



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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3 June 2016

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ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 25-July-2016, 09:22

CMS/CFO: Sann Rada

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

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Mr. SUOS Thy (2-TCW-816)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D’ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
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 continues to hear testimony of witness Suos

6 Thy.

7 Mr. Em Hoy, please report the attendance of the parties and other
8 individuals to today's proceedings.

9 THE GREFFIER:

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

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

15 The witness who is to continue his testimony today, that is, Mr.
16 Suos Thy, as well as Mr. Moeurn Sovann, his duty counsel, are
17 present in the courtroom. There is no reserve witness today.

18 Thank you.

19 [09.02.55]

20 MR. PRESIDENT:

21 Thank you, Mr. Em Hoy. The Chamber now decides on the request by
22 Nuon Chea.

23 The Chamber has received a waiver from Nuon Chea dated 3rd June
24 2016, which states that due to his health, that is, headache,
25 back pain, he cannot sit or concentrate for long and in order to

2

1 effectively participate in future hearings, he requests to waive
2 his rights to be present at the 3rd June 2016 hearing.

3 Having seen the medical report of Nuon Chea by the duty doctor
4 for the accused at the ECCC, dated 3rd June 2016, which notes
5 that Nuon Chea has chronic back pain and it becomes severe when
6 he sits for long and recommends that the Chamber shall grant him
7 his request so that he can follow the proceedings remotely from
8 the holding cell downstairs, based on the above information and
9 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
10 grants Nuon Chea his request to follow today's proceedings
11 remotely from the holding cell downstairs via an audio-visual
12 means.

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

16 Again the floor is given to the Deputy Co-Prosecutor to continue
17 putting further questions to the witness.

18 You may proceed.

19 [09.04.40]

20 MR. DE WILDE D'ESTMAEL RESUMES:

21 Thank you. Good morning, Mr. President, Your Honours. Good
22 morning, parties.

23 Good morning, Witness. <I am sure I will be going> up to <about>
24 10.00 this morning and then I will give the floor to the civil
25 parties up to the break <and again up to> 11.00<, which makes for

3

1 one and a half sessions.>

2 Mr. President, I would like to show the witness three documents.

3 They are documents E3/2242 -- it was already shown to the witness

4 yesterday <afternoon> -- <but> I would like to ask <one more>

5 question. We have document E3/2203 -- or rather, 2209, then

6 E3/1955.

7 This is -- these are <all> lists of <incoming prisoners, where

8 the name Thy appears on the bottom of each document>.

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 [09.05.58]

12 THE INTERPRETER:

13 Mr. President, the Co-Prosecutor is going too fast.

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

15 Q. Witness, can you look at the first document, E3/2242? <It is a

16 list-- >

17 JUDGE FENZ:

18 Prosecutor, the ITU unit just asked to slow down.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. So it's E3/2242. The page in English is 00919925 to 26. In

21 Khmer, 00 -- I'm sorry. <I think> I gave the ERN in French. So in

22 French, 00919925 to 26, in Khmer, 00021136. I realize I don't

23 have an ERN in English.

24 This is a list of prisoners who arrived on the 11th of July 1978.

25 They were brought in by Bang (sic). <On top it says, "Ministry">

4

1 S-71 <and state garment manufacturing department">. As <I> stated
2 at the bottom of the document, we have the name Thy. That is the
3 person who received the prisoners.

4 I had a question regarding the Ministry S-71, <which is>
5 indicated on the document. What was the purpose of <the> Ministry
6 referred to as S-71, and do you know who headed that Ministry?

7 [09.08.05]

8 MR. SUOS THY:

9 A. In relation to the communication with S-21 -- S-71 office, I
10 was not aware of that and I did not know who was in charge of
11 that office.

12 Q. In relation to S-21, did you ever hear the name Pang, P-A-N-G?

13 A. No, I did not know a Pang at S-71.

14 [09.08.57]

15 Q. <Thank you.> There are several combatants on that list which
16 was from Office K-7<, Kor-7>. Do you know what that Office K-7
17 was?

18 A. I did not know about Office K-7, and I'd like to make it clear
19 that people in receipt of <prisoners from> K-7 or S-71 were those
20 guards who were posted outside. <They were part of the special
21 unit.>

22 Q. Let us go to the second document, E3/2209. In Khmer, the ERN
23 is 00087036 to 41; in English, 00893763 up to 68. I also have the
24 ERN in French, and it is 00878332 up to 37.

25 These are six pages of lists of persons who entered S-21 on the

5

1 28th of April 1978. This list has already been authenticated by
2 you at the 2009, 28 July hearing at 09.32, it is document
3 E3/7466.
4 <On> the first page of this document, we have the name of a
5 person, <Troeung> Thi Nhieng. This is a Vietnamese <name>,
6 <Troeung T-R-O-E-U-N-G, Thi> T-H-I <Nhieng N-H-I-E-N-G. She was>
7 14. She was a girl, and her occupation was Vietnamese farmer.
8 <I'd also like you> to look at three other Vietnamese mentioned
9 on the list, and it is on the very last page of the document. And
10 their names are handwritten<. You acknowledged> in the transcript
11 of hearing, E3/7603 <that> you, yourself, wrote <these> names
12 <by> hand. So here we are talking <about> three Vietnamese
13 described as Vietnamese farmers <aged> between 35 and 50, and
14 they came from the Southwest Zone.
15 [09.12.45]
16 First of all, let me ask a question regarding the 14-year-old
17 girl. You stated yesterday that, ordinarily, you did not register
18 children aged under 15. Is this an exception to the rule, and do
19 you, therefore, admit that you did register that person?
20 A. In relation to the Vietnamese girl who was 14 years old, I
21 actually wrote down her name as she did not come along with her
22 parents. She was by herself and, for that reason, I had to write
23 her name down along with her brief biography.
24 [09.13.55]
25 Q. I have a question for purposes of clarification regarding the

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

6

1 three other Vietnamese on the last page. It is said that they
2 were Vietnamese rice farmers and that they came from the
3 Southwest Zone.

4 Can you tell the Chamber whether the term "Vietnamese rice
5 farmer" applied to Vietnamese who were coming from Vietnam but
6 who were arrested by the Khmer Rouge forces in the Southwest Zone
7 or were they Vietnamese rice farmers who had remained in
8 Democratic Kampuchea during the period of that regime and were
9 arrested in the Southwest <period (sic)>?

10 A. Could you please repeat your question? I don't fully get it.

11 Q. Yes. My question is whether the three persons described as
12 "Vietnamese rice farmers" who hailed from the Southwest Zone were
13 rice farmers who were living in Vietnam but who were arrested by
14 the forces of the Southwest Zone, <maybe> close to the border or
15 in Vietnam, or <in that case> were they Vietnamese rice farmers
16 resident in Cambodia in the Southwest Zone and who were arrested
17 in that zone?

18 Can you clarify the matter? And, <obviously> if you do not know,
19 please say so.

20 [09.15.59]

21 A. In relation to the three Vietnamese from the Southwest Zone, I
22 do not have a clear memory as to <whether> they were arrested <in
23 Kampong Som> or in any particular area in the Southwest Zone.

24 Q. I have one or two questions on the last document, E3/1955.

25 This is a list of prisoners who arrived on the 24th of May 1978.

7

1 The French page is 00870415 up to 20, in English, 00183685 up to
2 89, and in Khmer, 00021270 up to 74.

3 Here we have several lists, <each> time they are persons who
4 arrived on the same date, the 24th of May 1978. So the first list
5 consists of four persons. That's on the first page <I gave you>.
6 And they were from <Ministry> S-71<, including> the head of K-13
7 and K-8, <under entries 1 and> 2.

8 If we flip over to the next page, we observe that, on the same
9 day, the head of K-4 Office arrived. That person's name is Srey
10 Yan.

11 On the next page, <on the next table anyway,> we see that, on the
12 same day, the head of K-17 arrived as well as the head of K-12
13 and the head of K-6.

14 [09.18.32]

15 Now, Witness, could you, first of all, tell us <- first, it's a
16 list you have already authenticated>, how <is it> you
17 <registered> persons as important as the heads of <Offices> K-12,
18 K-6 and K-17<, etc.> on the day of the arrival?

19 A. In relation to the registration of names of office chairmen,
20 the offices were not big offices. Usually only the sector <or
21 zone> chairmen or the military division commander were considered
22 important people. And usually, those people would be received at
23 the outer gate <by the special unit>. They would then be brought
24 to me for registration. I would then register their names as well
25 as their brief biographies per usual.

1 Q. Very well. Do you recall whether there was any particular
2 reason why six heads of K offices arrived on the same day, and
3 bearing in mind that they were from Ministry S-71?

4 Do you know whether there was a particular purge committed at
5 that time<, > in May 1978?

6 [09.20.35]

7 A. I did not know about that. It's beyond my authority. My <task>
8 was only to deal with what I did on the spot there.

9 Q. In the rest of the document, we have a <rather> long list of
10 29 names, and these are persons from the East Zone still on the
11 24th of May 1978. I would like to know whether you have any
12 particular remarks to make regarding the arrival of such a large
13 number of prisoners from the East Zone as of <mid->1978. Was that
14 something customary?

15 A. I cannot tell you about that or whether there <was> an influx
16 of prisoners for any particular reason. I only registered the
17 names of those who were sent to my location.

18 [09.22.04]

19 Q. I'll go into another line of questioning, that is, conditions
20 under which the prisoners were held in detention.

21 When you cross-checked the list and ascertained particularly
22 where <each> prisoner was detained in the cells, were you <ever>
23 able to see<, even> briefly under what conditions prisoners were
24 held at S-21?

25 What is of relevance to me is the conditions under which they

1 were detained. <How were they shackled, if they were shackled,
2 how were> they were sleeping?

3 A. Prisoners who were brought to the prison, they were shackled
4 and they had to sleep <with> their ankles shackled.

5 Q. What kind of smells were let off the various cells as you
6 passed by?

7 A. When I walked past, of course, I felt the stench since
8 prisoners had to <stay and> eat their meals as well as to relieve
9 themselves there.

10 Q. You, nevertheless, often saw the prisoners while they were
11 detained in their cells or when they had to leave the prison.
12 What were you able to observe regarding their physical condition?
13 For instance, did you notice <if> they were very skinny? <Did>
14 you observe <anything>?

15 [09.24.32]

16 A. For prisoners who were detained at S-21, I saw some of them,
17 and most of them were emaciated. They were very skinny since they
18 did not have any proper place to sleep or proper food to eat. And
19 for that reason, they became emaciated. And I refer to all of
20 them.

21 Q. You drew up lists of prisoners leaving S-21. Did it happen
22 often that, on those lists, you <had to> indicate that those
23 persons died of <illness>?

24 A. Regarding the daily registration, the report of those
25 prisoners who died in the cells <was> made by the medic. Usually

10

1 there was a medic stationed at each building, so when there was
2 <severe illness or> a death of an inmate, then that medic would
3 make such a report <to Hor>, and Hor would bring that report to
4 me for my daily registration of the situation.

5 [09.26.32]

6 Q. Among those persons who died in the cells, <were there> also
7 persons who died <from being beaten> or ill treatment inflicted
8 on them, for instance, during their interrogations?

9 A. People who died in their cells, some of them died as a result
10 of severe torture while they were interrogated, and also, some of
11 them died because of the lack of food, so they became so weak
12 that they died.

13 Q. On the reports you sent to the medical unit, were any general
14 distinctions made between those who died due to lack of
15 sufficient food or those who died as a result of torture or ill
16 treatment, as you stated?

17 A. The report from the medic was what I copied into the
18 registration, and Hor would bring the report from the medic to
19 me. For example, if the prisoner died from ill health, then I
20 would write that down in the registration.

21 Q. For purposes of completeness, you stated that, <at> the 28th
22 of July 2009 <hearing>, before this courtroom, document E3/7466,
23 at <11.51>, you said that:

24 "It was the medical staff who recorded prisoners who died as a
25 result of torture within the building, but they were reported as

11

1 <having been> ill. <It> is not necessarily indicated on the list
2 that they died as a result of torture. Perhaps it is simply
3 stated that they died as a result of <illness>." End of quote.
4 [09.29.20]

5 Do you confirm what you stated at the time before this Chamber?

6 A. Whatever was written in the report by the medic, I would
7 duplicate it. If the report said the prisoner died from <acts> of
8 torture, although I cannot recall that clearly since it happened
9 a long time ago, if that is what is stated in that report to Hor,
10 Hor would deliver that report to me. And usually -- I cannot
11 recall it well whether the report stated a prisoner died from
12 torture or from ill health.

13 MR. DE WILDE D'ESTMAEL:

14 I would like to provide to the witness another document. It's
15 part of the large document, E3/3187; at Khmer page 00008891 to
16 92; and in English, 00874564 to 69.

17 Mr. President, may I provide this document to the witness?

18 [09.31.10]

19 MR. PRESIDENT:

20 Yes, you may.

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. Well, I underlined some <annotations> in green in your
23 version. So this is a list <of prisoners> who died of illness and
24 who were executed, between 1 May 1976 and 15 May 1976.

25 First of all, there are 37 names <on> a table, and then there is

12

1 another table with 15 names. There is a column where it's written
2 "Others" in English which indicates quite a few things that I'd
3 like to read out to you, in particular, if the person was
4 executed or if the person died of illness or other reasons.
5 So for example, at number 1, there is a so-named Khou K-H-O-U,
6 Chhaing Se <(phonetic)> taken from Sector 25 who was a chemical
7 engineer and who died on 1 May 1976. And in the last column,
8 "Others", it's written in English "Bruised - Numb". So, I believe
9 in French<, and interpreters please correct me if I'm wrong,>
10 bruised normally means <contusion>. And numb, however, could mean
11 paralyzed <or numb> in French.

12 [09.33.06]

13 So back then, when these terms were used in such a table,
14 "bruised" and "numb", what did that mean? What <did> you
15 understand by that? Did you ever see <these kinds of cases or>
16 such lists?

17 MR. SUOS THY:

18 A. For the list that you mention, I did not <make> the report in
19 such ways. <The report that I made was to calculate the total
20 number of people.> As far as I know, it <was> probably the list
21 made by Meng. <Mentions> of words like "numb" or "bruised" that
22 resulted in the deaths <were> in the daily reports. And for the
23 words like "bruised", it resulted from torture that caused
24 internal pain. And as for "numb", it refers to swelling <due to
25 lack of food, which then led to death>.

13

1 [09.34.52]

2 Q. And I would like to <bring> to the attention of the parties
3 that there are 13 people who were <noted as being> "bruised" and
4 a bit more <I think> regarding those who suffered from
5 <swelling>.

6 Among the 52 people on this list, Witness, there are 11 of them
7 who were executed, or at least that's what is indicated. That is
8 in the second table. And 40 who died of illness or who died as a
9 result of violence.

10 So, was it usual that 40 people would die at S-21 because of
11 illness or because of beatings at S-21 within a two-week period?

12 A. That was the total list. And as for the period of 15 days, I
13 did not pay much attention to it. Based on my estimate, there
14 were around one or two people died every day, but as for the
15 total number <of 40 deaths in 15 days,> I did not <know about
16 that for sure>. <I did not make that calculation.>

17 Q. When you were at S-21, were you aware of the fact that the
18 <prisoners' blood> was being drawn?

19 A. For prisoners at S-21, I did not know clearly about the
20 drawing of blood from the prisoners. I only knew through the
21 reports <by> the medics <from Hor>. <He gave me the reports so
22 that I could register them into the list of names of prisoners
23 who would be smashed.>

24 [09.37.28]

25 Q. Well, to clarify things, I'd like to see if you confirm what

14

1 you already said. It was maybe clearer for you in 2009. On 28
2 July 2009, at the hearing, at around 11.23.31, this is document
3 E3/7466, and you said the following:
4 "I acknowledge the fact that, indeed, they drew blood. Hor asked
5 me to write down the names of the prisoners whose blood had been
6 drawn so that these names <could> be incorporated into the
7 prisoner lists -- into the lists of prisoners to be executed. The
8 members of the medical staff, therefore, would receive orders
9 from Hor, and then Hor would give the following order, that is to
10 say, that the names of these prisoners had to be incorporated in
11 that list." End of quote.

12 So how is it that, regarding these people whose blood was drawn,
13 how <did you have to record them on the lists> of people to be
14 executed? Does this mean that any person whose blood was drawn
15 had to die? Is that -- that's my question.

16 [09.39.00]

17 MR. PRESIDENT:

18 Mr. Witness, please hold on.

19 The floor is given to Counsel Victor Koppe.

20 MR. KOPPE:

21 Yes, Mr. President. Thank you. Good morning.

22 Literally four out of five questions from this Prosecutor are
23 leading. I stopped standing because it's pointless. But I would
24 really like this Prosecutor to just ask neutral questions, open
25 questions, and not every single question to be leading.

15

1 BY MR. DE WILDE D'ESTMAEL:

2 Well, I'll break up this question in two, therefore.

3 Q. So you said in 2009 that Hor asked you to incorporate the
4 names of the people whose blood had to be drawn into the list of
5 the prisoners to be executed. So how can you explain that?

6 [09.40.00]

7 MR. SUOS THY:

8 A. When Hor gave me the names on the daily basis, the -- those
9 prisoners whose blood had been drawn were required to -- their
10 names <had> to be included into the list with those who would be
11 smashed.

12 Q. When prisoners would leave the compound for their blood to be
13 drawn, I imagine that you would check their identity when they
14 left.

15 Did you ever see any of them come back alive to the S-21
16 compound?

17 A. For the prisoners whose blood had been drawn, I did not know
18 the details because the medical staff <suggested> to Hor, and Hor
19 <suggested to Duch>. And it was the main responsibility of the
20 medical staff. It was not my responsibility.

21 [09.41.32]

22 Q. Yes, of course.

23 Well, there are several documents on the case file that describe
24 the drawing of blood, and I will only use one <in the interest of
25 time>. And this is document E3/2285; on Khmer page 00009212; in

16

1 English, 00873432; and <I believe> there is no French version.

2 So, Mr. President, may I provide this document to the witness?

3 MR. PRESIDENT:

4 Your request is granted.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. This is a page that <includes a title, "Names> of the

7 <Prisoners> who were <Smashed"> on the 21st of May 1977. There

8 are five names who came from <Divisions> 310 and 455 <(sic)>, and

9 who arrived between the 14th and the 19th of May 1977. In the

10 last column on the right-hand side, we see the English mention

11 "took blood".

12 So is this a list that you draw up at S-21 upon Hor's orders?

13 [09.43.33]

14 MR. SUOS THY:

15 A. Hor gave <> the list <of the names> of those whose blood had

16 been drawn to me, and I incorporated <it> into the list with

17 those who needed to be smashed.

18 Q. Let me move ahead because time is running out.

19 Yesterday, you said that Duch would make annotations on prisoner

20 lists, and he would write sometimes "kom", <or "kom kom"> which

21 means that these people had to be smashed, so on that basis, Hor

22 would ask you to draw up lists of people who had to be executed.

23 So what I'd like to know is, once these people had been taken out

24 of the prison, how did you know specifically that these people

25 had, indeed, been executed?

17

1 [09.44.51]

2 A. For prisoners who had been removed from the prison, <and> had
3 <their names in> a list with the annotation "to be smashed",
4 <they had to die>. Those prisoners needed to be checked carefully
5 before they boarded the truck and taken away.

6 Q. Fine. But my question was, once the truck took them away,
7 later on, did you receive any kind of confirmation that these
8 people had, indeed, been executed? Did the guard unit say
9 something about this, or not?

10 A. I had no responsibility or no reports back about the prisoners
11 who had been taken away and executed. <It was the responsibility
12 of Hor and the guard unit.>

13 Q. I'd like to be sure about what you're telling us now, because
14 at the hearing of 27 July 2009, at around 15.50 -- this is
15 document E3/7465, and you said the following:

16 "When a prisoner was taken away to be executed, once the final
17 list had been checked, this list was sent <to> Hor, who would
18 send it to the guards, including Huy, <Peng>, who would keep the
19 list. After the execution of the prisoners, Hor would take the
20 list and I would check this list by comparing the list <with> the
21 detainees who were still in the prison <and with> the prisoners
22 who had been executed." End of quote.

23 So did you have to do any checking after the execution of the
24 prisoners?

25 [09.47.39]

18

1 A. I did not check the lists of those who had been killed. It was
2 the 100-men <unit> who took the prisoners to the execution site,
3 and they brought the list to Hor, and Hor gave it to me so that I
4 <could> make the daily reports about those who had been killed.
5 I had no idea whether the people who had been taken out were
6 actually executed because it was the responsibility of the
7 <100-men unit> <and Hor>, and <> Hor <gave me the list so that I
8 could make the daily report in time>.

9 [09.48.42]

10 Q. Now I will turn to my penultimate topic, and I think I <might>
11 go beyond my time by five minutes <just like I said>. <Please
12 take note, civil parties.> And we're going to now be talking
13 about the Vietnamese prisoners. We spoke about this already a
14 little bit.

15 You told us that when you would receive prisoners at S-21 to
16 record them, you were assisted by a <person> named Chan, a
17 prisoner who would interpret what the Vietnamese prisoners <said
18 for> you.

19 And can you tell us, regarding these Vietnamese prisoners, if
20 these were civilians or if these were soldiers or if you were
21 dealing with both?

22 A. For Vietnamese prisoners, there were both civilians and
23 soldiers. For civilians, many of them were arrested at sea, but
24 it's not certain whether they were arrested at sea or at the
25 border areas. <But for soldiers, they were arrested at the border

19

1 where there were conflicts.>

2 Q. Among the Vietnamese civilians who were brought to S-21, were
3 there entire families among them, <people who> had been arrested
4 at sea or at the border?

5 A. For Vietnamese civilians who came in -- with their families,
6 most of them were arrested at sea.

7 Q. Now, regarding these people, were they fishermen or were they
8 people fleeing their country?

9 MR. PRESIDENT:

10 Mr. Witness, please hold on.

11 The floor is given to Counsel Victor Koppe.

12 [09.51.10]

13 MR. KOPPE:

14 Thank you, Mr. President.

15 Besides leading again, there are more than two choices when it
16 comes to Vietnamese people who were not dressed in uniforms. They
17 could be spies dressed or -- dressed as civilians. So there are
18 all kinds of options, so limiting this witness to just two
19 options is incorrect. Remember, there was a war going on.

20 BY MR. DE WILDE D'ESTMAEL:

21 Yes, okay. I will rephrase my question.

22 Q. I simply wanted to ask the witness that if, among the
23 civilians who were arrested at sea, if there were fishermen or if
24 they were people who were fleeing their country.

25 [09.52.09]

1 A. For those Vietnamese who were arrested at sea, I did not ask
2 them for such things. I simply tried to finish the list so --
3 because I did not understand Vietnamese clearly, so I simply put
4 their jobs in -- in various ways, fishermen or <civilians>, I
5 just wanted to just make the list complete.

6 Q. Well, to clarify this point, you said before DC-Cam -- this is
7 document E3/9320 at English page 00909159, Khmer 00052000 and
8 French -- but it's a poor translation here -- 00280498. And I
9 will quote in English because the French translation of the
10 <entire> document is a bit problematic:

11 <Question:> "Were there any Vietnamese nationals?" Answer by Thy,
12 "Yes, there were also Vietnamese people who were fleeing to
13 Thailand through Kampong Som."

14 So back then, you said to DC-Cam that there were people who were
15 fleeing Vietnam and trying to reach Thailand and who had been
16 arrested <around> Kampong Som. So does this refresh your memory?

17 A. I <can> recall it. The -- regarding the arrest of those
18 Vietnamese who tried to flee to Thailand, the arrest site was not
19 exactly at Kampong Som. It was somewhere in the sea. And we -- it
20 was many places at sea, and we concluded it was at Kampong Som.

21 [09.55.08]

22 Q. Do you know if the Vietnamese who had been arrested, whether
23 they <were> civilians or soldiers, and who were brought to S-21
24 -- do you know if they were interrogated and if their confessions
25 were broadcast on the radio? Did you ever hear about that?

1 A. I did not know exactly about the interrogation of the
2 Vietnamese who were arrested, and I did not know about the
3 broadcasts <either> because I did not listen to the radio
4 broadcasts.

5 Q. Now, regarding the photographs that were taken of these
6 Vietnamese prisoners, how were the <Vietnamese people who were
7 photographed> dressed?

8 [09.56.34]

9 A. For the photographing of the Vietnamese who were brought in,
10 they were photographed with the types of clothes that the
11 Vietnamese were wearing <when they were brought in>.

12 Q. Now I'd like to read out an excerpt of what Phan Than Chan
13 said during his filmed interview. We spoke about him yesterday,
14 and you recognized him as the interpreter who assisted you when
15 you questioned a certain number of Vietnamese prisoners for their
16 biographies.

17 This is document E3/2352, and it is at 57 minutes and 19 seconds.
18 Now we have a transcript in all three languages, and I will quote
19 what Chan said:

20 "At the beginning, the Vietnamese would answer sincerely. They
21 said that they were just simple <border> dwellers or that they
22 were <sea> fishermen who were fishing along the border. Others
23 stated that they were trying to flee South Vietnam to seek refuge
24 in Thailand. However, Chan" -- and here, he is referring to Mam
25 Nai, alias Chan -- "did not accept such answers and <ordered>,"

1 'You, you're going to acknowledge that you are part of the army
2 and that you are a secret agent who came to spy in Cambodia. If
3 you do not say that, I'm going to beat you to death.' So all of
4 those being interrogated were terrified. They had already been
5 beaten, <but> they were afraid of dying. So under these
6 conditions, they would say what Chan wanted to hear. <These
7 confessions were made> in writing. They would fingerprint them.
8 They would record the sound and they would take the pictures.
9 They would photograph some of them in the same way they
10 photographed this one, that is to say, dressed in military
11 uniform. Therefore, they could say that they were soldiers, and
12 that was their evidence."

13 So I'm going to stop here. Did you ever hear what Chan, the
14 interpreter, is describing, that is to say, that civilians were
15 dressed up as soldiers so that they <could> be photographed as
16 such? Vietnamese civilians, I'm speaking about.

17 [09.59.58]

18 A. I did not know well about it because the interrogation of the
19 Vietnamese was carried out at the place of Mam Nai <and Chan>. I
20 did not know what was happening there.

21 Q. Now, regarding the period prior to the arrival of the
22 Vietnamese, that is, late December 1978, early January 1979, were
23 there any instructions issued by Duch that all the prisoners at
24 S-21 be executed except the prisoners who were working at S-21?

25 A. I did not know for sure about Duch's instructions in relation

1 to this matter. Usually, I would implement instructions that Hor
2 received from Duch.

3 [10.01.28]

4 Q. You drew up lists of outgoing prisoners. In late December
5 1978, early January 1979, did you <or did you not> observe that
6 all prisoners at S-21 were placed on the <lists> of persons to be
7 executed?

8 A. Prisoners were being detained in late '78 or early '79, I
9 prepared the lists of prisoners according to the annotation from
10 Duch to Hor and to me. And I would prepare the list of the
11 incoming or outgoing prisoners based on that report or
12 annotation.

13 Q. In concrete terms, how did the various units at S-21 proceed
14 with the task of removing all the prisoners from S-21 within such
15 a short time? <Were you overwhelmed with work at that time>?

16 A. Regarding the writing down the names of prisoners, on the
17 outgoing prisoners list, I was pretty busy with that list towards
18 the end of the regime.

19 [10.03.37]

20 Q. I would like to show the witness list E3/10455. We are still
21 waiting for the translation of this list in the coming days. For
22 the time being, it exists only in Khmer. It is a list of
23 execution of 225 prisoners, 31st of December 1978.

24 I would like to show the witness this list to establish the
25 existence of this list, and not to show the contents of the

24

1 list<, the names, etc.> to the witness. I want to establish

2 <whether> this list was drawn up by the witness.

3 [10.04.32]

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 BY MR. DE WILDE D'ESTMAEL:

7 May I inform the parties that we requested the translation of

8 this document, and I imagine that it will be placed on Zylab in

9 the near future when the translation <is> completed.

10 Q. <The first page is hard to read>, Witness<, so look at the

11 next page>. <Here is a list and the> title is "Execution of 225

12 prisoners on the 31st of December 1978".

13 <In any case, we> note that there are exactly 225 prisoners on

14 that list. Did you draw up this list at S-21?

15 MR. SUOS THY:

16 A. I was the one who was in charge of drawing up list of

17 prisoners at S-21. And before me, I have list of prisoners who

18 were smashed on different days, so I believe this is a

19 consolidated list.

20 Q. Witness, the title on each page at the top of the document is,

21 indeed, the "List of prisoners smashed on the 31st of December

22 1978". However, there is, indeed, a column to the right --

23 [10.06.38]

24 MR. PRESIDENT:

25 Deputy Co-Prosecutor, please hold on.

1 And Counsel Koppe, you have the floor.

2 MR. KOPPE:

3 Thank you, Mr. President.

4 I didn't have a problem with the first question asking the
5 witness whether he is the author of the list, but now we're going
6 into the contents of the list. I am, unfortunately, still not
7 very able to read Khmer. That is a problem. I cannot verify what
8 the Prosecution is saying, so unless it is translated in all
9 three Court languages, I think that question cannot be asked.

10 [10.07.20]

11 MR. PRESIDENT:

12 Judge Lavergne, you have the floor.

13 JUDGE LAVERGNE:

14 Now, for the information of the parties, let me inform you that
15 this list exists in English, and the ERN is 01248066 up to 083.
16 Furthermore, it should be noted that time has been granted the
17 parties precisely to enable them to acquaint themselves of <the
18 lists>, <which are the lists supporting> the new list issued by
19 the Co-Investigating Judges.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. I have just one question for you, Witness, as regards this
22 list.

23 On the last column on this <table>, you <said> that <it
24 indicates> various dates. <Does> this column <in your opinion>
25 indicate the date of the entry of prisoners into S-21 or the date

26

1 of execution, bearing in mind that the document is, indeed,
2 titled "List of persons smashed<" - or "prisoners smashed --> on
3 the 31st of December 1978"?

4 [10.09.04]

5 MR. SUOS THY:

6 A. The last column may indicate the entry date, as it mentions
7 the 7th or the 10th day of that month, so it is an entry date.

8 Q. And this will be my last question, Mr. President, before the
9 break, and I will stop after this question.

10 Is this one of the last lists you drew up at S-21<,> of prisoners
11 who were leaving in order to be smashed, or do you recall whether
12 there were other prisoners who were smashed and whose names
13 <appeared> on lists that <drawn up> after the 31st of December
14 1978, that is, in early January <1978 (sic)>?

15 [10.10.08]

16 A. From my review, it is a <final> list of prisoners who had to
17 be smashed. It was on the 31st of December 1978.

18 MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President. I have no further questions.

20 MR. PRESIDENT:

21 It is now convenient for us to have a short break. We'll take a
22 break now and resume at 10.30.

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

1 courtroom at 10.30.

2 The Court is now in recess.

3 (Court recesses from 1011H to 1030H)

4 MR. PRESIDENT:

5 Please be seated. The Chamber is now back in session.

6 I give the floor to Counsel Victor Koppe.

7 MR. KOPPE:

8 Mr. President, just for the record, E3/10045, which was just

9 discussed with the witness, we've checked. That document and the

10 translation in Zylab it appears that the document -- or the

11 translation was created today, that is, while we were in Court.

12 And it wasn't notified to the parties yet, so the suggestion that

13 we have somehow not used our time well in preparing for this

14 witness is uncalled for.

15 JUDGE FENZ:

16 Sorry. Are you saying -- just to understand -- are you saying

17 that the official translation is creative (sic)? Because my

18 understanding is that this has been officially translated, or is

19 this another document?

20 [10.31.31]

21 MR. KOPPE:

22 No. The Prosecution obviously didn't have an English translation

23 since the parties didn't have, either. But it turns out that the

24 translation, apparently, has just been created in Zylab, the

25 official translation, today. The creation date is today.

28

1 It hasn't been notified yet to the parties, so we were not in a
2 position to know of its translation. That's my point.

3 JUDGE LAVERGNE:

4 Counsel Koppe, the only thing I did was to inform the parties
5 that the document is accessible in Zylab. You have the
6 possibility of accessing Zylab from the courtroom, so if you want
7 to carry out verifications, this is why I made these remarks. But
8 if you thought that these remarks were useless, well, <that does
9 not seem very sound>.

10 MR. PRESIDENT:

11 The floor is given to the Lead Co-Lawyer for civil party to put
12 question to the witness.

13 QUESTIONING BY MS. GUIRAUD:

14 Thank you, Mr. President, and good morning to all of you. I have
15 a comment to make on what our colleague has just said, even if I
16 risk opening up a discussion. But however, it is important to me
17 simply to specify that the Nuon Chea defence did not object to
18 the admission into evidence of the documents that serve as the
19 base of the OCIJ list, and we all <knew, all of the parties were
20 informed> that most of the documents that were used as the base
21 for the OCIJ list were not translated. They were simply available
22 in Khmer.

23 [10.33.27]

24 So I'm a bit concerned by <our> colleague's attitude because if
25 we can only use documents that are translated in all three

1 languages, well, the number of documents would be very, very
2 limited. And here, once again, the Defence had the opportunity to
3 make objections, and these objections were not made <in time>.
4 So I didn't want to open up a whole discussion on this, but
5 simply I would like <point out to the Chamber a> difficulty or
6 reality here and to let you know that most documents that are
7 used as a base for the new OCIJ list are only available in Khmer
8 and were admitted by the Chamber in Khmer, that is to say, in one
9 of the working languages of the Court. That is a reality.

10 [10.34.22]

11 Q. Now, in terms of my <brief> questions now, Witness, well, good
12 morning. My name is Marie Guiraud, and I represent the civil
13 party collective in this trial, and I have a few follow-up
14 questions to put to you, basically speaking, so that I may
15 understand a bit more in detail your daily work at S-21.
16 And I have one or two questions to start regarding the
17 registration process in itself.
18 You <very> clearly explained that you were in charge of drawing
19 up lists and of drawing up short biographies of the prisoners who
20 were arriving at S-21.
21 And very concretely speaking, I'd like to know how you would note
22 down the names of the prisoners arriving at S-21. Did these
23 people provide you orally with their names and then would <you>
24 write them down phonetically <on the list>, or was there another
25 process that you followed for you to know the names of the people

1 that you had to record?

2 MR. SUOS THY:

3 A. For the prisoners who were brought in the -- into the prison,
4 <I did not receive any list from the outside,> I made the list
5 myself when they were brought in. I <asked them> the names of
6 their parents and their occupations and the zones where they came
7 from, and that was the brief information.

8 [10.36.26]

9 Q. And on the base of that name that you would record, was <it>
10 the person arriving who would give you his or her name orally and
11 then you would <write it down>, was that the <procedure> you
12 followed back then?

13 A. Regarding the procedure, when they came, I asked them their
14 names and I wrote accordingly based on the answers.

15 Q. So is it <correct> that you <could> record the names on a
16 phonetic basis, that is to say, the person would tell you his or
17 her name and then you would <immediately> note down the name that
18 you heard? Is that the case?

19 [10.37.35]

20 A. Yes, that is correct. I wrote down the names based on the
21 answer they gave to me. I usually used simple questions that were
22 easy for them to answer.

23 Q. Thank you. Things are much clearer now.

24 Would you also systematically note down if the person was
25 accompanied by family members or not?

1 A. Every prisoner who <was> brought in, I wrote down their names
2 except children who were brought along with their parents, I did
3 not include the names of those children.

4 Q. And when -- for example, when families arrived, <or> when
5 couples arrived, would you record <certain> information? Would
6 you record the fact that a person was the spouse of another
7 person or the brother of another person? Would you record that
8 kind of information a systematic basis in your lists?

9 A. For those prisoners who were brought in with their families, I
10 did not record their -- their family relationship. I simply
11 recorded each name on an individual basis.

12 Q. You spoke about the arrival of families, so <was it common to>
13 see entire families arrive<, parents with children or larger
14 families,> be registered at S-21?

15 [10.40.13]

16 A. For spouses and children, such cases did not happen often.
17 Such cases happened mostly with Vietnamese people who were
18 brought from Kampong Som.

19 Q. So you're telling us that the Vietnamese people arriving from
20 Kampong Som generally came with their families. Is that what I
21 must understand from your answer?

22 A. Yes, that's correct. Many of the people who were brought in
23 together with their families were mostly those who <were trying>
24 to flee to another country.

25 Q. So families you considered as Vietnamese families, <to use>

1 the words you used in your previous answer, not necessarily?

2 A. Yes, most were Vietnamese families.

3 [10.42.02]

4 Q. Thank you. Yesterday, you spoke about a young boy who would
5 assist you and who arrived in 1978 from Amleang. And you said
6 yesterday when you were answering the Co-Prosecutor that Lan,
7 this young boy, therefore, was about 14 to 15 years old.

8 So I would like you to react to another one of your statements
9 which says that Lan is much younger. And I'm referring here to
10 your interview with DC-Cam, E3/9320; French ERN, 0028492 (sic);
11 English, 00909153; Khmer, 00052015; and you <said>, when you
12 answered the person questioning you back then, <">he was older
13 than 10<">.

14 And when we read the Khmer version, my colleagues tell me that
15 you're saying in Khmer that he was around 10 years old.

16 So my question is the following. Was Lan a child, or was Lan an
17 adolescent?

18 A. At that time, Lan was an adolescent.

19 Q. So when you said to the <person from> DC-Cam that he was
20 around 10 years old, your estimate was rather <low>. And now,
21 today, you're telling us that he was 14 or 15 years old, today.
22 So is that your answer?

23 A. I -- it's from my estimation. I did not know his exact age
24 because I did not know about his biography.

25 Q. Did Lan know how to write?

1 A. Lan could write. Previously, he was in the children's unit.

2 And because he could write, he was brought in to assist my work.

3 [10.45.30]

4 Q. Did he ever write up lists as well, or would he assist you in
5 a more subordinate position, we could say?

6 Did he, himself, draw up lists of the people entering <or>
7 leaving S-21?

8 A. He did not do it often regarding those who were brought in and
9 taken away. He assisted us, especially when it was a very busy
10 time. His main task was to record the <cell> numbers of the
11 prisoners who were put in various cells.

12 Q. Thank you. During the time when you worked at S-21, did you
13 ever allow prisoners to work outside, that is to say, to work
14 within the prison compound but, <to be> sent to work on a
15 specific task? Is this something that you ever <did>?

16 [10.47.09]

17 A. I had no right to order or to remove those prisoners who were
18 allowed to work outside. It was <Duch and> Hor who had <the>
19 authority <to allow prisoners to work outside>.

20 Q. I would like now to quote the testimony of a civil party who
21 came here to testify, Mr. Chum Mey, and who said the following,
22 so I'm going to read out what he said. And I'd like to know if
23 this somehow refreshes your memory.

24 So this is -- we're speaking here about the end of his stay at
25 S-21, and he says the following. This was 19 April 2016, Mr.

1 President, just before 11.21.29. And he said the following:

2 "At the end, Suos Thy came to ask who had been sent from Ou
3 Ruessei, and I answered that it was me. And he said that the next
4 day, I will be allowed to work outside, but he asked me not to
5 flee. The next day, Suos Thy came back with clean clothes. He
6 unshackled my ankles, but handcuffed me. And they asked me to put
7 on <shorts> and a shirt, and he brought me to the back of the
8 building to fix the sewing machines."

9 So does this event somehow refresh your memory?

10 [10.48.59]

11 A. It happened long time ago. My memory does not serve me well,
12 but I would like to clarify that it was Hor who had the authority
13 to order prisoners to work outside. <I could take prisoners
14 outside under the instructions of Hor.>

15 Q. And could Hor give someone else the order to implement his
16 request? And if yes, who<,> concretely<,> <gave the> prisoners
17 assignments when they were assigned to work within the S-21
18 compound?

19 A. Hor was <a> S-21 deputy, so he had authority over all the
20 guards. And he could assign people.

21 Q. Thank you. Do you remember people being assigned to cleaning
22 and to transporting excrement?

23 Yesterday, when you explained -- when you described the different
24 units <within> S-21 and the organization of the staff, do you
25 remember if there were people who were assigned to transport and

1 clean excrement?

2 [10.51.06]

3 A. I do not recall it clearly, but what I remember is that the
4 cleaning task was the responsibility of the guard unit.

5 Q. No other recollections in that regard?

6 And in particular, once the excrement was cleaned, do you know
7 where the excrement was transported? Do you remember that
8 <today>, even if this happened a long time ago?

9 A. It was not my responsibility <to do> this -- with such kind of
10 task, and that's why I did not pay much attention to them. <So
11 the cleaning task and carrying faeces were the responsibility of
12 the guard unit.>

13 Q. Thank you. Back then when you were in charge of the lists at
14 S-21, did you ever hear of cases of female prisoners who were
15 raped by S-21 staff? Is this something that you heard of back
16 then?

17 A. I was not aware of it.

18 [10.53.08]

19 Q. The reason I'm asking you this question is that other
20 witnesses who are more talkative than you testified in the weeks
21 prior to today, and I'd like to quote Him Huy, who came to
22 testify on the 5th of May, before this Chamber, and who said,
23 after 13.58 -- and you are directly concerned by this, so let me
24 read out Him <Huy's statement>. He's speaking about a rape that
25 apparently took place at S-21, and he says the following in that

1 regard:

2 "I said that the person who had been raped, the female prisoner

3 -- I said the person who had raped the female prisoner was a

4 rather young boy of 12 to 14 years old who came from the west.

5 Then a training session was organized and we spoke about the rape

6 of this female prisoner. And this young boy was <not Duch>."

7 He then says, "I do not know the name of this person, but Brother

8 Thy, he knew. It was a young guard who <worked> with Teng."

9 And he says in response to Counsel Koppe that this was a young
10 boy who was about 14 years old.

11 "Teng was guarding, and Suos Thy might have known this young boy
12 who raped the female prisoner."

13 So what I want to know, Witness, if if Him Huy's testimony
14 refreshes your memory <today> and if you remember <a> rape that
15 <allegedly> was committed by a young guard you knew back then?

16 [10.55.15]

17 A. Let me clarify on this issue. I did not know it well because
18 it was the -- within the guards unit, so what Him Huy said, I
19 could not comment on it.

20 I simply concentrated on my work 24 hours a day, and I could not
21 go out to anywhere. <I did not pay much attention to anything
22 else other than my work.>

23 Q. So when Him Huy said before this Chamber that you might have
24 known this young guard who committed this rape, this somehow
25 doesn't remind you of anything now.

1 A. I told -- I <am telling> the truth. If I <remembered> it, I
2 would tell you. It was -- as I told you, it was within the guards
3 unit, so it was Huy who had more knowledge about this. I was so
4 busy with my <tasks>. There was only <me> to do my task, so I did
5 not have time to pay attention to such things.

6 [10.57.01]

7 Q. You were very busy, of course. However, you were at the centre
8 of many things.

9 So I'd like you to react to other instances of rape we have been
10 speaking about since the beginning of the S-21 segment in order
11 to know if this might refresh your memory.

12 Lach Mean, on 26 April 2016, spoke about an instance of rape,
13 implying a guard by the name of Touch who <allegedly> raped a
14 female prisoner. Touch then tried to jump off the top of a
15 building.

16 So did you hear about this event? And if that is the case, what
17 can you tell us about it?

18 MR. PRESIDENT:

19 Mr. Witness, please hold on.

20 I give the floor to Victor Koppe.

21 MR. KOPPE:

22 Yes, Mr. President. Maybe the translation wasn't conveyed
23 properly because of the name, but I think we're talking about the
24 same incident, an alleged rape by Touch.

25 I don't recall them speaking about two different incidents, but I

1 might be mistaken because of the name.

2 [10.58.36]

3 MS. GUIRAUD:

4 Well, I don't understand <our colleague's> objection. I'm
5 speaking about two different incidents of rape, one involving a
6 very young guard, who apparently Suos Thy knew. That's one event.
7 And the second event is an incident that <allegedly> involved a
8 guard by name of Touch, T-O-U-C-H, who apparently jumped off a
9 building. And so this is a second <incident>.

10 MS. GUISSSE:

11 Well, before my colleague takes the floor <again and with your
12 leave, Mr. President>, maybe it would help <everyone to follow>
13 if you could give us the references of the drafts <in question>.
14 This, would allow us to avoid confusion and to check the
15 spelling.

16 Thank you.

17 [10.59.36]

18 MR. KOPPE:

19 It's my understanding that we speak about one incident because of
20 the differences in names, but.

21 MR. PRESIDENT:

22 There was only one incident, and the correct name is Touch.

23 JUDGE FENZ:

24 I suggest to check the transcript. If I remember correctly -- but
25 as I said, the transcript is the one to check -- there were -- we

1 were talking about two rape incidents at S-21 at the time. Why
2 not give us the transcript instead of discussing -- of the
3 transcript?

4 BY MS. GUIRAUD:

5 I think that we <really need to close> the debate and each party
6 can look at the transcript. I believe I gave the references. Let
7 me give them again.

8 For the first incident I referred to -- and as far as I'm
9 concerned, there are two separate incidents. I was referring to
10 the testimony of <Him> Huy, who testified on the 5th of May, and
11 I quoted an <excerpt> shortly after <13.58.30>. That is the first
12 incident, as far as I'm concerned.

13 [11.01.01]

14 As regards the second incident, I was referring to <-- but I
15 could make a lot more references than this,> I was referring to
16 the testimony of Lach Mean, who testified before this Chamber on
17 the 26th of April 2007 (sic). And the time is just before
18 10.16.38.

19 I hope I have clarified my understanding of these incidents,
20 which I consider as separate. And I have also cross-checked that
21 with my Khmer colleague.

22 I would like the witness to react to a third separate incident
23 which may have involved a member of the medical staff called
24 Soeung.

25 Q. Witness, did you know during that period a member of the

1 medical staff called Soeung, and this is written as follows,

2 S-O-E-U-N-G. Soeung.

3 Apparently, I have pronounced it correctly.

4 [11.02.33]

5 MR. SUOS THY:

6 A. I cannot recall the names clearly. After medics from <the>

7 former Division 703 had been arrested, new medics were brought in

8 and they were pretty young. And I cannot recall their names

9 clearly.

10 Q. And although you may not necessarily recall the name, do you,

11 nevertheless, recall an event involving a <medic> who <allegedly>

12 raped a detainee? Is that something you remember, or you do not

13 remember it at all?

14 A. As I have indicated, regarding the affairs outside my work, I

15 did not pay much <attention to them>. All the works were

16 organized by Hor, Huy and Peng. And I simply focused on my

17 personal assignment <because I had a lot of work to do, and I was

18 afraid that I was in trouble --> and I was not interested in any

19 other works organized by these individuals.

20 [11.04.01]

21 Q. Thank you. I have a last question, Mr. President, since I

22 <believe> I'm running out of time.

23 Did you know a guard at the time called Chhoy (phonetic) who is

24 believed to have fled to Vietnam?

25 A. Allow me to say that my recollection of names is not clear at

41

1 the present time. There was an incident where a prisoner
2 successfully fled.

3 Q. I am referring to a guard here. He is believed to have fled to
4 Vietnam. Does that ring a bell to you? That guard was accused of
5 moral misconduct.

6 A. Regarding a guard who was accused of misconduct, I cannot
7 recall it. As I said, it happened many years ago and I did not
8 pay my attention to the works of other people.

9 MS. GUIRAUD:

10 Thank you, Witness. Thank you, Mr. President. I have no further
11 questions for the witness.

12 MR. PRESIDENT:

13 I would like now to hand the floor to Judge Lavergne to put
14 questions to this witness.

15 You may take the floor, Judge Lavergne.

16 [11.06.12]

17 QUESTIONING BY JUDGE LAVERGNE:

18 Thank you, Mr. President. Good morning, Witness. I have a number
19 of questions for you. These questions essentially are follow-up
20 questions.

21 Q. I would like us to start by revisiting your biography, and it
22 is a document that was shown to you yesterday. There were two
23 biographies. One was short, and the other one was longer.
24 Regarding the much longer biography, the reference number is
25 E3/10570.

1 In that biography, at point number 5, there is a column regarding
2 the class status. And you stated under that column, "Pure class
3 status".

4 Can you tell us what that means, being of a "pure class"? Let me
5 point out that the Khmer page is 01241610, and the page in
6 English is <the first page of the document,> at the end of point
7 number 5.

8 What does it mean to belong to a "pure class"?

9 [11.08.03]

10 A. I would like to review that biography before I make my
11 response to Your Honour's question.

12 JUDGE LAVERGNE:

13 If you do not have the document before you, I can have it
14 presented to you. <It is possible -->

15 MS. GUISSÉ:

16 While the witness is looking at the document, can we confirm that
17 we do not <necessarily> have the full translation in French? And
18 it's document E3/10570.

19 JUDGE LAVERGNE:

20 To be very frank, I do not have the French version before me. I
21 have only the English version. And just before point number 6, we
22 have "Class status: pure".

23 MS. GUISSÉ:

24 That doesn't feature in the French. I just wanted to <mention
25 that>.

1 [11.09.20]

2 BY JUDGE LAVERGNE:

3 <For once,> I prepared for my questioning on the version that was
4 available <in the interest of time>, and it <was> in English.

5 Now, the question is whether it <exists> in Khmer.

6 MR. SUOS THY:

7 A. Here it refers to the origin of the class status.

8 Q. Can you please repeat what you said?

9 A. Here, in this biography, it mentions the origin of class and
10 not pure class as you indicated. And here for the origin class
11 status, it refers to the profession after joining the revolution
12 as well as the class status of being a soldier.

13 [11.11.09]

14 JUDGE FENZ:

15 I think the question is if it is filled in. I heard the Khmer --
16 the French version opened; it simply doesn't -- it has the line,
17 but it doesn't have -- it isn't filled in, yeah. So what about
18 the Khmer version; can somebody look into the Khmer version?

19 MR. PRESIDENT:

20 Judge Lavergne, please indicate <> which point you actually
21 focusing <on>; in particular, which number on the Khmer document?

22 BY JUDGE LAVERGNE:

23 In the Khmer document, <I believe> it's on the second page and
24 the Khmer ERN is 01241610 and in the English version, it is
25 directly <above> point number 6. It is stated, "Occupation after

1 joining the revolution," there is a line on which we find "Class
2 status: pure".

3 MS. GUISSÉ:

4 In Khmer, I am told that there is no <annotation, just like in
5 French, it is not filled out. So it may be> an error in the
6 English translation.

7 JUDGE LAVERGNE:

8 <Next time I will only trust the French versions.>

9 Q. In this <same> biography, you mention your brothers and
10 sisters. Yesterday, you stated that you were not able to join the
11 <CPK> because of your family background; can you be more
12 specific? In what way did your family background prevent you from
13 being a member of the CPK?

14 [11.13.20]

15 MR. SUOS THY:

16 A. Regarding my biography, I can say that I could not become a
17 member of the Party. I was, in fact, a member of the Youth League
18 <because> I was active during the war period.

19 And after that, through the examination of my biography, it was
20 found out that all my family members and relatives lived in Phnom
21 Penh. And during the coup d'état -- after the coup d'état by Lon
22 Nol, I returned to my native village. <My four younger siblings
23 were at home> while <my four elder siblings> were <working for
24 the Lon Nol regime. All four of them were soldiers. Later on, my
25 elder siblings brought all my younger siblings to live> in Phnom

45

1 Penh and I was by myself in the native village to look after our
2 house and belongings.

3 So they could see <by> examination of my biography, the rest of
4 the family members lived under the Lon Nol regime and that I was
5 also categorized as a petite bourgeoisie student and for that
6 reason, I would never be -- become a member of the Party due to
7 this background.

8 [11.15.09]

9 Q. Now, you state that all your family members resided in Phnom
10 Penh. You were even more specific in your biography since you
11 stated that you had a sister who was a member of the medical
12 staff and two brothers who were soldiers. Were they soldiers in
13 the Lon Nol army, Mr. Suos Thy?

14 A. They were Lon Nol soldiers.

15 Q. Did anything happen to them during the Democratic Kampuchea
16 regime?

17 A. During the DK period, after they did research and found out
18 that my elder brothers were former soldiers, they were arrested
19 and killed and one of my elder brothers, who was <> a <medic>, I
20 actually was evacuated to Battambang and due to the shortage of
21 food, he died.

22 Q. To date, you <were> a member of a family of nine children<, I
23 believe>; do you still have brothers and sisters who are alive
24 today?

25 [11.17.10]

1 A. Allow me to clarify that. I was one of the eight siblings. As
2 for those <four> who were soldiers, that included my in-laws --
3 my younger in-laws as well. <Those four were young> and during
4 the Khmer Rouge regime, all <my siblings> were evacuated to live
5 in Battambang province. <And there was a person who was arrested
6 there who> worked in a mobile unit in <Kaoh Khael commune and
7 then was sent to Kaoh Kor,> and only my elder sister along with
8 her husband, who was a former <medic>, went to Battambang
9 province.

10 Q. <Can you answer my question, how> many of your siblings are
11 still alive today?

12 A. At the present, there are three of us; namely, myself and my
13 two younger sisters and one of my younger sisters actually is
14 paralyzed from hypertension.

15 [11.19.23]

16 Q. Regarding the clarification of your family situation, Mr. Suos
17 Thy, were you married when you were at S-21 or prior to joining
18 S-21?

19 A. I was not yet married while I was working at S-21 and I got
20 married only after the fall of the regime and I got married in
21 1981; rather, it was 1980, not '81.

22 Q. So if I sum up what you are saying, when you were working at
23 S-21, you had a background which you, yourself, described as
24 petit bourgeois. Unless I am mistaken, you, yourself <also>
25 studied in Phnom Penh at a school that was close to <here>. Did

1 you study at the secondary <or> primary school of Chaom Chau?

2 A. I studied at the Chumpu Voan <school in Chaom Chau>. That's
3 called La Lycée Chumpu Voan and I was in grade 2 in the old
4 education system.

5 Q. Is that <a secondary school located in> Chaom Chau?

6 A. It was located in Chaom Chau and it was close to Chaom Chau --
7 to Chumpu Voan Pagoda. <It was called Le Lycée Chumpu Voan.>

8 Q. You were a member of Division 112, which subsequently became
9 Division 703, according to what you stated yesterday. <Was> your
10 membership of that division <something negative> in your
11 biography?

12 [11.22.06]

13 A. In the biography, if we use the term used during the regime,
14 it refers to the not good element; however, because there were
15 not many intellectual people, at the time, they decided to use
16 me.

17 Q. Mr. Suos Thy, I believe that you perhaps observed that some of
18 the prisoners at S-21 came from Division 703; was your past and
19 belonging to a background that you described as petit bourgeois
20 and the fact that you were yourself a member of Division 112,
21 were these elements <that made you afraid that> you, yourself,
22 could have been arrested?

23 [11.23.20]

24 A. I worked at office S-21 and I was so scared while I was
25 working there. The fear was with me all the time. I observed that

1 people whom I used to work with, including my commander, had been
2 arrested. And later on, Huy was also arrested. I felt so
3 <hopeless, I thought> that I would be arrested since I belonged
4 to the same network and usually people who belonged to the same
5 network would be arrested <if that network was the target for the
6 arrest>.

7 Q. Did that fear prompt you to become a zealous agent of S-21?

8 A. I tried my best to work, at the time, so that I could avoid
9 being <monitored> and arrested.

10 Q. I will move into another line of questioning. In the 1980s,
11 did your work at S-21 <lead to> your your detention and if yes,
12 <what were you accused of, and what> happened?

13 A. I recall that in 1984, they came to arrest me at my home on
14 the allegation that I worked at Tuol Sleng Prison and I was
15 accused of being the top chief of Tuol Sleng Prison.

16 Q. Were you <imprisoned> and if yes, for how long?

17 A. I was arrested and placed in prison for about five years. I
18 <know> that it was five years because every week I made a mark on
19 the prison wall<,> and I was subsequently released in <late>
20 1987. <I was arrested in '84.>

21 [11.26.56]

22 Q. Thank you for this clarification. I would like us to broach
23 another subject now. Yesterday, questions were put to you
24 regarding S-21 and the location of S-21 <in> the different
25 <buildings> at S-21. Can you tell us whether you do recall that

1 at the top of a gate at S-21 was a red panel with inscriptions
2 written on it <in yellow lettering>; do you remember this kind of
3 <panel> that was placed above a gate?

4 A. I cannot recall it clearly regarding any <yellow placard> at
5 the <red> gate.

6 Q. I'm not talking of the main gate. May I ask the Audiovisual
7 Unit to screen an image from the documentary E3/719R. The title
8 is <"The Angkar". Can you> screen that image<?>

9 [11.28.32]

10 MR. PRESIDENT:

11 AV Unit, please display that image per Judge Lavergne's request.

12 BY JUDGE LAVERGNE:

13 <It's> hard to read what's written in this image and the Chamber
14 asked the translation unit to <provide> a translation that will
15 be filed very soon<, it is not in the case file yet,> and <so>
16 ITU provided the following translation. "<Constantly heighten>
17 the spirit of revolutionary vigilance, all enemy tricks and
18 absolutely protect the nation, the revolution, the people, and
19 the Party."

20 I'd like to also specify that in Chandler's book, there is an
21 English translation. So this is in Chandler's book, "Voices of
22 S-21." Oh, I cannot find the references here, but I'll give them
23 to you later.

24 Well, the following is said in English, "Over the gates was a red
25 placard inscribed in yellow with a Khmer slogan, "Fortify the

1 spirit of the revolution. Be on your guard against the strategy
2 and tactics of the enemy so as to defend the country, the people,
3 and the Party."

4 Q. Does this refresh your memory in any way?

5 [11.31.26]

6 A. As I have indicated, I cannot recall the placard. When I left
7 my workplace for meals, I would go straight to the dining hall
8 and after I finished my meal, I quickly returned to my office.

9 Q. Well, just a question before the break: Do you remember, Mr.
10 Suos Thy, if some of the cells <at S-21> had <iron> beds in them?
11 We've seen a certain number pictures of S-21 and showing the
12 presence of <iron> beds and sometimes even bodies of dead people
13 on these <iron> beds, so do you remember seeing <iron> beds in
14 the S-21 cells?

15 [11.32.32]

16 A. Allow me to reiterate the point that I did not know about
17 whatever was available in the special prison; namely, any metal
18 bed. And only later on when I was invited for an interview and
19 presented with metal bed, then I <realized> their existence.

20 As for those who were detained in the main buildings, they did
21 not sleep or rest on beds; they actually slept directly on the
22 floor.

23 MR. PRESIDENT:

24 Thank you. It is now appropriate time for a lunch break. We take
25 a break now and resumed at 1.30 this afternoon.

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1 Court Officer, please assist the witness at the waiting room
2 reserved for witnesses and civil parties during the break time
3 and invite him as well as his duty counsel back into the
4 courtroom at 1.30 this afternoon.

5 Security personnel, you're instructed to take Khieu Samphan to
6 the waiting room downstairs and have him returned to attend the
7 proceedings this afternoon before 1.30.

8 The Court is now in recess.

9 (Court recesses from 1133H to 1331H)

10 MR. PRESIDENT:

11 Please be seated. The Chamber is now back in session. And I give
12 the floor to Judge Marc Lavergne to continue putting questions to
13 the witness.

14 BY JUDGE LAVERGNE:

15 Yes, thank you, Mr. President.

16 Before I put new questions to the witness, I first wanted to
17 provide the ERN references of Mr. Chandler's book that I quoted
18 this morning. So this is document E3/1693; English, ERN is
19 00192681; French, 00357264; Khmer, 00191830.

20 [13.32.28]

21 Q. Witness, I wish to put the following question to you: At S-21,
22 was there a department in charge of supplies; that is to say, a
23 department in charge of relations with other administrations in
24 order to meet the operational needs of the prison? Let me give
25 you some examples. In order to have S-21 operate, iron was

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1 necessary to build shackles or they had to receive iron shackles
2 directly, <perhaps> bricks were necessary to build walls and
3 <create cells,> vehicles were necessary and <perhaps> ammunition,
4 clothes; so was there a department at S-21 that was in charge of
5 all of this?

6 I know that my question was rather long, but did you understand
7 it?

8 [13.33.52]

9 MR. SUOS THY:

10 A. I understand your question about the supplies to S-21. There
11 was a logistics department or economic department, but in regards
12 to cuffs or bricks; it was Hor <and> the guards' unit that were
13 responsible for resolving this matter.

14 Q. Do you know who this person would report to<, for example,> to
15 <obtain> shackles? <Who manufactured> the shackles? Where <did
16 they come from>? It appears in certain photographs <that some of
17 the iron used looked like the iron used for construction,
18 concrete reinforcing rods, the iron> placed in concrete to
19 reinforce the concrete. So do you have an idea where the shackles
20 came from?

21 A. I did not know clearly about this matter because it was Hor's
22 responsibility. <>

23 Q. You, yourself, you needed paper; maybe you needed typewriters,
24 so whom would you talk to to obtain those supplies?

25 A. For paperwork, I contacted Meng who was in charge of the

1 S-21's interrogation unit.

2 [13.36.38]

3 Q. Well, you said that there was a logistics unit which was part
4 of which unit -- depended on which unit; was it part of the
5 interrogators unit, of the guard unit? Where was this unit placed
6 in the organization and who was heading this logistics
7 department?

8 A. The logistics unit that supply fish, meat, there was only one
9 person in charge of that and it was located within the
10 interrogation unit and there was only one person in charge of
11 that.

12 Q. And do you remember that person's name?

13 A. I remember his name; the name is Than.

14 Q. Can you please repeat because apparently, there was a problem
15 in our link with the interpretation booth so we didn't hear the
16 name; can you please repeat it?

17 A. The name is Than who was in charge of economics <between at
18 S-21D and> S-21B, <he> who was in charge of obtaining meat and
19 vegetables.

20 Q. Well, I'm sorry to ask you that question for the third time,
21 but I still did not hear the name of this person. Please just
22 tell me the name.

23 A. The name is Than.

24 [13.39.30]

25 Q. Fine, now <we> finally heard the name <that the witness said>.

1 It was Than.

2 MS. GUISSÉ:

3 I'm not sure if the other French speakers heard it, but
4 apparently there's a connection problem or in any case, there is
5 static coming from the French booth so I think that that is the
6 issue.

7 JUDGE LAVERGNE:

8 I don't have any static, personally speaking, but it's true that
9 I did not hear the name.

10 Well, now we're going to move on to another topic, Witness.

11 Yesterday, the prosecutor put to you questions about Takhmau

12 Prison and I'd like to provide a document to you. This is

13 document E3/9841 and I would like to specify that this document

14 has just been translated and I believe the parties were notified
15 of this; maybe not through ZyLAB <or email>.

16 So yes, the translation I have of this document states the

17 following on the cover page, so I'll read it out in English.

18 "Incoming List: All comrades are requested to not to tear or

19 touch this book and one shall not tear off any pages of the book

20 as these are merely the list of enemies."

21 [13.41.36]

22 On the following pages, you can see that bills from a company by

23 the name of Seng-Hong are included in their columns and we see

24 peoples' names with the name of their spouse and at the bottom of

25 the first or the second page, rather, we see the following that

1 is written, "Taken to Takhmau to be smashed on 14 November 1976."

2 Witness, did you ever see this document?

3 A. I never encountered this document before.

4 Q. Do you recognize the handwriting<--> is this handwriting

5 familiar to you? Can you tell us who possibly wrote all of these

6 notes?

7 [13.43.06]

8 A. I cannot say it clearly because I had no contact with the

9 Takhmau Prison, so I could not tell you who wrote it. <And I had
10 never seen this list.>

11 Q. Well, on this list, there are different indications; in

12 particular, indications of people who returned from abroad who a
13 priori were arrested. There's someone who returned from France

14 and there is a judge who was returning from France and we can

15 also see, a little bit further down, lists <indicating, > a

16 priori speaking, <which> cells or places where people were

17 placed. For example, at one point, they speak about a house, "Ko"

18 (phonetic), so at S-21, were such designations used such as house

19 "Ko" (phonetic) or "Kor" (phonetic)?

20 A. At that time, there were such designations on buildings, but

21 when I examine this document; it does not match with S-21B. <This

22 was a place in Takhmau. It was a different place.>

23 Q. Can you be a bit more explicit and tell us how this document

24 <does> not <match with> S-21B?

25 A. Because everything looks different in terms of building

1 locations and even the list style or formats are different.

2 Q. Thank you. You said to us, Witness, that when you were at
3 S-21, you were part of the guard unit. So the unit in which you
4 were working, was it called the documentation unit?

5 [13.47.02]

6 A. I was within the guards unit.

7 Q. Fine, I understand, of course, that your department was part
8 of the guard unit, but you, yourself, personally speaking; was
9 there <a department, or can we consider that you> were in charge
10 of a <department> called the documentation department or was
11 there elsewhere at S-21 a group or department called the
12 documentation group?

13 A. Within the guards unit, there was no department of
14 documentation. <There were 18 groups in the guard unit.> My group
15 is called the "18 group" and it was within the guard unit. And
16 let me add some more details; in the 18th group, it also included
17 <an electricity service> and <Than, the one in charge of the
18 economics,> was also within this department.

19 [13.48.59]

20 Q. In the <interrogation> group<,> in the interrogator unit, as
21 far as you know, was there a group called the documentation group
22 and if yes, who was in charge of this documentation group?

23 A. In the interrogation unit, I do not know clearly about who was
24 the supervisor of the documentation group. But for the
25 interrogation unit, it was called the first office group, <> Duch

1 was the chairman <and Meng was the supervisor>.

2 As I told you, I cannot recall well about who was the chairman of
3 the documentation group.

4 Q. <You> have just confirmed that there was a group called the
5 documentation group within the interrogator unit; is that the
6 case? And if that is the case, can you tell us how many people
7 were working in this documentation group and if you know, can you
8 tell us if they had other duties than simply documentation? For
9 example, in this group, were there people who, themselves, would
10 carry out interrogations?

11 A. Let me clarify again; concerning the work of the interrogation
12 unit, I do not know clearly because I worked within the guards
13 unit.

14 [13.51.27]

15 Q. Fine. Witness, you said that you took part in a certain number
16 of training sessions. Can you tell us if, during these sessions
17 when prisoners were being discussed, were they referred to as
18 prisoners or were they referred to as enemies? How were the
19 detainees designated during the training sessions?

20 A. I did not pay much attention to these words because everyone
21 who was brought in was called prisoners. I did not pay much
22 attention to the labels that you just mentioned, whether they
23 were called prisoners or <enemies>.

24 Q. Fine. Witness, I'm going to ask that a document be provided to
25 you. This is document E3/8386. This is a document or rather a

1 circular entitled, "The Surveillance Regulation of the Enemies".

2 This document is at Khmer ERN <00002637> to 2640 and in English
3 00521631 to 34. Does this document remind you of anything?

4 [13.54.22]

5 A. I did not know about this document. It -- it was probably
6 circular issued to the guards. I, myself, have never seen it.

7 Q. Later on, we'll get back to this document. Now, I would like
8 to return to very practical aspects <regarding> the arrival of
9 the prisoners at S-21.

10 When the prisoners arrived,<did you or> were you able to sign a
11 document which was kind of a release -- or a <kind of> receipt,
12 rather, covering the prisoners who had just <been sent to you>?
13 Do you remember using this kind of document?

14 A. The special unit was in charge of receiving the prisoners. For
15 me, I -- I received the prisoners from the special unit who
16 brought the prisoners into the prison.

17 [13.56.39]

18 Q. Well, I'm going to ask that a document be provided to you.

19 This is a document that is an excerpt from document <E3/8763>.

20 Khmer ERN is 00008084. The English ERN is 00182982.

21 So I wish to specify that we can no longer read the <names> of
22 the prisoners or the names in the columns in this document
23 because this document is a table. We simply see the outline and
24 the titles of each column. So we see the original name and
25 <perhaps an> alias, age, sex, professional occupation, and the

1 unit<, ministry> or the office where these people came from and
2 below this table we see an annotation stating the date of
3 receipt, the number of people who were received and we also see
4 <"Handed over by Than,"> and apparently, <it is also written,>
5 "Received by Thy," so did you use this kind of form?
6 A. I never made such a form when I was working at S-21. It was
7 the special unit, who were based outside, <they> gave the
8 prisoners to <me and I wrote it like that>. I rarely made such <>
9 forms. As I said earlier, it was the special unit, which was
10 based outside, who were in charge of bringing in the prisoners.
11 [13.59.43]

12 Q. Witness, there are very precise indications on the document.
13 <It is indicated> that the persons were handed over by a person
14 called Than; do you know that person Than<,> and below that it's
15 indicated, "Received by Thy" and there is a signature on the
16 document; do you recognize that signature as yours? And
17 apparently, <on top,> above office S-21, it is indicated "Signed
18 by Hor."

19 A. Regarding <the receiving form,> I never <made> it <> and the
20 signature is not that clear to me. <My signature is not like
21 that.> And if it was Than's, Than was also a part of the special
22 unit.

23 Q. And in particular, the document doesn't specify <whether> you
24 were the one who drew up the list. <It could be a> list <that>
25 was given to you when the prisoners arrived. Do you understand

1 that?

2 A. Of course, I understand that. Whenever the special unit
3 brought the prisoners in, I received those prisoners and then I
4 would make their biographies. Usually it was the exchange between
5 the special force -- the special unit and myself.

6 Q. Witness, were you informed in advance of the arrival of
7 prisoners at S-21 or it was always in the last minute that you
8 were informed that the prisoners had arrived and you had to
9 register them?

10 A. I was not told in advance that prisoners would arrive. When
11 they arrived, they would be brought in and I was never told that
12 they would arrive. So when the prisoners were brought to me, I
13 would register their names.

14 [14.03.04]

15 Q. When the prisoners arrived and they were handed over to you,
16 were you also given documents concerning those prisoners apart
17 from the list we are talking about?

18 What I mean is did they give you biographies drawn up by the
19 units from which they came, <or confessions,> notes<, or>
20 messages for instance? Were those prisoners sometimes accompanied
21 by documents?

22 A. For prisoners who arrived, I never received any documents
23 accompanied with them. Usually if there were any documents, it
24 would be delivered to <Duch already> and only the prisoners were
25 walked in by special units to me for registration.

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1 Q. Very well. Let me take an example and I will request that
2 document E3/10521 be given to you. The ERN in Khmer is 01180400
3 to 01180413 and the ERN in English is 01191483 to 95.
4 These are biographies of Vietnamese fishermen. Did you ever see
5 these kinds of documents and do you know whether these documents
6 are from S-21 or from elsewhere?

7 [14.06.06]

8 A. I do not know about this document. If this document existed,
9 Duch would have it in his possession. Usually when people were
10 brought in and if there was any document accompanied them, then
11 Duch would be in possession of those documents.

12 Q. Witness, when prisoners arrived at S-21 were they searched?
13 Please tell me if I am wrong. What I understand is that when
14 prisoners arrived they were blindfolded and handcuffed. Is that
15 correct and were they searched?

16 A. Prisoners who were brought into S-21 were brought in from
17 various locations. So to my understanding, they were actually
18 searched at the locations where they were about to be taken to
19 S-21. And upon their arrival, they were blindfolded <and> cuffed
20 and they had nothing else with them <when they arrived at my
21 place>.

22 Q. Did they have to take off their clothes?

23 A. Upon their arrival at S-21, they were stripped of their
24 clothes by a special unit before they were brought to my office.
25 Sometimes they were half-naked or they wore trousers or a shirt.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 [14.08.44]

2 Q. Why were the clothes of prisoners taken off?

3 A. That was done by the special unit and I did not know the
4 reason behind that. My understanding is probably they conducted a
5 search of those prisoners <before bringing them in>.

6 Q. When you testified on the 28th of July 2009, before 10.57,
7 document <E3/7465> (sic) this is what you stated:

8 "The detainees who arrived at my unit had to take off their
9 clothes and keep only their breeches on and they were not
10 authorized to take <or keep> anything <with them> at all.
11 Prisoners were arrested <outside> S-21 <and> were not authorized
12 to bring with them anything other than their own clothes." Do you
13 confirm that statement?

14 [14.10.17]

15 A. I would like to clarify the following: When prisoners arrived
16 at the special unit, the prisoners' clothes would be stripped and
17 of course they were still blindfolded and cuffed and when they
18 arrived at my location, there was nothing attached to these
19 prisoners. <After registration, they would be sent to the prison
20 building/cell.>

21 Q. A while ago we talked of the rules and document E3/8386. Let
22 me point out that your statements <contradict> with what is found
23 in those Rules, particularly point number 12 of the <first>
24 paragraph which reads as follows:

25 "As regards the clothes of the enemies, they <all> have to wear

1 them. They are not allowed to take off their clothes. If they
2 take off their clothes without authorization they would be
3 imperatively confiscated so that they won't have anything to put
4 on."

5 Do you stand by your statement? You are saying that the practice
6 was that the detainees wore only shorts.

7 A. On the issue of clothes, I did not know for sure. It is
8 possible that the interrogation unit people might allow them to
9 wear those clothes again.

10 I cannot recall clearly since it happened many years ago.

11 [14.12.50]

12 Q. Yes, except that when they appeared before you, you could see
13 whether they were dressed or not<, Sir>. When they appeared
14 before you, did you observe that they were wearing anything or
15 were they <not>?

16 A. It varied. Some of them had clothes on. Some of them wore
17 shorts and <were> shirtless.

18 However, most of them would have shorts and shirts on.

19 And I did not pay attention to that. Whether they had their
20 clothes on or not depended on the special unit. If they had
21 shirts and shorts, they would have shirts and shorts on when they
22 appeared before me.

23 [14.13.58]

24 Q. Witness, did you sometimes see civilian Vietnamese detainees
25 arrive in civilian attire and then did you <later> see <them in>

1 Vietnamese military attire? <Did you ever see this kind of
2 practice?> Did you ever see civilians asked to wear military
3 attire?

4 A. To my knowledge, I never saw Vietnamese prisoners in military
5 uniforms. They wore civilian clothes but <regarding wearing
6 military uniforms, I do not know about that for sure>.

7 Q. I will read out to you point number 10 of the regulations, and
8 it is point number 10, paragraph 1: While on guard, cadres and
9 combatants <absolutely> must <search the prisoners> at all
10 times<, constantly, according to> the schedule; that is, <search
11 them> four times<,> at 6 a.m. once, at 11 a.m. once <again>, at 6
12 p.m. once and at 11 p.m. one last time."

13 Did you witness such searches?

14 A. Personally I did not pay attention to the regulations for
15 those guards. Only Huy, who would be well versed about these
16 regulations or about the searches.

17 Q. Did you observe whether or not upon their arrival some
18 prisoners had signs that they had been beaten? <Did some
19 prisoners have bruises? Or did some prisoners die> during their
20 transportation to S-21?

21 [14.16.50]

22 A. For prisoners who were transported and died upon arrival, I
23 never saw such a case at my place.

24 As for the bruises, I did not pay attention to that. My focus was
25 to write up the names when they were presented before me.

1 Q. Witness, when you asked them to unveil their identities; for
2 instance, when you asked them what their names were, did you look
3 at them and did you observe that some of them had bruises on
4 them?

5 A.I did not pay attention to any bruises or marks on the
6 prisoners because they kept coming in. So I had to take down
7 their name and a brief biography one by one and after that they
8 would be sent off to be photographed.

9 [14.18.20]

10 Q. So for instance it never happened that a prisoner was sent
11 directly <to the> medical service because they arrived in a
12 pitiful condition?

13 A. No, that never happened. There was no case where a prisoner
14 arrived <requiring> medical service.

15 Q. Very well. So your work, your initial work consisted in
16 filling out biographical sheets, <more specifically> filling out
17 blank spaces on those sheets<,> which were individual <sheets>.
18 What were the objectives of those individual forms and how many
19 copies <were made of them>, a single copy or several copies?

20 A. There was a single copy of the registration form. After I
21 filled in the registration form, the form would be later on
22 attached with a photograph and Hor was the one who <gave me> that
23 instruction.

24 And when I <had free time> then I would have to duplicate another
25 form from that.

1 Q. So you did duplicate. Who were you supposed to send those
2 duplicates to?

3 A. I cannot recall it clearly since I personally did not make
4 many duplicates of the original copies since I was so busy making
5 the original copies continuously. And I rarely made a duplicate
6 of those original copies.

7 [14.20.53]

8 Q. When you <made> the copies was it because you were requested
9 to make those copies, and if yes, who <did> you hand those copies
10 to?

11 A. As I have just stated, I <was supposed to> only do the
12 duplicate of those original copies when I had free time. <Hor
13 wanted me to do that.> But I was so occupied with the original
14 copies and I did not have time to duplicate those original
15 copies.

16 Q. Who did you give those copies to? Did you keep them <for
17 yourself> or <did> you <give> them to someone else?

18 A. The second copy was not taken elsewhere. It was kept at the
19 same location but, as I said, there were not many second copies
20 made since I was busy. <It was only when Hor asked me to do it as
21 soon as possible that I would do it, but> I was busy producing
22 the first copies as well as to make the original biography of
23 those prisoners.

24 [14.22.33]

25 Q. On each form, apparently, there was the indication of the

1 place where the detainee was imprisoned; for instance, a house, a
2 big cell or a small cell. Who decided whether the detainee was
3 going to be held in a big or small cell? Were you the one who
4 took that decision? Were any orders issued and how were those
5 orders issued?

6 A. Nobody gave explicit instructions as to which cell to house a
7 prisoner. It depended upon the guards who took them to the cells,
8 <whichever> cells were available, <> prisoners <would> be placed
9 in those cells by the guards.

10 Q. To fill out the biographical forms you had to indicate where
11 the prisoner was detained. Who <gave you that information? Did
12 you decide,> or was it the guards who <told you> that it <would
13 be> at such and such a place, such and such a cell or such and
14 such a house?

15 A. For prisoners who were brought in, they would be registered.
16 Their photographs were taken and the guards would take them by
17 themselves to the building or cells that were vacant.

18 Q. So it was the guards who gave you the information you needed
19 to fill out the biographical forms indicating where the prisoners
20 were held?

21 [14.25.13]

22 A. After I registered the names, the guards would take <> the
23 prisoners to the buildings themselves. And later on, I would go
24 to those cells, to <note> down the particular cells that the
25 prisoners were held <in>.

1 Q. Can you tell me how those archives and biographies were kept?
2 Was there an archiving system which was maintained in the order
3 of <date of> arrival<,> in alphabetical order, according to
4 buildings?

5 Can you tell us whether there was any particular order?

6 A. The biographies were stored in a big book and I cannot recall
7 clearly whether they were filed according to their units or they
8 were filed according to date of entry.

9 [14.26.49]

10 Q. And these big registers; were they in this form of books or
11 simple boxes in which sheets of paper were kept?

12 A. The main register existed in a form of boxes or dossiers where
13 I could attach those biographies in.

14 Q. <Beyond> the simple biographical forms, did each individual
15 have an individual file in which you could put, for instance,
16 confessions given by the detainees at S-21 or perhaps other
17 photographs? Was there an individual file which was more than a
18 simple biographical form?

19 A. At my office, there was no dossier for individual prisoners.
20 What it was is that there was only a single sheet of biographical
21 information together with their photographs attached.

22 Q. Do you recall whether the photographs of prisoners were taken
23 once they were executed <and> <were> those photographs <ever>
24 added <to> the biographical form<,> or if they existed, where were
25 they put?>

1 A. As for the biographies, usually only <> photographs of the
2 incoming prisoners <were> attached to the biographies but not the
3 photos of their executions.

4 Q. Do you know if there were photographs of executed prisoners?
5 [14.29.48]

6 A. I do not know for sure about this since I did not go to the
7 photography office. Only <the photographers,> Hor < and the guard
8 unit were> aware of that.

9 Q. Witness, I am going to read out part of the testimony you made
10 on <28th> July 2009. This is document E3/7466 at around 11.33 in
11 the morning. You said the following:

12 "With regard to the senior cadres, <we took> their pictures
13 <based on> orders coming from above. For example, Chhay Kim
14 Huor's picture was taken. Vorn Vet's picture was also taken as
15 well as Ly Phal, alias Phal."

16 And you specified then<, "Their> bodies were <exhumed> and <we
17 took> their pictures three days after the bodies had been buried.
18 Does this refresh your memory?

19 [14.31.11]

20 A. I cannot recall it well.

21 Q. Apparently this is what you said here before in this very same
22 courtroom. Do you have any memory issues, Mr. Witness?

23 A. I cannot recall it well.

24 MR. PRESIDENT:

25 The floor is given to Counsel Victor Koppe.

1 MR. KOPPE:

2 Yes, sorry to interrupt but it's my recollection that that was
3 Duch who said that, not the witness.

4 Yes, it is actually Duch who said that.

5 BY JUDGE LAVERGNE:

6 Well, maybe what Duch had said was quoted when this witness was
7 being heard but I will check this <during the break>.

8 Q. You said this morning that with regard to prisoners who were
9 exiting, you had to draw up a list of the prisoners who had to be
10 taken out of the groups. So was this word "taken out" used or was
11 it, rather, the <expression> "smash"? Did take out and smash mean
12 the same thing?

13 [14.33.21]

14 MR. SOUS THY:

15 A. For the words removal and smash, they have the same meaning.

16 Q. So, you said that you would receive a list with annotations
17 from Duch. So I would like to show you another list. This is
18 document E3/10166A <(sic)>.

19 Can this document be provided to the witness, please? Yes.

20 So I would like to specify that this is a document that has just
21 been translated and I believe that the parties were notified very
22 recently or they will be receiving an email <to that affect>.

23 The list is called "The list of people to be <removed> (sic)" and
24 unless I am mistaken, there is an annotation that was not
25 translated in the English version right next to the title.

1 Q. So Witness, can you read out what is written?

2 [14.35.32]

3 A. The written annotation is "smash".

4 Q. Did you ever see lists that resemble this one?

5 A. I find it hard to <draw any conclusion> about this list.

6 Q. Well I would like to specify for the public<, in order to
7 understand this document,> that this is a list of 40 prisoners
8 and <almost all of> these prisoners are women <who are notable
9 because they were> either pregnant or who had just delivered. I
10 would like to specify that this list contains the names of the
11 female prisoners, <their age,> their position, and the ministry
12 or the unit they came from and the date they entered S-21; the
13 name of their spouses, the occupation of their spouses, the unit
14 their spouses were working in and the number of children. We see,
15 for example, annotations like "Six <months> pregnancy, five
16 <months> pregnancy, four <months> pregnancy".

17 So do you remember having seen this kind of list, Witness,
18 knowing that if we look at each line we can see not only the name
19 of the female prisoner but also the number of children. On the
20 first line we know that this female prisoner had four children<,>
21 or three.

22 Did you ever see this list or this kind of list, Witness?

23 [14.39.12]

24 A. I find it hard to comment on this list because I have never
25 produced these types of lists. I never produced the lists which

1 <detailed> things <such> as just delivering babies, <no labour,
2 etc>. <I had never seen it.>

3 MR. PRESIDENT:

4 It is now a convenient time for a break. The Chamber will take a
5 short break from now until 3 o'clock.

6 Court officer, please assist the witness at the waiting room
7 reserved for the witness during the break time and invite him
8 back together with his duty counsel into the courtroom at 3
9 o'clock.

10 The Court is now in recess.

11 (Court recesses from 1440H to 1500H)

12 MR. PRESIDENT:

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

14 And again I would like to hand the floor to Judge Lavergne to
15 continue putting further questions to the witness. You may
16 proceed, Judge.

17 BY JUDGE LAVERGNE:

18 Thank you, Mr. President.

19 I crave your indulgence. <Earlier> when I quoted a transcript of
20 the 28th of July, those were indeed statements that were given by
21 Duch and not by this witness. What misled me was that the
22 statements were relayed during the testimony of this witness. Let
23 us return to the list.

24 Q. Mr. Witness, you had time to look at the list. Do you have any
25 remarks to make? You have stated that you are not the person who

1 drew up that list. <That is not what I was implying, but have>
2 you ever seen any list of that nature, lists on which names of
3 persons who had to be withdrawn were compiled?

4 [15.02.42]

5 MR. SUOS THY:

6 A. For such a document, I did not see it and the lists that I
7 drew up were not the same as this one.

8 Q. We have on record a number of documents that are presented in
9 more or less the same way. I will show you another document and
10 it is document E3/2285 and the ERN in Khmer is <00009110> to
11 <9111>. The ERN in English, 00873220 to 26.

12 That is a list of persons who were removed on the 29th of August
13 1977. And here again, we have a number of prisoners who are
14 mostly women but we also have children on that list including
15 young children. Since number 15 on that list is a child aged
16 seven, and there are annotations on the last column.

17 The annotation concerning this child is as follows. I will read
18 it out in English because the document exists only in English:

19 "Stubborn<, > sometimes lazy to work, be instructed but not
20 follow. This person used to be withdrawn one time, but
21 hospitalized."

22 There are other annotations, including annotations concerning a
23 number of prisoners who apparently didn't work sufficiently fast
24 <enough> or prisoners considered as being lazy.

25 Did you ever see that kind of list, Witness?

1 [15.05.39]

2 A. As for this list, my office did not draw up such list and I
3 did not know the origin of this list.

4 Q. For the <purpose of the> record, let me point out that there
5 is another list among others and it is a list of <persons> who
6 were removed on the 31st of December 1977. And here again they
7 are mostly women and in the annotations in the last column it is
8 indicated that these are women who were admitted to the hospital
9 and they were considered as always ill <and hospitalized>. They
10 were hospitalized and they were not working.

11 The reference of this document, as follows, Khmer ERN 00009097 to
12 98 and the reference in English is 00873202 to 08.

13 So Witness, as regards persons who <were> to be executed you only
14 received lists that had been handed to you by Hor and on which
15 Duch had made annotations; is that correct?

16 A. I <only> received the list for the prisoners to be taken out
17 from Hor.

18 [15.08.04]

19 Q. You also stated in your testimony that you also received lists
20 of prisoners who died of <disease>. I would like you to be shown
21 a document and it is E3/3181. This document is titled as follows,
22 "Names of prisoners who died on the 3rd of October 1977, died of
23 ill health." There are three names on the list and below that we
24 have the date on which the list was drawn up, <4th> of October
25 1977, and the annotation "already removed" is on it.

75

1 There are several tables including a table whose ERN in English
2 is as follows, 00784613 and the table is titled "Names of
3 Prisoners who died of Disease or Committed Suicide by Hanging".
4 There is the name of a woman, aged 20. She was from Regiment 152.
5 She was the deputy chief of Battalion <253> and <in parentheses
6 it is indicated that she hung herself.>

7 Do you recognize such lists, Witness, and can you tell the
8 Chamber to whom you gave those lists if you had seen them?

9 [15.10.27]

10 MR. SUOS THY:

11 A. In relation to the document indicated the <death due to
12 illness> was probably a report by the medic to Hor.

13 Q. So this document was forwarded to you so that you <could> add
14 the <names> of <those persons> on the list of executed persons.
15 Is that correct?

16 A. If Hor gave it to me, he added the name of the person who was
17 executed.

18 Q. Very well, thank you. Let us now talk of a list that has
19 already been presented to you by the Co-Prosecutor. You stated
20 that you are not the person who drew up that list, but I have a
21 number of questions for you.

22 These are lists of daily checks of the numbers of prisoners, and
23 it is document E3/8763 and the ERN in Khmer is 00008083.

24 Can the witness be shown this document? And <I also have, for use
25 by the parties, several - don't go - several documents that can

1 be submitted.>

2 Very well. This document is translated and the translation is
3 available with the ERN 00182980 to 81.

4 [15.13.04]

5 Very well. Witness, you remember the document? It's the same as
6 the kind of document shown you yesterday by the Co-Prosecutor.

7 There are two tables on the document. The first table is at the
8 top of the page and on it you will find two big columns. One is
9 for the army and the second is for autonomous zones and regions.
10 There is a first line on which there is a figure provided and, if
11 I understand that figure, it represents the number of detainees
12 the day before the document was drawn up. <The day before the
13 document was drawn up.>

14 And below the column for the army, you have <sub-columns>: 164,
15 <170>, <310> 450, <502> 703, 801, 920, 377, 488, 290 and
16 <offices>. These are autonomous zones and regions. We have the
17 <SW,> Southwest Zone, we have the <WZ for the> West Zone, then NW
18 for the Northwest and NZ for the North Zone and then EZ for the
19 East Zone, and NE for the Northeast. <Then we have> 106, 103,
20 105, 405 <(sic)> and we also have Regiment 152.

21 [15.15.14]

22 Are these columns familiar to you? Did you ever have to classify,
23 particularly in biographies, persons depending on their divisions
24 of origin or their zones of origin?

25 A. I cannot recall clearly about the biographies, whether they

1 were filed according to the zones they came from or <> according
2 to date <of entry>. However, to my understanding, they were filed
3 according to the zones and the sectors they came from.

4 However, I must say this is not a clear recollection of what
5 happened since it happened many years ago. So, I'm still unclear
6 as to whether the biographies were filed according to the zones
7 and the sectors or according to the date of entry.

8 [15.16.54]

9 Q. That is not the question I put to you. My question to you was
10 whether, in the biographies, there were columns <to fill out>
11 corresponding to the columns on the first line, that is, columns
12 according to divisions, zones of the origin or autonomous regions
13 of origin.

14 Did you have to include such information in the biographies?

15 A. In the biographies, usually it mentioned information as to
16 which division or which zone the person came from. For example,
17 if the person came from Division 703, that information would be
18 stated.

19 [15.18.05]

20 Q. Very well. Let me point out that on this table you have the
21 figure for the previous day. For the current day, you have the
22 <number> of persons who entered for each category, the <number>
23 of persons who were removed for each category, and the last line,
24 <which is> a tally of the total number.

25 Then you have a second table <further down> the page, and it is

1 presented in more or less the same way. You have the first column
2 which concerns state ministries. Then you have a second column
3 for transport and a third column is titled "Bandit". Then there's
4 another column titled "Spy". There's another column for the
5 railway; another column for the port, and another column for the
6 state <warehouses>.

7 Now, the translators subsequently indicated that there were
8 sub-columns in which suggested translations were provided. Can
9 you confirm that those columns correspond to the reality?

10 So below the first column you have "State Ministries". <On the
11 first line, the title of the> first column <is> two letters,
12 "PR", and the translator suggested that it could have to do with
13 the Ministry of State Commerce. Can you confirm that in using the
14 words "PR" it designated the <State> Ministry of <Commerce>?

15 A. <"PR"> is an acronym. It refers to the State <Ministry of>
16 Commerce.

17 Q. We have another column wherein we find "IND". Does that
18 correspond to Industries?

19 A. Yes, that refers to the Industry.

20 Q. The next columns bears the inscription "PW" for Public Works.
21 Was that indeed the case; does it stand for Public Works?

22 A. Yes, that is for Public Work.

23 Q. On the next column, <does that abbreviation> represent the
24 Energy sector<?>

25 A. Yes, that is correct. It refers to the Energy sector.

1 [15.22.06]

2 Q. Can you simply tell us what the next series of abbreviations
3 stand for? The next one is <translated as> "FA". What does that
4 stand for?

5 A. <There was no> printing house.

6 Q. Let me point out that the translators had suggested that it
7 could be Foreign Affairs, <that is> the Ministry of Foreign
8 Affairs?

9 MR. PRESIDENT:

10 Witness, please hold on. And Deputy Co-Prosecutor, you have the
11 floor.

12 [15.23.08]

13 MR. DE WILDE D'ESTMAEL:

14 Thank you. Perhaps I could be of some assistance. We see that in
15 the Khmer version<, we> have, I believe, all the names of
16 ministries mentioned except for two where we have only an
17 abbreviation, <and for those two,> the translator <noted> that he
18 thought it was the Minister of State<, I think,> and <for the
19 other, RP, if I'm not mistaken, he put down> printing house. <It
20 seems to me that for all of the others, the> names of the
21 ministries are given in full.

22 So <in that case,> I don't think it is necessary to ask the
23 witness to read each column. Thank you.

24 BY JUDGE LAVERGNE:

25 Q. Witness, can <you> confirm what the Co-Prosecutor has just

1 stated, that on each column you have the full name of the
2 ministry <or> the unit with the exception perhaps of printing
3 house?

4 MR. SUOS THY:

5 A. Yes, they are fully worded except two which are the acronyms.

6 Q. After that, we have the columns for land transport and water
7 transport. Then you have another column for bandit. What does
8 that <mean, "bandit">? Is that a column you used and <who> does
9 it <refer> to?

10 [15.25.23]

11 A. There was rarely any case denoting bandits, however, usually
12 that would be noted for those who deserted the rank.

13 Q. The next column is for spies. Can you give us the definition
14 of spies as far as the administration of S-21 was concerned? Who
15 <was a spy>?

16 A. Spies usually referred to the Vietnamese who <trespassed> into
17 Kampuchean territory, namely, Kampong Som.

18 Q. Mr. Suos Thy, according to you, <could a> Vietnamese who
19 arrived in S-21 been placed under a category <other> than for
20 <that of "<spy">?

21 [15.27.09]

22 A. When the Vietnamese -- when Vietnamese soldiers were arrested,
23 they would be labelled as spies. And at my location, we could not
24 question them extensively as we only needed to take their brief
25 biography and then they would be questioned at length by the

1 interrogation unit.

2 Q. But in these summary biographies, you <had> to fill out the
3 column regarding their position or their activities. Would you
4 have indicated spy or something else?

5 A. For Vietnamese people, since we did not have the ability to
6 <question> them extensively and usually when they were arrested,
7 for example in Svay Rieng, they would be labelled as spies so
8 that we could complete the form since we ourselves <were> not
9 competent in the Vietnamese language. Later on, it would depend
10 on the interrogation unit to question them at length.

11 Q. Very well. Let me point out that there are large numbers of
12 documents of this nature, that is, lists of daily <prisoner>
13 controls. We see a number of them in the <documentary "The>
14 Angkar" and we will have the opportunity to revisit those
15 documents.

16 Now, Witness, for purposes of clarity, can you tell the Chamber
17 whether all Vietnamese prisoners were considered and listed as
18 spies? The column "Enemy" does not exist. <A priori>, all those
19 who were listed were already considered as the enemy.

20 [15.30.04]

21 A. When they were brought into S-21, every one of them was
22 considered an enemy.

23 Q. In the French channel I heard, I don't know if it's a
24 translation issue, but sometimes I hear the witness speaking
25 about "enemy" and also speaking about "spy".

1 So what is the word you are using, Witness? Are you telling us
2 that they were enemies or are you telling us that they were
3 spies?

4 A. For Vietnamese people at the place where I <drew> up the list,
5 since we could not ask them extensively about their position, Hor
6 would instruct me that for soldiers, they would be labelled as
7 spies and if they were civilians from Kampong Som they would be
8 labelled as fishermen. So then we would know where they came into
9 the country, whether by sea at Kampong Som or whether by on land
10 at Svay Rieng.

11 [15.31.42]

12 Q. Fine, I'll get back later to the Vietnamese prisoners. I also
13 would like to speak about <what I believe was> another aspect of
14 your work.

15 On top of having to take the biographies of the prisoners, were
16 you also in charge of taking the biographies of the S-21 staff or
17 was someone else in charge of doing that job?

18 A. For S-21 staff, Ta Hor instructed me to make the short
19 biographies, but I made the biographies only for those who worked
20 within <the 18 groups of> the guards unit. <And Duch would be
21 responsible for the interrogation unit and Hor would be
22 responsible for the guard unit.> I produced biographies only for
23 those who worked in the guards unit.

24 Q. So there was someone else who would write up the biographies
25 of those working, for example, in the interrogation unit? And do

1 you know who was in charge of doing that?

2 A. The one who made the biography of all the staff at S-21 was
3 Meng who was in charge of that.

4 Q. As far as you know, did some staff members at S-21 go work at
5 times in other <security> centres? Did you know if there was any
6 kind of <relationship> between the S-21 Security Centre and other
7 security centres? That is to say, were there any staff members
8 who went to work elsewhere?

9 [15.34.13]

10 A. As far as I know, staff from S-21 were not rotated to work
11 elsewhere. <But this is beyond my knowledge. Maybe Duch assigned
12 some of them to work elsewhere, but I did not know about that.>
13 So what I said here is based on my knowledge, and I said it on --
14 based on my knowledge of things going on within my guards unit.

15 Q. We have a witness by the name of Mr. Chhaom Se who said that
16 there was someone by the name of Mr. Nau who was from S-21 and
17 then who went to work in a security centre at Au Kanseng and that
18 he had brought with him a certain number of confessions. <Did you
19 hear about or did> you know someone by the name of Nau who had
20 worked at S-21?

21 [15.35.39]

22 A. As I told you earlier, I had good knowledge only about things
23 that happened within the guards unit. As for other matters,
24 probably he was assigned by Duch, <but I did not know> about
25 that.

1 Q. I would like to discuss a last topic because I <know I> don't
2 have much time left.

3 You said in your testimony that you had attended training
4 sessions. Do you remember having attended training sessions, in
5 particular during the celebration of the Khmer Rouge victory
6 <anniversary>, during which all of the S-21 staff was <gathered>
7 together and where, allegedly, a film was screened, a film in
8 which you could see, allegedly, Vietnamese prisoners confessing a
9 certain number of things? Do you remember such a film?

10 A. <Regarding> the screening of the film, I have never seen it.
11 During each time I went for a training session, it was just a
12 short training session. I did not spend <much> time there because
13 I had to come back and do my job, <not like others who could
14 rotate themselves to do their work>.

15 Q. May the interpreter <repeat> what he just said because we have
16 a problem here in our headset apparently and so we cannot really
17 catch what's being said?

18 A. As I said earlier, that I did not spend a long time at the
19 training session to celebrate the anniversary of the victory <on
20 the 17th> because I had to come back <since there was only me> to
21 do my job. <And regarding the screening of the film, I have never
22 seen it. I saw them presenting some documents regarding the
23 ceremony --> Sometimes I attended the session in the morning and
24 I could not attend the afternoon session because <I urgently had
25 to get back to> my job<.>

1 [15.38.56]

2 JUDGE LAVERGNE:

3 Q. Well, Witness, I'm going to ask the AV Unit to screen part of
4 a documentary whose title is "Cambodia Kampuchea" and which is
5 indexed as follows, E3/2354R.

6 So the excerpt begins at 13 minutes and 29 seconds and ends at 13
7 minutes and 40 seconds. And this excerpt is being screened
8 because it <might> possibly<, emphasis on "might",> correspond to
9 a description Him Huy gave of a film that allegedly was screened
10 before the entire S-21 staff during an anniversary of the DK
11 victory.

12 So is it possible to screen this excerpt?

13 MR. PRESIDENT:

14 The AV Unit, please show the film on the screen as requested by
15 the Judge.

16 [15.40.30]

17 (Audiovisual presentation)

18 [15.42.16]

19 BY JUDGE LAVERGNE:

20 Q. So, Witness, well, I <deliberately> asked that the excerpt be
21 screened without the sound track deliberately because there are
22 comments on the sound track -- that I don't want these comments
23 to disturb the <viewing> of this excerpt. But now having seen
24 this excerpt, does this remind you of anything?

25 MR. SUOS THY:

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1 A. Because it happened a long time ago, I cannot recall it now.

2 My memory also does not serve me well.

3 Q. Did you recognize some people in this excerpt?

4 A. In this video excerpt, I saw Pol Pot who delivered a speech.

5 Q. So during the DK period, <did you have the> opportunity to see

6 Pol Pot <at other times>? Did you ever see Pol Pot?

7 [15.43.57]

8 A. During the DK regime, I rarely saw Pol Pot. I saw him on

9 documentary film when he went to visit China or other places.

10 Q. During the training sessions, <did they discuss> Vietnam and

11 the Vietnamese?

12 A. As I said earlier, during the training session, they raised

13 the topic about the 17 April victory. At that time, I did not pay

14 much attention.

15 Q. Witness, you never heard <expressions like ">the Vietnamese

16 are enemy number 1<"> or that <">it is necessary to hate the

17 Vietnamese<">?

18 A. During that regime, <they hated the Vietnamese.> The

19 Vietnamese were treated as the enemy.

20 [15.45.54]

21 JUDGE LAVERGNE:

22 Well, thank you very much, Witness. I have no further questions

23 to put to you. I'm aware that I kind of went beyond my time. <I

24 apologize, Mr. President.>

25 MR. PRESIDENT:

1 Thank you, Judge.

2 It is now convenient time for the adjournment. The Chamber will
3 resume its hearing on Monday 6 June 2016, at 9 o'clock.

4 <At the> hearing next Monday, the Chamber will continue hearing
5 the testimony of witness Suos Thy.

6 Thank you, Mr. Suos Thy. The hearing of your testimony as a
7 witness has not yet concluded. You are therefore invited to come
8 back again on Monday.

9 Thank you Moeurn Sovann, and the Chamber also would like to
10 invite you back to the courtroom next Monday.

11 [15.46.56]

12 Court Officer, in collaboration with WESU, please make necessary
13 transport arrangements to send Mr. Suos Thy to where he is
14 staying and invite him back to the courtroom next Monday at 9
15 o'clock.

16 Security personnel are instructed to bring Khieu Samphan and Nuon
17 Chea back to the detention facility and have them returned to the
18 courtroom on Monday 6 June 2016, before 9 o'clock.

19 The Court is now adjourned.

20 (Court adjourns at 1547H)

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