the cover page, therefore. In there, it's written in

1 Khmer.

2 Q. So if you could look at the first page of the document,
3 Witness, can you tell us what is the <handwriting> that you see
4 there? On the previous page, yes, this one indeed.

5 Do you recognize the handwriting?

6 MR. SUOS THY:

7 A. The handwriting is not clear to me since it's a bit too dark;
8 however, allow me to make a brief observation regarding this
9 document.

10 Regarding the list of outgoing prisoners, it would not be
11 possible for 500 prisoners to be taken out per day. And as I made
12 my previous conclusion, this is a consolidated list of prisoners
13 who were brought in.

14 [15.16.25]

15 Q. Fine. So if I understand what you just said, apparently this
16 is a consolidated list of people who were taken out of S-21 in
17 May 1978. Is that what you are trying to tell us?

18 A. The consolidated list <might start from 27> May, <but> I did
19 not know <until> which dates it included the names of those
20 prisoners.

21 Q. Fine. Did you witness a massive arrival of prisoners in one
22 single day? For example, at any point in time did you see more
23 than 100 people arrive at the same time at S-21?

24 A. I saw a large number of prisoners who were brought in from the
25 East Zone and on some occasions there were about 100 of them per

1 day, <and it was rarely more than that>.

2 [15.18.02]

3 Q. So how did you have to proceed with these large groups because
4 normally you had to draw-up biographies and ask questions to each
5 person? So when there were more than 100 people, did you have to
6 change your working method; did you have to proceed in a
7 different way?

8 MR. KOPPE:

9 I object to this question, Mr. President. All the questions are
10 based upon the English translation, so it seems, which, indeed,
11 speaks of one continuous list, but the Khmer version is
12 completely different, and I'm not quite sure what the witness is
13 now talking about. Maybe he only talks about the first page in
14 Khmer that he sees, but we even don't know whether all the
15 subsequent documents in Khmer have anything to do with the first
16 page.

17 So I really do not know what's going on, but the basis of the
18 question is completely unfounded. It's simply not a collected
19 list as I can quickly observe from the Khmer.

20 [15.19.21]

21 BY MR. DE WILDE D'ESTMAEL:

22 I believe that my colleague, Mr. Koppe, should listen to what's
23 going on in the courtroom. I'm speaking about another topic <now>.
24 I'm speaking about massive arrivals at S-21, I'm not longer
25 speaking about people leaving. So I gave up the questions

1 regarding this document.

2 So may I please continue without being interrupted? And I would
3 like to put the question to the witness again, which is:

4 Q. How would the witness go about <recording> the people arriving
5 in groups of hundred or more? Did he -- could he proceed in the
6 usual way, which is to say take each one's biographies one after
7 the other, or did he have to change his working methods to record
8 these massive groups of prisoners arriving at S-21? That is my
9 question.

10 MR. SUOS THY:

11 A. Prisoners were not brought in in mass <> numbers at <once>.
12 Usually they would be brought in in a batch of about 30 and then
13 I would take a brief <biography> of each prisoner, <including
14 their names, parents' names, occupations and units.> I worked in
15 <a> pair -- that is, with the young man that I mentioned earlier.
16 So we wrote down their names and a brief biography, and when we
17 proceeded that way, it was efficient.

18 [15.21.08]

19 Q. Yes, but you confirmed to us that at times there were large
20 groups of prisoners <sometimes>, in particular when you're
21 speaking about the people who came from the East Zone who had
22 arrived in groups larger than a hundred people. <About a hundred
23 people.>

24 So, in that case, did you have time to take down the biographies
25 in your office or did you proceed in a different manner?

1 A. I worked in the same way that I did. The only difference is
2 that when there was a large number of prisoners who were brought
3 in, then we would work in <a> pair and, as I said, we only wrote
4 down brief biography of each prisoner. And when a group of 30
5 prisoners were brought in, we quickly drew up their biographies
6 as we worked in <a> pair and it did not take that long to do it.
7 [15.22.19]

8 Q. Well, this is what you said at the hearing of 27 July 2009,
9 E3/7465 at <03.10> in the afternoon. You said the following:
10 "Towards the end when massive groups of prisoners were brought to
11 us, the prisoners were not taken to the place where they would
12 normally be photographed, they were placed in the detention
13 centre, then I would go there on-site to draw up the list
14 directly and I would only jot down their names. <As far as
15 photos, I'm not sure>." End of quote.

16 So, therefore, instead of receiving everyone in your office, did
17 you at times go to the detention centre itself in order to draw
18 up a summary list of the new prisoners arriving?

19 A. To my recollection, when large numbers of prisoners who were
20 brought in from the East Zone, they would be placed into the
21 cells directly and then I would go there to take their biography.
22 <That was the last time that I worked with Lann.> And there was
23 <not> such <a> big delay in taking their brief biographies since
24 we only <needed> to take their names<, their biographies> and
25 <their parents' names>.

1 [15.23.50]

2 Q. Well, for my colleague, Victor Koppe, so I'd like to specify
3 that regarding the document E3/8463, that the list of 582 people
4 is only a part of the Khmer document. So in Khmer I should have
5 given you the ERNs. It is -- we find this part, in fact, at
6 <00016039 until 74>, and in English it is 01032507 all the way to
7 36. So it was only that part that I provided to the witness
8 knowing, indeed, that there are other parts of this document that
9 do not follow in a continuous manner. So, let me continue with my
10 questions.

11 So, therefore, how would you go about it to draw up the
12 biographies of the prisoners who arrived? Did you have a model?
13 Did you have pre-printed pages that allowed you to work quickly
14 when you would ask them questions?

15 [15.25.30]

16 A. For the prisoner's biography, I already had a pre-printed form
17 and I only needed to fill in the blanks. So it already existed in
18 a pre-printed form.

19 MR. DE WILDE D'ESTMAEL:

20 Mr. President, I would like to provide to the witness three
21 biographies, E3/3466 first. This is a biography of a prisoner by
22 the name Bak <B-A-K> Khna, K-H-N-A. The second is E3/1533 which
23 is the biography of Phal, P-H-A-L, Va alias Nat; and the third,
24 E3/1532, which is another biography <of a prisoner> by the name
25 of Ung Sok, U-N-<G> (sic) or I-N-<G> Sok, S-O-K.

1 With your leave, Mr. President.

2 [15.26.52]

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. So let's start with the first biography, Witness, E3/3466, the
7 biography involving Bak <or Pak (phonetic)> Khna alias Kim from
8 hospital P-17, dated 3 February -- or the <date of> arrest is 3
9 February 1978, and there are two photographs in this biography; a
10 profile picture and a <photo facing the camera>.

11 So is this a model that you would use at S-21 to draw up
12 biographies, first of all?

13 MR. SUOS THY:

14 A. Regarding the biography form at S-21, usually the form was
15 typed and then I would write in the blank. And the documents that
16 I drew up seemed do not match with what I have with me here, and
17 if I actually see the original document, then I can tell you
18 whether this typed version <matches> the versions that I wrote
19 down.

20 [15.28.43]

21 Q. So how were the annotations in this biography were different
22 from those that you would use?

23 A. The handwriting is more accurate than the typed version. What
24 I used to do is that we already had a pre-printed template and
25 then I would write down with my own handwriting filling the blank

1 since I, myself, did not know how to use a typewriter.

2 Q. Did it happen that after <filling in the blanks by> hand <for
3 some biographies>, you subsequently <re->typed other parts on a
4 typewriter?

5 A. It happened a long time ago, so I cannot recall it exactly and
6 I did not know who actually typed it. There were a number of
7 typists with the interrogation unit and they also <had>
8 typewriters there.

9 And as I said, the template already existed in a typed form and
10 then I would write filling in the blanks.

11 Q. Very well. Please look solely at the <annotations> 1 to 12
12 without taking into account the identity of the persons involved
13 and what was filled out<, do the annotations> there and the
14 format <correspond with> the <biographies that> you yourself
15 wrote <at S-21>, apart from the fact that you <wrote it down by>
16 hand and <here> it was typed.

17 A. This biography is similar to the one that I did.

18 [15.31.49]

19 Q. I would now like you to look at the two other biographies.
20 These are the biographies of <a> couple<,> Ing Sok and Phal Va
21 alias Nat, from Hong Kong, a member of the commerce committee of
22 the state <in Hong Kong>. The biography is dated <the 29> and 30
23 December 1978 unless I am mistaken. The <annotations> are
24 handwritten.

25 Do you <recognize> the model that was used, and can you also tell

1 us whether these are biographies of detainees at S-21?

2 A. I recognize that this biography was done at S-21 since the
3 format was similar to that <which> was used at S-21.

4 [15.33.10]

5 Q. This is a couple of persons of relatively high rank. There
6 were from Hong Kong and they entered in late December 1978. Do
7 you recall <the couple> Ing Sok and Phal Va who were from Hong
8 Kong?

9 A. Regarding <these> particular prisoners, I was not interested
10 of the origin of <any> prisoner and his or her role. My daily
11 tasks assigned to me needed to be done by me as soon as possible
12 and, as I said, I was not interested in any particular prisoner
13 <or where they came from>. And I, myself, do not recall the two
14 prisoners that you just mentioned.

15 [15.34.42]

16 Q. You have stated that your general task was to register names
17 and to take the biographies of all prisoners entering S-21. That
18 said, was there a number of <types of> prisoners who were not
19 registered by you, yourself, when they entered S-21, and I'm
20 thinking particularly of important prisoners and children? Can
21 you enlighten the Chamber on this matter? Did you take down the
22 biographies and register all those persons yourself at S-21 --
23 that is important prisoners and children?

24 A. Concerning important prisoners, I, myself, did not register
25 them in the list. Usually, they did not go through my office and

1 they were put right away at the special houses, and I did not
2 also register <the> names of <children>.

3 [15.35.55]

4 Q. As regards important prisoners, I believe I understood this
5 morning you did say that you didn't know their names and that
6 from the time when they were transferred to the interior of the
7 <premises - that is, the special> prison <- was transferred> from
8 outside the prison to Building A inside the prison. Did I
9 properly understand your testimony?

10 A. For important prisoners, I rarely met them. Usually, I was not
11 allowed to know about the prisoners from the divisional level <or
12 zones level> upward, and for special prisoners, they did not go
13 through my office usually. They went directly to the special
14 prison <since the upper level had known them already. I did not
15 go to take down their biographies>.

16 However, sometime I was advised by Hor to list down certain names
17 of prisoners into my list.

18 [15.37.33]

19 Q. You have stated that at times Hor told you to write the names
20 of some important prisoners on your list. Did <he> do that
21 systematically or <do> you <have> any reason to think that some
22 of the names of important prisoners were never written on your
23 list by you, yourself?

24 A. For important prisoners, there were very few of them in my
25 list <since the upper level had already known them>, and some

1 important prisoners who were sent from zones and usually they
2 were at the divisional level up the line, I was not allowed or I
3 was not given with the names. <I was only allowed to know about
4 those at the regiment level down the line. However, for instance,
5 for those from the regiment under division 703, I would not be
6 allowed to know about them because they were close to the staff
7 there>.

8 Q. We are talking of registration. Was the same true of the
9 execution of <these> persons? Were the names of <these> persons
10 given to you <when they were executed,> or <did> you <not> see
11 them? <More specifically>, did you ever see the names of Huy Sre,
12 the name Koy Thuon, <or> Ta Nat on your list?

13 A. That is true. All these <important prisoners'> names, for
14 example Hor, were reported directly to Duch. Usually, I did not
15 have all those names.

16 [15.40.05]

17 Q. You also stated that among the prisoners whose names you did
18 not register and whose biographies you did not take down <there>
19 were children.

20 When you refer to "children" here, are you talking of children
21 who accompanied their parents?

22 A. I am speaking of the children who came with their parents.

23 Q. And according to the instructions you received, from what age
24 were the persons who were arrested no longer considered as
25 children <and have to be> included on your list?

1 A. Children below 15 years old were <rarely> listed down in the
2 list of names.

3 Q. Were there any exceptions at times which would explain why you
4 registered children aged under 15 on your lists?

5 A. I cannot recall this matter clearly. I cannot draw a
6 conclusion for you, particularly <> about the <> age of <the>
7 children. Usually, <to my knowledge>, the children that came to
8 that centre <> with their parents, <their names were rarely
9 registered, they were not registered>.

10 [15.42.26]

11 MR. PRESIDENT:

12 Mr. Witness, you are reminded once again that you cannot draw a
13 conclusion as a witness before the Chamber; you can only use the
14 basis of your knowledge only. And when you use the word "rare",
15 it is a rare case, perhaps it happened, so you have to be sure in
16 your answer when responding to the question, otherwise it causes
17 doubt on the testimonies that you provide -- that you are
18 providing before the Chamber.

19 If you use "It is <a> rare case" or "It rarely happen", it causes
20 doubt on the work that you do, particularly in relation to
21 biography that you compiled.

22 Do you understand that, Mr. Witness?

23 MR. SUOS THY:

24 A. I mentioned it was a rare case because sometimes I did not pay
25 attention <to> particular matters, for instance, in the case of

1 children who came <> together with their parents, <to my
2 knowledge, they were not registered.>.

3 [15.44.03]

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. I would like to talk about another situation, the case of
6 children who arrived unaccompanied by their parents. <Did that
7 happen, and in> such cases, why did they arrive at the centre and
8 did you <have to> register them since they did not come with
9 their parents <but> arrived by themselves?

10 MR. SUOS THY:

11 A. For children who did not come with their parents, I cannot
12 remember whether I included those children names in the lists
13 that I drew up. That happened long time ago and I cannot recall
14 it.

15 [15.45.05]

16 Q. We have on record a consolidated list of S-21 prisoners drawn
17 up by the Office of the Co-Investigating Judges and which
18 mentions the sources of such lists.

19 And if we were to filter the list, we will find that there were
20 at least 67 prisoners who were aged 14 or under and I will focus
21 only on a few of those <very> young children. There were four
22 aged 7 <under entries 1566>, and then 12623, 12660 and <14823>.
23 And <there is one prisoner who is certainly the youngest to be
24 registered>. We have a <little> girl aged 6 called <Nin>,
25 N-<I-N>, identified as the daughter of Brother Number 10. She

1 entered S-21 on 18 September 1978, <we find her under entry
2 number> 14,923 on the list <established by the Office of the
3 Co-Investigating Judges>.

4 Do you remember the case of such children who were aged under 10
5 and, particularly, children aged 7 <or> 6<? Especially the>
6 little girl called <Nin,> the daughter of Brother Number 10. Does
7 that remind you of anything?

8 A. I do not recall all those cases. I do not remember whether I
9 registered those children's names, it happened long time ago as I
10 repeatedly said.

11 [15.47.35]

12 Q. I have another <very> concrete case. It's one of the children
13 aged 7. That child was called <Tring, T-R-I-N-G or T-R-O-E-N-G,>
14 Yang, Y-A-N-G, or Y-A-I-N-G<,> Fak, F-A-K. <He is> on the list,
15 E3/93.2 of the Office of the Co-Investigating Judges <under entry
16 number> 12,623 and that child was identified as a Vietnamese spy
17 and was registered as having entered S-21 on 30 October 1978 <to
18 be> executed the next day on 31 October 1978.

19 For the information of the parties, there are three sources for
20 these persons identified by the OCIJ, E3/10205 on page 9. Then
21 E3/10456 on page 3, and E3/10209 on page 4. We don't yet have any
22 translations in English <as far as I know>.

23 Witness, do you recall a Vietnamese prisoner age 7 who was called
24 Troeng Yang Fak?

25 A. I indicated that for you already my memory does not serve me

1 well. My memory is not good. I cannot recall the things that
2 happened in the past until now.

3 [15.49.55]

4 Q. When women arrived at S-21 accompanied by children who were
5 toddlers or babies, did those babies or toddlers stay with their
6 mothers and <follow > their fate, or they were removed from S-21
7 before their mothers?

8 A. For women with babies <or> toddlers, usually I took down the
9 biographies of those women and, at that point in time, the babies
10 or toddlers <were> not <separated> from their mother <yet, and
11 after that, the guards brought them in. As for any other measure,
12 it depended on the guard unit, and it was Hor who gave the
13 instruction regarding the day they were supposed to be separated.
14 I was not certain about that>.

15 Q. Regarding children who were brought to S-21 to be executed,
16 were they brought at the same time as their parents?

17 MR. PRESIDENT:

18 Please hold on, Mr. Witness. Please proceed, Koppe.

19 [15.51.35]

20 MR. KOPPE:

21 Thank you. Thank you, Mr. President. I object to this question.

22 I had an opportunity to quickly glance at the OCIJ list. It
23 refers in an Excel sheet to the lists of the Prosecution. I'm not
24 sure if it actually refers to an authentic document, let alone
25 that I can verify that document because it isn't translated.

1 So to now imply in the question that this particular Vietnamese
2 child was executed is too fast, and if we are working under the
3 illusion that at least the Defence should be in a possibility to
4 verify whatever the Prosecution is saying in relation to this
5 specific incident, then I think we should have the underlying
6 document first, that we should have -- we should be able to have
7 a look at it and then we should be able to comment on it. Now, we
8 just rush from this OCIJ list and just assume that whatever
9 pre-work preparation the Prosecution has done is accurate, but if
10 that is the operation -- the way of proceeding, Mr. President,
11 then we are working under an illusion.

12 [15.53.00]

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, I <thought I had already moved onto> another line
15 of questioning <a very general matter regarding> the execution of
16 children. I was not talking <specifically about> this Vietnamese
17 child in this question.

18 A while ago, the witness said that once prisoners entered S-21,
19 they did not leave alive, they were executed <or else they died
20 of disease>.

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. So my question was to find out whether children were brought
23 out of S-21 to be executed? Were they brought out at the same as
24 their parents?

25 Mr. SUOS THY:

1 A. For babies and toddlers, it depended on Hor who instructed the
2 guards to bring them out or not.

3 [15.54.20]

4 Q. This is what you stated on 28 July 2009 before this Chamber.

5 It was more specific in document E3/7466 at about <10.05> or
6 <10.06>.

7 This is what you stated: "I am not sure of the period during
8 which children were detained, brought in and killed. It was Hor
9 who issued instructions to Peng to bring them in."

10 And question: "Were the children put in trucks that left in the
11 evening carrying adults to the execution sites?"

12 Your answer was: "No. There were no children who were brought at
13 the same time with the adults."

14 Question: "Do you think it is possible that they were killed
15 close to S-21?"

16 Your answer: "On this issue I am not entirely sure because no
17 lists were established for those children." End of quote.

18 Why were the children not transported in the same trucks with
19 their parents?

20 [15.55.45]

21 A. On this particular question, why they were not transported out
22 at the same time as their parents, to Hor's understanding at the
23 time, the information would be leaked out if the children were
24 transported out at the same time as their parents, so it was
25 their rights -- I mean it was Hor who decided when to take out

1 those children.

2 Q. Do you know whether, generally speaking, the children were
3 taken out of S-21 to be executed before their parents were taken
4 out or after their parents were taken out for execution?

5 A. For children who were to be taken out, mostly they had been
6 taken out first before the removal of their parents.

7 Q. I still have five minutes left today. I would like to go into
8 another line of questioning, that of lists of prisoners who
9 entered S-21 and <or were> received at S-21.

10 In 2009 before this Chamber, you had already identified a number
11 of prisoners. I have <a few to show you> and I will start with
12 <two> of them. And it's E3/2020. It is a list dated 6 January
13 1978, and we have another list, E3/2242, which is a list of
14 prisoners who arrived on 11 July 1978.

15 [15.58.00]

16 MR. DE WILDE D'ESTMAEL:

17 Mr. President, may I show the two documents to the witness?

18 MR. PRESIDENT:

19 Yes, please.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. May I also state that the name Thy features on both lists at
22 the bottom of <each> document.

23 So let us look at the first document, E3/2020. In English
24 00184808 up to 09; in Khmer, 00087046 up to 47. And it is dated 6
25 January 1978, and on the first page we have the names of five

1 persons who were from Laos. On the second page, we have two
2 persons sent by Brother Huy Sre of the rice farming section and
3 it is stated that <these> two <prisoners> were former soldiers
4 from Division <310> and they <came from S-21D>. The name Thy is
5 on this document.

6 <Are> these lists that you established <after> the prisoners were
7 brought into S-21?

8 [16.00.05]

9 MR. SUOS THY:

10 A. Regarding these lists, I compiled them in fact. Usually, the
11 prisoners were received by the guard unit and sometime I also
12 <signed my name to receive> the prisoners. And <in> most of the
13 cases, the guard unit at the outside compound received the
14 prisoners. Those guard units were under the supervision of Huy.

15 MR. PRESIDENT:

16 It is now time for the adjournment, and the Chamber will resume
17 its hearing tomorrow on 3 June 2016. The Chamber will continue
18 hearing the testimony of Suos Thy. Please be informed and please
19 be on time.

20 I thank you very much, Mr. Witness. The hearing of your testimony
21 as a witness has not come to an end yet, you are therefore
22 invited to be here once again tomorrow.

23 I am grateful to you as well, Mr. Moeurn Sovann, the duty
24 counsel. You are also invited to accompany and assist the witness
25 tomorrow as well.

1 And now you have the floor, International Co-Prosecutor.

2 [16.01.55]

3 MR. DE WILDE D'ESTMAEL:

4 Yes, thank you, Mr. President.

5 As I said earlier, <I think> we would like to put more questions
6 to the witness and that we need more time for that. So normally
7 we should finish tomorrow at 10 past 10, but I have several
8 topics to cover. I'm moving ahead but slowly unfortunately, so --
9 and my civil party colleagues also have quite a few questions to
10 put <and> that will take about 40 minutes.

11 So I'm asking if it will be possible to grant us an extra session
12 <together, with the understanding> that the same amount of time
13 should also be granted to the Defence.

14 I know that this request is a bit exceptional. I have many, many
15 topics to cover still and there are many documents that are
16 involved in these hearings and takes time to <read them and> go
17 over them <with the witnesses>.

18 [16.02.34]

19 And there's also a very important topic I'd like to discuss, the
20 topic of the Vietnamese, that I'd like to be able to deal with
21 without being <cut off three-fourths of the way through> my
22 questioning.

23 So I'm making this request today so that the Chamber is not
24 caught off guard tomorrow, and I hope that you'll be able to
25 grant my request.

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1 MR. KOPPE:

2 If I may respond, Mr. President. I'd like to remind the Chamber
3 that when one of the previous witnesses, Prak Khan, was being
4 questioned by the Defence, we asked for additional time; that was
5 denied. We have now filed a request to recall Prak Khan because
6 we have many questions.

7 The objections that I had that might have slowed down the
8 Prosecution I believe were justified because we really should be
9 in a position to follow exactly the documents and the questions
10 the Prosecution is asking.

11 So if you grant this request now, then I'm sure you'll be
12 inclined to be very positive to our request to recall Mr. Prak
13 Khan.

14 [16.04.10]

15 MR. DE WILDE D'ESTMAEL:

16 If I may answer, Mr. President. These are two <totally> different
17 situations. Regarding Prak Khan, the request was made very late,
18 whereas we had finished our examination a long time before by
19 trying to stick to the time that was given to us to the Chamber.
20 <And a> half hour <or an hour> before the end of the Defence's
21 examination, <that a> request for three extra sessions was
22 <issued> without the Defence believing that it was useful to give
23 the same amount of time to the Prosecution.
24 Here, we're making this request well in advance, and if this is
25 going to be granted to us<,> we're asking the same amount of time

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1 to be granted to the Defence.

2 The circumstances are different. There are many more documents to
3 show to <this> witness than to Mr. Prak Khan. Thank you.

4 (Judges deliberate)

5 [16.05.43]

6 MR. PRESIDENT:

7 I thank you very much for the remarks, observations and also the
8 request.

9 And the request of the Co-Prosecutor is to have one more
10 additional session. The Chamber will deliberate the matter and
11 issue <a> ruling via email by the Senior Legal Officer.

12 As for the request by the defence of Nuon Chea <in relation to
13 summoning witness Prak Khan to testify again>, that request is
14 now pending for the decision by the Chamber.

15 The Chamber is now -- is hearing the written submissions of party
16 in relation to the request and the ruling is to be issued in due
17 course.

18 Court Officer, please work with WESU to send Mr. Suos Thy to the
19 place where he is staying at the moment, and please invite him
20 again into the courtroom tomorrow.

21 Security personnel are instructed to bring the two accused --
22 Nuon Chea and Khieu Samphan -- back to the ECCC detention
23 facility and have them returned into the courtroom before 9 a.m.
24 tomorrow.

25 The Court is now adjourned.

1 (Court adjourns at 1607H)

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