



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

6 June 2016

Trial Day 413

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 01-Aug-2016, 10:02

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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KHIEU Samphan

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I N D E X

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
Mr. KOPPE	English
Mr. LIV Sovanna	Khmer
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 The Chamber notes that there is a new duty counsel in replacement

8 of Mr. Moeurn Sovann, and the new duty counsel is Mam Rithea.

9 Ms. Se Kolvuthy, please report the attendance of the parties and  
10 other individuals to today's proceedings.

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case  
13 are present, except Mr. Son Arun, the national counsel for Nuon  
14 Chea, who <is> absent for the morning sessions <due to personal  
15 reasons.>.

16 And Mr. Kong Sam Onn, <the national counsel for Khieu Samphan>,  
17 is <also> absent for personal reasons.

18 Mr. Nuon Chea is present in the holding cell downstairs. He has  
19 waived his rights to be present in the courtroom. The waiver has  
20 been delivered to the greffier.

21 And the witness, Mr. Suos Thy, as well as Mr. Mam Rithea, the  
22 duty counsel, are present in the courtroom.

23 Thank you.

24 [09.03.32]

25 MR. PRESIDENT:

2

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

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

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

12 Having seen the medical report of Nuon Chea by the duty doctor  
13 for the Accused at ECCC, dated 6 June 2016, which notes that Nuon  
14 Chea has back pain <which> becomes severe and <that he> feels  
15 dizzy when he sits for long and recommends that the Chamber grant  
16 him his request so that he can follow the proceedings remotely  
17 from the holding cell downstairs.

18 [09.04.51]

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

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

25 That applies for the whole day.

1 The Chamber now hands the floor to the defence teams, first to  
2 the defence team for Nuon Chea, to put question to witness Suos  
3 Thy.

4 You may proceed.

5 [09.05.33]

6 MR. KOPPE:

7 Thank you, Mr. President. Good morning, Your Honours. Good  
8 morning, counsel. Good morning, Mr. Witness.

9 Mr. President, I'll be asking many questions today to the  
10 witness, also many questions in relation to documents, as you  
11 understand. I have prepared for the witness two binders so that  
12 whenever I refer to a document, the witness, possibly with the  
13 assistance of his duty counsel, can find the relevant document  
14 easily.

15 Mindful also of the email of the Senior Legal Officer, I will  
16 also -- we will also endeavour to have all the documents that we  
17 will show to the witness on screen so that people in the  
18 audience, but also our client, can follow our questions in a  
19 better way.

20 If it is all right with you, I will hand over the binders to the  
21 witness now so that he has them already, Mr. President, with your  
22 leave.

23 MR. PRESIDENT:

24 Yes, your request is granted.

25 [09.07.28]

1 QUESTIONING BY MR. KOPPE:

2 Q. Mr. Witness, before I turn to all the documents, let me start  
3 by asking you first some general questions.

4 In answering an earlier question last week from Judge Lavergne,  
5 you confirmed that you have been sentenced to a prison sentence  
6 in the eighties, up until four years in prison. That is correct,  
7 isn't it?

8 MR. SUOS THY:

9 A. I was arrested not in 1980, but it was 1984. And I was  
10 imprisoned for a period of four years.

11 Q. When you were released in 1988, were there any conditions for  
12 that release, or was it an unconditional release?

13 A. Regarding my release in 1988, I was allowed to return home and  
14 to become a good citizen and not to oppose them.

15 [09.09.07]

16 Q. Do you recall whether you gave any interviews to the  
17 investigators in the national case in the same manner as you have  
18 done to the investigators of the ECCC?

19 MR. PRESIDENT:

20 Witness, please hold on.

21 And International Deputy Co-Prosecutor, you have the floor.

22 MR. DE WILDE D'ESTMAEL:

23 Thank you. Good morning, Mr. President. Good morning to all of  
24 you.

25 I'm not sure I understood the question well because in the

5

1 question, a trial is mentioned. So I do not believe that the  
2 witness spoke about a trial <or> that he had been sentenced as  
3 such in 1984, so it's a question of the wording here. <I don't  
4 believe it has been> established that there was a trial, a  
5 <conviction,> and a sentence. Thank you.

6 JUDGE FENZ:

7 If I understood the question correctly, it's if there was a  
8 pre-trial investigation, which basically links to the question if  
9 there was a trial before he was arrested, yes.

10 [09.10.25]

11 BY MR. KOPPE:

12 That was, indeed, my question.

13 Q. Mr. Witness, before you served that four years in prison, were  
14 you interviewed by investigators of the national police?

15 MR. SUOS THY:

16 A. I was not interviewed <by the police> during my imprisonment.

17 Q. I will move on.

18 Mr. Witness, you spoke to many people in relation to your work at  
19 S-21. You spoke to investigate--

20 [09.11.21]

21 JUDGE FENZ:

22 Counsel, can you speak into the microphone? It's very difficult  
23 to understand.

24 BY MR. KOPPE:

25 Yes, I will.



1 Q. As I said, Mr. Witness, you spoke to many investigators--

2 JUDGE FENZ:

3 Is it just me who can't, or--

4 MR. KOPPE:

5 I think it is just you.

6 JUDGE FENZ:

7 --who can hardly hear it?

8 No, no. I think--

9 MR. KOPPE:

10 No, it's always as it's -- I think it's yours.

11 (Short pause)

12 [09.12.07]

13 JUDGE FENZ:

14 Go ahead, please.

15 BY MR. KOPPE:

16 Q. Mr. Witness, you spoke to many investigators. You spoke to

17 people from an organization called DC-Cam. You spoke to

18 journalists. You spoke to a documentary maker, investigators of

19 this Court.

20 Do you also remember speaking to American military persons?

21 MR. SUOS THY:

22 A. This matter happened a long time ago and I cannot recall that

23 specific event.

24 [09.13.01]

25 Q. Let me see if I can assist you a bit, Mr. Witness.

1 Do you remember speaking to American intelligence officers  
2 working for, I presume, the Department of Defence in 2002 and in  
3 2007?

4 A. No, I cannot recall that clearly. I do not remember it.

5 Q. Mr. President, this is a document I will not be showing to the  
6 witness because he has never seen it before, I presume. I will be  
7 referring now to document E3/7845, which is a document  
8 originating from the American authorities, I presume from  
9 intelligence officers of the Department of Defence.

10 It is an interview with this witness in August 2002.

11 Mr. Witness, it seems that you spoke in August 2002 with American  
12 intelligence officers, and I would like to ask you a few  
13 questions about the document they produced containing your  
14 interview.

15 On page 8, which is in Khmer, 00742 - 00742362; English,  
16 00276840; and French, 00778926; these American investigators or  
17 however you like to call them wrote down the following, something  
18 that you said, and I quote, "About"--

19 [09.15.45]

20 MR. PRESIDENT:

21 Please hold on, counsel, and please provide the <Khmer> ERN  
22 number once again. I do not get it clearly, and probably the duty  
23 counsel also did not have a full ERN number so that he cannot  
24 assist his client.

25 BY MR. KOPPE:

1 Just to be sure, that document is not in the binder, Mr.  
2 President, because he doesn't recognize the document. It's only  
3 in English as well, the original. But the Khmer page is 00742362.  
4 Q. And in this report, Mr. Witness, these investigators write  
5 down the following, something you said:  
6 "About two months before the People's Army of Vietnam forces  
7 capture Phnom Penh, all prisoners held in Tuol Sleng were moved  
8 to the west. When the PAVN forces arrived, there was a small  
9 staff remaining at the prison, including Suos Thy. When the  
10 People's Army Forces of Vietnam reached Phnom Penh, Suos Thy fled  
11 to Kampong Chhnang province, where he stayed for about a month.  
12 He then made his way back to Kaoh Khael commune." End of quote.  
13 Does this somehow refresh your memory, Mr. Witness? Is this  
14 something that you might have said to these American intelligence  
15 officers?  
16 [09.17.52]  
17 A. Regarding interview with American <intelligence officers>, I  
18 cannot recall any of that detail since I have been -- since I  
19 have provided interviews to many, many journalists, <students,>  
20 including some Americans. So I cannot recall every interview that  
21 I gave to those <people>.  
22 Q. I understand. That's no problem.  
23 But is it correct that prisoners who were detained in Tuol Sleng  
24 were moved to the west two months before the arrival of  
25 Vietnamese troops?

1 A. No, I cannot recall that I provided any statement regarding  
2 prisoners who were sent to the west. To my recollection,  
3 prisoners were not sent anywhere two months before the arrival of  
4 the Vietnamese.

5 [09.19.12]

6 Q. Then let me move on to something else you might have told  
7 these American intelligence officers, and that is on page 6 of  
8 that document, Khmer, ERN 00742360; English, 00276838; and  
9 French, 00778925. Under point 4 it says, and I quote again:  
10 "There were about 60 to 70 prisoners in Tuol Sleng when Suos Thy  
11 arrived at the prison. The prison was organized into three  
12 sections: interrogation, security, and logistics."  
13 I'm particularly interested in this number, "60 to 70 prisoners".  
14 Is that something that you might have told these American  
15 interviewers?

16 A. I cannot recall the figure and, as I have stated, through my  
17 various interviews I don't recall that I ever mentioned the  
18 remaining 60 or 70 prisoners.

19 [09.20.48]

20 Q. And finally, in relation to this document, Mr. Witness, do you  
21 remember talking to these Americans about Pin, Comrade Pin? Do  
22 you remember talking to them about him?

23 A. I do not recall that. And frankly speaking, my memory at  
24 present does not serve me well and I do not recall whether I  
25 mentioned any name <like> Pin through my various interviews. I

10

1 don't think I came across this Pin through my work at the time.

2 Q. Maybe I can assist you. Pin, one of the commanders of Division  
3 703? Ta Pin, I mean.

4 A. I did not have any <relationship> with Pin. Pin was former  
5 commander of Division 703. He was in that position when I was in  
6 the battlefield. And in fact, the name is not Pen (phonetic), but  
7 Pin. And later on, I did not have any contact at all with  
8 division level since it was very senior in term of chain of  
9 commander.

10 [09.22.50]

11 Q. Thank you, Mr. Witness. Let me move on to another interview  
12 that you gave.

13 That's an interview three years earlier, in 1999.

14 Mr. President, I'll be referring to document E3/10568, 10568. It  
15 is the witness' interview to the military court. More  
16 specifically, I'll be referring to Khmer page 00320756; English,  
17 00326773; French, 00326776.

18 First, a general question before I move to a particular question.

19 Mr. Witness, do you remember being interviewed in 1999 by the  
20 military court?

21 A. I was questioned once by the military court.

22 Q. Was that in the case against Duch?

23 A. I cannot recall that clearly.

24 [09.24.55]

25 Q. In this document, you referred to a few people working at

11

1 S-21. And there's one of -- one or two names that I would like to  
2 ask you about.

3 In this document, you talk about a person, and I hope I pronounce  
4 it well, Mr. President, Snguon - Snguon, Snguon. Is that someone  
5 that you remember?

6 A. Snguon was a member of a guard company.

7 Q. And how high in rank was he?

8 A. I cannot recall clearly. What I can recall is that he was  
9 member of a guard company. There was Snguon, Pouch (phonetic),  
10 Phal, who were in the former guard company before some members  
11 were arrested and replaced by new forces.

12 Q. In this interview to the military court, you also speak about  
13 the special prison. And I will get back to that, but just to  
14 finish with this subject, in this document on the next page, you  
15 say:

16 "The first and special prison was for placing the senior people  
17 and was outside and to the south." End of quote.

18 Do you remember saying this to the military court?

19 A. Yes, I recall that.

20 [09.27.34]

21 Q. Just to follow up on this, do you remember when the senior  
22 people or the more important prisoners were being detained in  
23 Building A within the compound?

24 Do you remember when that changed? When did the important  
25 prisoners go from special prison to Building A? Is that something

12

1 that you remember?

2 A. No, I cannot recall the exact <> year <> when they were  
3 brought in from the outside prisons to the main prison. I did not  
4 have any authority to see them even when they were detained  
5 outside or after they were moved into the main compound.

6 Q. These were my questions in relation to those interviews, Mr.  
7 Witness. Let me move on to my next subject.

8 At one point in time before 1975, you got wounded severely in  
9 battle and then, at one point in time, you became a medic. Is  
10 that correct?

11 A. Yes, that is correct.

12 [09.29.29]

13 Q. What were your tasks as a medic before 1975?

14 A. At that time, as a medic, I was attached to a platoon under --  
15 that is, the third platoon of <123> Company under 112 Battalion.  
16 <I was under a platoon at the battlefield.> Soldiers who were  
17 wounded in the battlefield would be sent to me and I would apply  
18 bandages on those wounds before they were sent to the rear.  
19 So I was there with the soldiers at the front battlefield.

20 Q. When you were working as a medic at the battlefield, were you  
21 ever in the position that you had to give blood to wounded  
22 comrades?

23 A. There <was not a lot of> medicine <on> the battlefield. <>  
24 Usually we had only the bandages to apply -- to apply on the  
25 wounded combatants, <and then they were sent to the rear>. We did

13

1 not have <injection> medicines <to treat them since we were in  
2 the trench at the front battlefield>.

3 Q. But my question was about giving blood to seriously wounded  
4 comrades. Did you, as a medic, ever give blood to wounded  
5 soldiers or, alternatively, when you, yourself, were seriously  
6 wounded, did you receive blood?

7 A. At the time, <there was> no transfusion of blood for the  
8 wounded soldiers. As I said, <there was not a lot of> medicines  
9 at the time.

10 [09.32.28]

11 Q. Now let me move a bit in time to 1976. Did you ever hear about  
12 a policy or attempts to make sure that soldiers who were wounded  
13 at the battlefield would receive blood from others in order to  
14 recuperate from their injuries?

15 A. On this particular issue, I do not know because it <was>  
16 beyond my duties. I did not concentrate on other tasks beside the  
17 ones that I was assigned to do.

18 Q. I understand, Mr. Witness, but nevertheless, let me read  
19 something to you from a document that you don't know but which  
20 might describe a policy in relation to blood donation.

21 Mr. President, I'll be referring to document E3/226. These are  
22 minutes of a meeting on health and social affairs, presumably  
23 together with members of the Standing Committee. More  
24 particularly, I'll be referring to Khmer, ERN 00017158; English,  
25 00183372; and French, 00296166.



14

1 [09.34.28]

2 I'll be reading an excerpt from this document to you now, Mr.

3 Witness:

4 "C. Concrete Issues of Some Ministries:

5 "First, issue of blood donation. We could expand it. We collected

6 the general public force to get more blood to save the lives of

7 our fighters at borders. If the issue could not be solved at

8 basis, it should be solved at Phnom Penh. We collected forces

9 from offices, military, industries and so on. There are more than

10 100,000 people living in Phnom Penh. We were able to collect

11 blood from 5,000 people monthly. In the long run, we could

12 collect even more blood because we would have enough food supply.

13 "The procedures were to select our men and women fighters in

14 officers and military units. This was not posing any problem to

15 us. It was not a significant sacrifice." End of quote.

16 Mr. Witness, this excerpt seems to describe an attempt to collect

17 blood from people everywhere in the country, and also Phnom Penh.

18 The document is from June '76.

19 Is this something that you recall while you were at S-21?

20 [09.36.24]

21 A. As I indicated already, I did not pay attention <to> the

22 circulars or any documents issued at the time. I was only paying

23 attention to my abundant tasks. I was afraid that I would be

24 arrested <if I made mistakes>. As I said, I only focused on what

25 I was assigned to do.

15

1 Q. I understand, but let me ask it differently.

2 Do you remember that S-21 staff or your former colleagues from  
3 Division 703 were ever asked to donate blood for those who were  
4 wounded at the battlefield?

5 A. To the best of my knowledge, I was stationed inside the  
6 compound, and in relation to blood donation, I have no idea about  
7 that.

8 [09.37.46]

9 Q. Now let me go to my next subject, Mr. Witness, and that is  
10 about all kinds of issues of command structures and hierarchy  
11 within the regiment and within the division.

12 Let me start by reading something that you, yourself, said in  
13 your testimony before the Trial Chamber in Case 001 at the 28th  
14 of July 2009. That is now known as document E3/7466. At around  
15 9.58 in the morning, you said the following:

16 "I can presume that [at S-21] I was doing the job of a soldier or  
17 military unit because the general staff was fully in charge of  
18 S-21." End of quote.

19 Is that something you said, Mr. Witness? Do you remember saying  
20 this before the Judges in 2009?

21 A. I told the Court at the time that S-21 was under the  
22 management of <the> general staff <office>.

23 Q. And is it correct that between the day of liberation in April  
24 '75 and the very last day, January '79, you, yourself, were  
25 always a soldier, a military?

16

1 A. From 1975 up to when I was transferred to S-21, I <was> a  
2 soldier. <When I was at S-21, I drew up the lists.>

3 [09.40.20]

4 Q. I understand. But were you also a soldier or a military person  
5 in 1977, 1978, and the first week of 1979?

6 A. I cannot tell you if I was still a soldier at the time. I was  
7 a staff member of S-21, and I did not know at the time whether I  
8 was part of <the military> or <if> my status was transferred to  
9 be a staff member of that office.

10 Q. Let me get back to that a bit later, Mr. Witness. Let me first  
11 show you a document.

12 Mr. President, that is a document that is in the binder. It's the  
13 first document that I would like to show. It is document E3/8365.  
14 Maybe the document can come on the screen.

15 Meanwhile, I see the duty counsel looking up that document, 8365.

16 MR. PRESIDENT:

17 The request is granted, so the document can be projected on the  
18 screen.

19 (Short pause)

20 [09.42.57]

21 BY MR. KOPPE:

22 Q. Mr. Witness, this is not a document that you can recognize, I  
23 presume. It is a document containing a list of names, names of  
24 people that joined the first general staff study session on the  
25 20 October 1976.

17

1 Now, the first name in that document is Duch, if I'm correct. The  
2 second name is Hor. The third name is Huy. And the fourth name is  
3 Snguon.

4 Is that the same person that you referred to earlier in your  
5 testimony before the military court?

6 MR. SUOS THY:

7 A. Snguon, as I told the military court, was a member of a  
8 company or a 100-member unit in the guard unit <of S-21>.

9 Q. The last person on that list, Meng, is that the Meng that you  
10 have been referring to many times last week, the chief of the  
11 interrogation unit?

12 A. Meng was not the chief of the interrogation unit. He was the  
13 chief of the office in charge of interrogation section, and I  
14 would report to him.

15 [09.45.17]

16 Q. I will get back to that Meng a bit later, but let me first  
17 finish this document, Mr. Witness.

18 There are some other names on this document, Phau, Run, Peng,  
19 Than, Sok and Khat.

20 Can you tell us who these people were?

21 A. <I recognize> Hor, Peng. <But as for> Sok <and> Khat <>, I do  
22 not know <clearly> about <these> two individuals <>. And Hor and  
23 <Peng> were part of the <guard> company. <Hor was part of the  
24 guard company before Peng.>

25 Q. Now let me, with these names in the back of your mind, direct

18

1 you to the next document, Mr. Witness. That is document E3/1585.

2 That's a longer document, but I'll be referring specifically to

3 Khmer, page 00095532; and English, 00897665.

4 Specifically, Mr. President, I'll be referring to numbers 284 and

5 subsequently. It's a list of attendance of the first general

6 staff meeting. Maybe the document can be shown on screen.

7 [09.48.09]

8 MR. PRESIDENT:

9 The request is granted.

10 BY MR. KOPPE:

11 Q. Mr. Witness, the names that you see of Comrade Duch, Hor, Huy

12 are the same names that you saw on the previous document. And

13 they are all attending this general staff meeting, but they're

14 all listed as participants of Office 62.

15 So during this meeting, Duch and Hor and Huy are listed as

16 representatives of Office 62.

17 What is Office 62?

18 MR. SUOS THY:

19 A. I did not hear you, counsel. I <do> not know the question you

20 put to me.

21 MR. PRESIDENT:

22 Court officer, please check the headset of the witness.

23 MR. KOPPE:

24 And meanwhile, Mr. President, the French ERN is 00611652.

25 (Short pause)

19

1 [09.50.28]

2 MR. PRESIDENT:

3 Counsel Koppe, please repeat the French ERN.

4 BY MR. KOPPE:

5 00611652.

6 Q. Mr. Witness, my question was: Do you know what Office 62 was?

7 MR. SUOS THY:

8 A. I told the Court already that I did not know the people up the

9 <chain>.

10 [09.51.11]

11 Q. That was not my question, Mr. Witness. The names that you see

12 listed as of number 284 are the same names that you just saw

13 before, Duch, Hor, Huy, etc. They were working with you at

14 independent regiment 21 in the broader sense, but in this list of

15 participants, they were listed as members of Office 62.

16 My question is: Do you know why Duch and Hor and others were

17 listed as working for Office 62?

18 A. As I told you already, I had a very low rank and position, and

19 I did not know what was going on in the -- at the upper level. I

20 was working inside the prison compound.

21 Q. And I understand. If I tell you that Office 62 is the code

22 number for the office of the general staff, does that ring a

23 bell?

24 A. It does not ring a bell. And I do not know if <the code number

25 of the> general staff <office> was 62. I was not allowed to know

1 in detail the tasks at the upper level.

2 MR. PRESIDENT:

3 Judge Lavergne, you can now have the floor.

4 [09.53.26]

5 JUDGE LAVERGNE:

6 Counsel Koppe, for purposes of the transcript, can you tell us

7 what document you are relying on when you make this assertion

8 <that code 62 was the code for the general staff>?

9 MR. KOPPE:

10 That was document E3/1585. As I said before, it's a statistical

11 list of participants of the first general staff training on the

12 20th of October 1976. And as of participant 284, Duch and others

13 are listed as members of Office 62.

14 JUDGE FENZ:

15 I think the question was where you equate Office 62 with general

16 staff. Is this this document, too -- or the basis for this?

17 [09.54.31]

18 BY MR. KOPPE

19 There are many references, I know, but I don't have them by hand

20 now. But I will be -- after the break, let you know that, on many

21 occasions, Duch said Office 62 is the general staff. But I will

22 get back to that.

23 Q. Mr. Witness, let me take you to the next document -- that is,

24 document E3/1136, Khmer, ERN 00160081; French, 00548764; in

25 English, 00543743. This is a rice consumption plan for all

21

1 divisions and regiments, independent regiments.

2 Maybe, Mr. President, I could have that document on screen as  
3 well.

4 MR. PRESIDENT:

5 Yes, please.

6 [09.56.00]

7 BY MR. KOPPE:

8 Q. Mr. Witness, this is also a document that you don't know, but  
9 it lists the various divisions, Division 164, Division 170, also  
10 Division 703 led by Comrade Pin. But also lists, in English at  
11 number 11, Office 21, chairperson Comrade Sen (sic).

12 Who is Comrade Sen (sic)?

13 MR. SUOS THY:

14 A. I <did> not know Comrade Sen (sic) at S-21.

15 Q. Have you ever heard whether Sen is another name for Commander  
16 Nat?

17 A. I <only> know <> an individual named Nat, the commander of  
18 <Division> 703.

19 Q. You, yourself, worked at Division 12 and then Division 12  
20 became Division 703. Do you know whether Division 703 in early  
21 January 1976 had about 600 -- 6,128 combatants?

22 A. I was low in rank, so I did not know the actual figure of the  
23 soldiers in a particular division. <I was in an office under> the  
24 battalion <112 where I drew up the lists. Regarding> the figure  
25 of the soldiers <in the division>, I <did not know much about



1 it>.

2 [09.58.55]

3 Q. Let me turn to Regiment 21 or Office 21.

4 In January -- early January '76, there were about 2,048 soldiers  
5 or combatants working for Office 21. You--

6 JUDGE FENZ:

7 Reference, counsel.

8 BY MR. KOPPE:

9 Same document. Same document under 11, actual amount, 2,048.

10 Q. Mr. Witness, according to your revolutionary biography, you  
11 went to Regiment 21 in December '75. This is a document of one  
12 month later.

13 Can you roughly indicate where the most or majority of those  
14 2,000 combatants were working or were stationed?

15 MR. SUOS THY:

16 A. As I repeatedly said, I did not know the <exact> number of  
17 workers in Office 21. <However, all I knew about the guard unit>  
18 that there were 18 groups all together.

19 Q. I understand--

20 [10.00.34]

21 MR. PRESIDENT:

22 You may proceed now, Judge Lavergne.

23 JUDGE LAVERGNE:

24 Thank you, Mr. President. A point of clarification.

25 I note that, regarding this line, there are three figures, in

23

1 reality. There is a figure concerning, apparently a real quantity  
2 <or actual staff numbers>, a reserve quantity and a total figure.  
3 So when we speak about the total staff, I do not know what  
4 Counsel Koppe is referring to.  
5 <Is he> referring to the <figure in the actual staff numbers  
6 column> or <is he> referring to the last column, which is the  
7 total <staff numbers>? And I'd like to specify here that the  
8 total <staff numbers> is not 2,048, but of 3,048 because the  
9 <number of reserve staff> is <1,000>.

10 [10.01.31]

11 BY MR. KOPPE:

12 Well, as I interpreted the document is that in January '76, the  
13 actual amount of forces within Regiment 21 were 2,048, but it is  
14 a rice consumption plan, so it is anticipated that, presumably,  
15 another 1,000 members will join 21 in that year, bringing the  
16 total amount of people within Regiment 21 who had to be fed up  
17 till 3,048.

18 That's my interpretation, so I'm taking the actual number of S-21  
19 combatants in January '76.

20 Q. Let me rephrase my question, Mr. Witness.

21 Assuming your testimony that, at Tuol Sleng where you worked as  
22 of March-April '76, there were about 400, 500 cadres working, do  
23 you know if that is the case where the other 1,500 21 Regiment  
24 cadres were working?

25 MR. SUOS THY:

24

1 A. As for the figure of personnel at Office 21, I did not have a  
2 full grasp. I only knew the exact figure of those in the guard  
3 unit. As for those in the interrogation unit, only Meng was well  
4 aware of the figure. I personally only knew about the 18 groups  
5 and people who were in those groups.

6 [10.03.27]

7 Q. And to complete the picture, I will not show that document to  
8 the witness, Mr. President, in response to the question of Judge  
9 Lavergne, document E3/849 is another statistic of the various  
10 divisions. And although -- the document is in the binder, by the  
11 way, but here it says that Centre or Office S-21 not including  
12 the elements, presumably meaning prisoners, in 1977 counted 2,328  
13 members or combatants.

14 Mr. Witness, let me go back to your work as a military in  
15 Division 12 before it became Division 703.

16 Do you recall how Division 12 -- how was it -- how did it  
17 consist? How many brigades was Division 12 built of? Do you  
18 remember?

19 [10.05.15]

20 A. As I have just stated, I did not know <much> about the  
21 structure of Division 12. And the list you showed to me that  
22 belongs to Division 12. <Since> I was <in> the battalion <112,> I  
23 could not have a full understanding of the full structure of  
24 Division 12 or <of all the battalions> under its subordination.  
25 I was the one who took charge of <lists> at Battalion 112, and I

25

1 only knew up to that level and not beyond that, although we were  
2 part of the Division 12. And my focus was solely on the list that  
3 I was tasked to take charge of in Battalion 112.

4 Q. Well, when you were interviewed by the Prosecution in 2006,  
5 you seemed to be a bit more -- you seemed to know a bit more  
6 about the structure of Division 12.

7 Mr. President, I'm referring to document E3/9140. This is an  
8 interview which has a different than usual layout. It's English  
9 and Khmer in the same page, so I only need to refer to one -- to  
10 the English ERN because the Khmer is right under -- right below  
11 it. ERN 00181059. That is one of the answers of this witness from  
12 questions of the Prosecution.

13 Mr. Witness, you said that Division 12 consisted of four  
14 brigades, Brigade 207, Brigade 208, a women's brigade and an  
15 artillery brigade. Do you recall saying this?

16 [10.07.47]

17 A. Could you please repeat your question? I do not fully get it.

18 Q. Before Division 12 became Division 703, Division 12 consisted  
19 of four brigades, Brigade 207, 208, a women's brigade and an  
20 artillery brigade. Do you recall saying this to the Prosecution  
21 in your interview in 2006?

22 A. I cannot recall that clearly since it happened many years ago  
23 and my memory does not serve me well. And allow me to say that,  
24 to my understanding, there were no brigades under that division.  
25 There were only regiments and battalions, and I cannot recall

1 those exact regiments or battalions. So below division, there  
2 were regiments and battalions, and there was no brigade  
3 underneath.

4 [10.09.02]

5 Q. Maybe that's a translation issue, Mr. Witness, but let me ask  
6 you something you said in that same interview two pages further.

7 Again, E3/9140, ERN English and Khmer, 00181061; there, you said  
8 that: "Actually, the commander of Division 12 was Huy."

9 Is that correct? Was Huy the commander of Division 12?

10 A. No. Huy was commander of Battalion 112, and he was not a  
11 divisional commander.

12 Q. Then who was the divisional commander of Division 12?

13 A. It was Ta Nat who was commander of Division 12.

14 MR. PRESIDENT:

15 Thank you, defence counsel.

16 It is now appropriate for our short break. We'll take a break now  
17 and resume at 10.30.

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

21 The Court is now in recess.

22 (Court recesses from 1011H to 1029H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is now back in session and the floor is given to the

27

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

2 You may proceed.

3 BY MR. KOPPE

4 Thank you, Mr. President.

5 Before I start, let me respond to the question of Judge Lavergne  
6 in relation to Office 62.

7 Office 62 and Office 63 cannot only be seen as listed on the  
8 document that I mentioned earlier, E3/849, but also, as I said,  
9 appears in Duch's testimony. On the 28th of March 2012 at 15.02,  
10 he talked about Son Sen and he said: "My superior had several  
11 aliases. In the army, he was called Brother 89. At S-21, when we  
12 wrote letters to him, we would address Brother 62."

13 And in his Case 001 testimony, E3/5804, at 9.25 in the morning,  
14 he said -- he talks about Office 62 and Office 63 being the  
15 logistics office from the general staff. I hope this answers the  
16 question.

17 [10.32.33]

18 Q. Mr. Witness, in the morning I talked to you about the various  
19 divisions and a little bit about hierarchy within those military  
20 structures. And I started by quoting something from what you  
21 said, that you were doing the job of a soldier or a military unit  
22 because the general staff was fully in charge of S-21.

23 Let me read to you an excerpt from Duch's testimony in relation  
24 to this same subject, and then I will ask you whether you will --  
25 whether you agree with him, yes or no.

1 Mr. President, that is Duch's testimony in Case 002 on the 10th  
2 of April 2012, E1/62.1, at about 15.33 in the afternoon. And this  
3 is what Duch tells the Chamber, Mr. Witness:

4 "As an independent regiment, S-21 is under the subordinate of the  
5 general staff. As for the logistics, weaponry and medical  
6 supplies, clothing, uniforms, for instance, they are under the  
7 direct subordinate of the general staff." End of quote.

8 Do you agree with that testimony, Mr. Witness; yes or no?

9 [10.34.38]

10 MR. SUOS THY:

11 A. I agree with that statement because <S-21 was> under <the  
12 supervision of> the general staff. Ta Nat was <previously in the  
13 Division> 703, and <the general staff office was in charge of all  
14 divisions>, so I agree with that statement.

15 Q. Now, did this ever change between '75 and '79, or was it,  
16 according to your recollection, always the same, the same in  
17 terms of hierarchy, military structure, etc.?

18 A. I did not know whether the hierarchy or military structure  
19 changed or remained the same since, as I said, I focused on my  
20 main tasks only.

21 [10.35.51]

22 Q. Fair enough, Mr. Witness.

23 Now let me talk about Duch and his position in the military  
24 hierarchy, or in the hierarchy.

25 In one of his very first appearances before the Investigating

1 Judges in his own case, he -- or rather, his lawyer compared him  
2 to a colonel in the hierarchy.

3 Mr. President, E3/5725; English, ERN 00145457; Khmer, 00145434;  
4 the French I will provide you a bit later.

5 So Mr. Witness, Duch agrees with the instruction, but his lawyer  
6 calls him a colonel in the hierarchy.

7 MR. PRESIDENT:

8 Please hold on, counsel.

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

10 [10.37.17]

11 MR. DE WILDE D'ESTMAEL:

12 Thank you.

13 The French interpreter did not hear the ERN number in English, so  
14 we are unable to cross-check what Duch said. Furthermore, I would  
15 like the Defence to give us the number of the document before  
16 laying the foundation of the question because if he doesn't do  
17 so, we do not have the time to cross-check the number and <see if  
18 the citation matches>. Instead of saying the lawyer "compared him  
19 to an army colonel" and then> giving us the reference, it's  
20 better to give us the reference <first and then read what the  
21 lawyer said, because otherwise it goes too fast and we cannot  
22 follow. Thank you.>

23 JUDGE FENZ:

24 Well, counsel, to use one of your favourite quotes, whatever  
25 happened to open questions.



30

1 I know it's tempting, given all the documents, to use them, but  
2 frankly, one open question, then confront him with the document  
3 is actually the way we usually go, specifically, if you confront  
4 him not with a statement of his own but with something the lawyer  
5 of somebody else said.

6 [10.38.30]

7 BY MR. KOPPE:

8 I have no problem in asking an open question.

9 To answer the Prosecution, E3/5725; English, ERN 00145457; and  
10 again, Khmer, 00145434.

11 Q. Mr. Witness, if you would compare Duch in terms of a  
12 present-day military hierarchy or the hierarchy of Lon Nol at the  
13 time, how would you describe him? Would he be a major, or would  
14 he be, rather, colonel, or would he be, rather, a general?

15 MR. SUOS THY:

16 A. I am not certain about this particular issue. Based on my  
17 conclusion, when he came, he was equated to the divisional level,  
18 so he had the rank equal to the divisional level.

19 When he was at PJ, he was the deputy of Ta Nat. <He might be  
20 equated to Ta Nat's position, the divisional level.> That was my  
21 conclusion. However, I am not certain, as I said.

22 [10.40.22]

23 Q. Well, let me follow up on that answer, Mr. Witness. You said  
24 that he was at the same level as division commanders.

25 Is that what -- is that my understanding? Should that be my

1 understanding, at the level of division commanders?

2 A. It was my conclusion he was equal to the divisional <level>.

3 He was the former deputy of Ta Nat, <and Ta Nat was the division  
4 commander>, so I can say that that individual was the deputy of  
5 the division. And he was part of the divisional level.

6 Q. Is that something you know or is that something you conclude?

7 A. That was not the official announcement on the position of that  
8 particular individual. And as I said, I presume that since he was  
9 the deputy of <Ta Nat>, he was in the divisional level.

10 Again, that individual was after Ta Nat, so it is my conclusion  
11 that he had the rank or level equal to the divisional level.

12 [10.42.06]

13 Q. Did you ever see Duch in the presence of division commanders?

14 Did you ever see him study in the presence of division commanders  
15 or deputy division commanders?

16 A. I do not know about this particular issue, particularly the  
17 presence of an individual at the study session held by the  
18 division. I <> had a low rank <and I was inside the compound. I  
19 did not know any further details>.

20 Q. I understand. Let me see if I can try differently.

21 Mr. Witness, do you know who, today, in this country, is the  
22 prime minister?

23 A. Could you repeat your question? I did not get it clearly.

24 Q. My question was whether you know who the prime minister is in  
25 this country today.

1 A. I know the current prime minister is Samdech Hun Sen.

2 Q. Do you know if he had any military position during the  
3 Democratic Kampuchea regime?

4 A. I do not know <about> this particular issue, particularly in  
5 relation to his role or position in the Democratic Kampuchea.

6 [10.44.15]

7 Q. Let me see if I can assist you a bit by saying to you -- by  
8 telling you what Duch said about the former position of the  
9 present prime minister.

10 Mr. President, I'll be referring to document E3/106; Khmer, ERN  
11 0177625; French, 00177645 till 646; and English, 00177635.

12 He said, "Hun Sen had the same rank as me -- that is, commander  
13 of a regiment, but he had combatants under his order." End of  
14 quote.

15 So Duch seems to compare himself to a regiment commander rather  
16 than a division commander. Can you react on that, please?

17 A. Regarding his comparison, I am not certain <which> position  
18 <he held>. And as Nat was the commander of the division, the  
19 deputy would have the equal power to that individual; <that's my  
20 conclusion>. And as I said, I did not know about the official  
21 appointment of that individual position.

22 [10.46.06]

23 Q. Fair enough. Let's move away from the prime minister.

24 But you have been a military person. You have been in Division  
25 12, in Division 703, independent regiment 21. The military

33

1 hierarchical position of Duch was that of a commander of a  
2 regiment.

3 A. I am not able to draw a conclusion on this particular issue.

4 There was no official appointment at the time. I did not know for  
5 sure whether he was the commander of a regiment or division.

6 What I know is that he was the actual <head> of S-21.

7 Q. The French ERN of that quote, Mr. President is 00145476.

8 Let me see if I can try it differently, Mr. Witness. Duch said  
9 something about S-21, the regiment 21, E3/1578; Khmer, ERN  
10 00178023; English, 00194549; and again French, I will provide a  
11 bit later.

12 Duch compares S-21 -- or, rather, says S-21 is the equivalent to  
13 a district committee when it concerns decision for the arrests of  
14 re-educated persons.

15 So in terms of level, he compares S-21 to a district committee.

16 Is that something that you can react on?

17 A. I cannot make any comparison since I have limited  
18 understanding of the structure or the level of the district  
19 committee <compared to S-21>. I do not know how powerful the  
20 district committee was.

21 [10.49.12]

22 Q. I understand. No problem, Mr. Witness.

23 The French ERN that I just referred to is 00178035 to 36.

24 Let me turn back to what Duch's lawyer said when Duch appeared  
25 for the first time in his case before the Investigating Judges.

34

1 His lawyer said not only -- it's the same ERN as just mentioned,  
2 Mr. President.

3 His lawyer not only said that Duch should be compared to a  
4 colonel in the hierarchy, but also that he "was very distant from  
5 those at the high level". End of quote.

6 Is that something--

7 [10.50.02]

8 JUDGE FENZ:

9 Counsel, that's weird. The lawyer is a witness, or what do you  
10 call him for?

11 If I understand that correctly, this was in the debate of a legal  
12 decision.

13 MR. KOPPE:

14 No.

15 JUDGE FENZ:

16 But again, just because a lawyer says something, what gravitas  
17 does that have in itself?

18 BY MR. KOPPE:

19 Because in the next sentence, he says, "I condone fully what my  
20 lawyer just said to the Judge."

21 Q. So it's not only the lawyer who says that, but as I explained,  
22 Mr. Witness, Duch fully agreed with this. His lawyer said that  
23 Duch was very distant from the high level -- from those at the  
24 high level.

25 Is that something that you were in a position to observe at the

1 time?

2 MR. SUOS THY:

3 A. In relation to comparison, I cannot do it. All I know is that  
4 when a divisional commander came to be in charge of an office,  
5 the deputy would have quite similar power of the division <, and  
6 I can say that the deputy would be equal to the regiment  
7 commander>. This is my conclusion, but I am not certain about  
8 this issue.

9 [10.51.40]

10 Q. That's fine, Mr. Witness. Let me move on.

11 What is it that you can say about the relation between Division  
12 703, the successor of Division 12, and Regiment 21 in terms of  
13 personnel?

14 Can you give an estimate as to how many people within Regiment 21  
15 originated from Division 703 and how many, like Duch, for  
16 instance, did not come from Division 703?

17 A. As I said <the total number of>--

18 [10.52.30]

19 MR. PRESIDENT:

20 Please hold on, Mr. Witness.

21 You can have the floor now, Deputy Co-Prosecutor.

22 MR. DE WILDE D'ESTMAEL:

23 <It seems> that there was a <progressive> semantic slip on the  
24 part of the Defence, <because> now <it appears> the Defence  
25 considers that it is established that we're indeed talking of

36

1 Regiment 21. I do not think that <is what the witness said, in  
2 any case, so I do not believe it is useful to> qualify S-21 <in  
3 this case, in the framework of that question,> as Regiment 21.  
4 <Thank you.>

5 MR. KOPPE:

6 I'm a bit puzzled by that last remark, Mr. President.  
7 Not only one can see in all military documents that it is,  
8 indeed, Regiment 21 -- independent Regiment 21, but I just quoted  
9 Duch in his -- from his testimony on the 10th of April before the  
10 Chamber in this very case where he says, "As an independent  
11 regiment, S-21 is under the subordinate of the general staff."  
12 So I think that this -- that's very clear, so if you allow me,  
13 let me go back to the question.

14 [10.54.04]

15 BY MR. KOPPE:

16 Q. Mr. Witness, are you in a position to say how many of the  
17 Regiment 21 cadres originated from Division 703 and how many did  
18 not come from 703, including Duch and Pon and, I believe, Chan?  
19 Are you in a position to tell us this?

20 MR. SUOS THY:

21 A. As I told you already, I do not know about the total number of  
22 staff from S-21. There <was a rice farming unit, an>  
23 interrogation <unit> and <a> guard unit, and I know only the  
24 total number of <the> guard unit <that I was part of>. And if you  
25 want to know in detail about the total number of staff members of

1 S-21, <the interrogation unit, that is>, Meng could shed light on  
2 that.

3 [10.55.20]

4 Q. Let me confront you with what Duch said just to speed up  
5 things, Mr. Witness.

6 Mr. President, this is one of his statements before the military  
7 court. I'll just refer to the D number because it doesn't have an  
8 E3 number yet. D/288/6.52/4.40; English, ERN 00329399; and Khmer,  
9 00095680; French, will come shortly, Mr. President.

10 So Mr. Witness, Duch says to the military court that 95 per cent  
11 of S-21 cadres came from Division 703. In your recollection, is  
12 that percentage of 95 per cent accurate?

13 MR. PRESIDENT:

14 Please hold on, Mr. Witness.

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

16 MR. DE WILDE D'ESTMAEL:

17 Sorry to interrupt. The reference of the document was given too  
18 fast. The interpreter couldn't hear it. We do not have the ERNs.  
19 And as regards the question, it would be important to know when  
20 the quotation was made. Was it at the beginning of the working of  
21 S-21, or at the end? Because <this proportion may have changed,  
22 so it might be useful to> ask the question on a specific time  
23 frame. <Thank you.>

24 [10.57.22]

25 BY MR. KOPPE:



1 I'll be happy to say again the document number. It's  
2 D/288/6.52/4.40; English, ERN 00329399; Khmer, 00095680; and  
3 French will come shortly.  
4 It's not entirely clear as to when -- what time frame Duch had in  
5 mind because his military court statements are not very  
6 extensive.

7 Q. Nevertheless, at any point in time, Mr. Witness, did Regiment  
8 21 or Office 21 consist of more than 95 per cent of former  
9 Division 703 cadres?

10 MR. SUOS THY:

11 A. Let me clarify that. S-21 was <previously> under the command  
12 of Ta Nat, who was from Division 703. <He was the commander of  
13 Division 703>. So he would have selected cadres from the Division  
14 703, but I do not know the exact number of the cadres from 703,  
15 <and I don't even know the percentage of those cadres from 703>.  
16 When <> PJ <was initially established>, Ta Nat was responsible  
17 for managing the forces, <so those staff were actually> from 703.  
18 [10.59.35]

19 Q. But cadres like Huy, Him Huy, Peng, Hor, Meng, they're all  
20 former 703 cadres; correct?

21 A. Correct.

22 Q. Now let me go to a document that I would like to show you now.  
23 That is a document that has already been discussed with you last  
24 week.

25 That is document E3/8493; English, ERN 00181623; French -- excuse

1 me, there is no French; Khmer, 00095505.

2 It's a document that I would like to have on the screen as well,  
3 with your permission, Mr. President.

4 MR. PRESIDENT:

5 Yes, your request is granted.

6 [11.01.10]

7 BY MR. KOPPE:

8 Q. There it is. Last week, if I remember correctly, Mr. Witness,  
9 you said that you didn't recognize this document. But if I'm not  
10 mistaken, you said that this was a document coming from the time  
11 that Nat was still in charge. Is that correct?

12 MR. SUOS THY:

13 A. No, this document was not under Nat's supervision.

14 Q. I don't have the exact quote from the transcript now before  
15 me, but maybe -- for the duty counsel, I'm referring to this  
16 particular document because it consists of two documents, this  
17 overview. Khmer, ERN 00095505. It's a list called "Daily prisoner  
18 control list".

19 On the top, one can see "Office 21-A, Office 21-C" and then  
20 "Total detained".

21 JUDGE FENZ:

22 Perhaps we can have it on screen. That would be helpful.

23 (Short pause)

24 [11.03.16]

25 BY MR. KOPPE:

1 Q. Just to be sure, Mr. Witness, can you have a look at the  
2 screen?

3 I'll ask you my question again, Mr. Witness. Is that a document  
4 still from the time that Ta Nat was in charge?

5 MR. SUOS THY:

6 A. This document existed a long time ago, and I cannot recall for  
7 sure <whether it was from the time that Ta Nat> was in charge <or  
8 not>.

9 Q. Did--

10 MR. PRESIDENT:

11 Judge Lavergne, you have the floor.

12 JUDGE LAVERGNE:

13 Maybe for public <information> and for the purposes of the  
14 record, maybe he could provide us with the date that is on this  
15 document.

16 [11.05.00]

17 BY MR. KOPPE:

18 That was actually my -- what my question was going to be about.

19 Q. Mr. Witness, on the bottom of that page, you can see a date,  
20 that it is -- this daily prisoner control list is done on the  
21 11th of April 1976.

22 Do you see that date?

23 MR. SUOS THY:

24 A. Yes, I see the date here, that is, in April 1976.

25 [11.05.37]

41

1 Q. Now, my question again -- and I believe previously you said  
2 that this was a document when Nat was still in charge. Having now  
3 seen the date as well, can you tell us, is this a document that  
4 reflects the period that Nat was still in charge of Office S-21?

5 A. As I have stated, when I was in Tuol Sleng, I didn't see Ta  
6 Nat, and I could not say for sure about this document. However,  
7 if it was made on 11 April 1976, it was not under the supervision  
8 of Ta Nat. However, I could not recall the exact period when it  
9 happened in 1976, although I know it was in 1976, but I cannot  
10 recall the month.

11 Q. I understand. But my last attempt.

12 On that same document, you see Office 21-A and Office 21-C. Is  
13 that something that reflects the period that Nat was still in  
14 charge, or is that something that reflects the period that Duch  
15 had taken over?

16 A. <Regarding S-21-A and S-21-C>, it is difficult for me to make  
17 any conclusion. This is a document produced by the interrogation  
18 office, and I cannot say for sure whether this document was  
19 produced when Nat was in charge. <I cannot recall well since it  
20 happened a long time ago.>

21 [11.08.00]

22 Q. That's no problem, Mr. Witness. Let me turn now to document  
23 E3/10062, 10062. There's no translation of that document, so  
24 there's only a Khmer ERN page. I will not go into the content of  
25 that document very much. Khmer, ERN 01012815.

1 Maybe it can be put on the screen, with your leave, Mr.

2 President.

3 MR. PRESIDENT:

4 Yes, your request is granted.

5 JUDGE FENZ:

6 Please, to the IT Unit, leave it on the screen as long as parties  
7 discuss it, or whoever is in charge.

8 BY MR. KOPPE:

9 It's them up there. There it is.

10 Q. Mr. Witness, can you have a look at the second name from the  
11 top? Do you see that name?

12 Can you read that name for me, please?

13 [11.10.15]

14 MR. SUOS THY:

15 A. The name is Yim Sambath. And after that, it reads Kbal Thnal,  
16 Phnom Penh, 50-man unit, Division 170, East Zone. And he was  
17 detained on 4 April 1976.

18 Q. Do you recognize this document?

19 A. Yes, I recognize this document. It's from Office 21.

20 Q. Did you, yourself, make this document or write this document?

21 A. Yes, I was the one who wrote this document.

22 Q. Do you remember where you were when you made this document?

23 Were you already at Tuol Sleng, or were you somewhere else?

24 A. As I have stated, I cannot recall the exact period <or month>  
25 that I came to work at PJ prison or at Tuol Sleng. So it is

1 <difficult for me to say whether I wrote this document when I  
2 was> at PJ prison or Tuol Sleng.

3 [11.12.14]

4 Q. And that is exactly where my question was going to, Mr.  
5 Witness. You -- so you don't know whether you wrote this document  
6 when still at PJ or when you wrote this document already at the  
7 Tuol Sleng premises?

8 A. Yes, that is correct.

9 Q. Let me -- let me move on to the next document and with your  
10 leave, I will put that on the screen as well, Mr. President. It  
11 is document E3/1038 and the Khmer ERN of that document is  
12 00008144; English, 0008147; and French, 00280874.

13 Mr. Witness, this is a document that you do not recognize. It's  
14 is written by Duch and it's about an enemy taking away a weapon  
15 and shooting himself. I wait for it to be on the screen. There it  
16 is.

17 So Mr. Witness, Duch wrote this document on the 16th of November  
18 1976, but on that very page that I refer you -- referred you to,  
19 he talks about the impression of experiences of the leaders; not  
20 Duch, Hor.

21 Now, this is the -- November '76. Do you know if Nat still had  
22 any role to play in relation to the functioning of Office 21?

23 [11.15.05]

24 A. Please repeat your question; I don't fully get it.

25 Q. I understand; no problem. Do you know whether Nat still played

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1 any role in relation to Office 21 in November 1976?

2 A. I did not know for sure about Nat's position after November  
3 1976. I did not know whether he held any position after he was  
4 removed.

5 Q. Very well, thank you, Mr. Witness. Now, before going to your  
6 position within Office 21, let me take you to the very last day  
7 of your work at S-21.

8 You answered a few questions about this already, but do you know  
9 what happened to the S-21 documents the day the Vietnamese troops  
10 arrived or the weeks before the Vietnamese troops arrived in  
11 January '79?

12 A. Regarding the events that happened before the arrival of the  
13 Vietnamese, I did not know for sure about <that. Regarding> the  
14 documents, <they did not think of moving them anywhere>. I was  
15 not well aware <of> the latest developments of the situation at  
16 the time. <So everything remained the same there.>

17 [11.17.33]

18 Q. Was there any time to destroy S-21 documents the day the  
19 Vietnamese troops arrived or the weeks before the Vietnamese  
20 troops arrived?

21 MR. PRESIDENT:

22 Witness, please hold on and International Deputy Co-Prosecutor,  
23 you have the floor.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President.

45

1 I believe the questions should be directed to the witness. Well,  
2 what I'd rather say is that the questions should be based on the  
3 documents that the witness might have been involved with. The  
4 previous question, in fact, was too broad.

5 We know that <there were> documents pretty much everywhere at  
6 S-21 including outside, so I think he should center the questions  
7 on the documents that were under the remit of the witness and not  
8 speak about all of the documents at S-21 given that he was within  
9 the prison and not outside. <Thank you.>

10 [11.18.44]

11 MR. KOPPE:

12 No, I do not agree with that Mr. President. The purpose of my  
13 question is all the documents; it doesn't -- it's not limited to  
14 only the documents that he was responsible for. The question is  
15 whether he knows whether there was any general order or specific  
16 order to destroy any of S-21 documents; that's what I want to  
17 know.

18 MR. PRESIDENT:

19 The question is permissible and the Chamber also would like to  
20 hear the response from the witness.

21 And Witness, please respond to the last question put to you by  
22 the defence counsel.

23 [11.19.33]

24 MR. SUOS THY:

25 A. Prior to the arrival of the Vietnamese in Phnom Penh, Hor did



1 not give me any instruction for the destruction of any documents  
2 and so the documents were still there when the Vietnamese arrived  
3 in Phnom Penh.

4 BY MR. KOPPE:

5 Q. How is it that you know that -- that very last thing that you  
6 said, how do you know that all documents were still somewhere at  
7 the premises of S-21 when the Vietnamese arrived?

8 MR. SUOS THY:

9 A. As I have stated, I could not say about the documents  
10 <outside> the guard unit; however, for the documents in my  
11 possession <within S-21 that were part of the guard unit's task>  
12 -- that is, the biographies of prisoners, I did not receive <any>  
13 instruction from Hor to destroy those documents at all <until the  
14 arrival of Vietnamese in Phnom Penh>.

15 [11.20.48]

16 Q. Is -- the order to destroy or not to destroy the S-21  
17 documentation, was that a subject of any conversations after all  
18 S-21 cadres fled the premises -- fled away from the Vietnamese?

19 A. I did not have any talk with Duch or with Hor because when we  
20 were fleeing Phnom Penh, we were fleeing individually and  
21 <perhaps> there was no mention of destruction of documents.

22 Q. The day that you and others fled from the Vietnamese troops,  
23 was there a sense of panic, a sense of surprise that all of a  
24 sudden that they -- you heard Vietnamese tanks approaching?

25 A. On the day the Vietnamese arrived in Phnom Penh, I had not had

1 any knowledge at all about their arrival and only when their  
2 tanks were rolling into Phnom Penh, I heard all the noise and  
3 that was the time that I was aware of their arrival and then we  
4 started fleeing.

5 [11.22.42]

6 Q. So would it be correct when I say that day was a day of big  
7 surprise and maybe also panic?

8 A. Yes, that is correct.

9 Q. And my very last question in this regard, Mr. Witness: Do you  
10 know where Duch kept his documents or the copies of the S-21  
11 documents? Do you know whether he had a special place to store  
12 those documents?

13 A. As for documents under Duch's possession, I could not say  
14 about it because his office was outside the compound, so I could  
15 not say much about the documents.

16 Q. Just to be certain, do you know whether he had a garage  
17 adjacent to his house where he kept his documents?

18 A. I did not know the exact locations of where Duch worked and  
19 lived since he worked and lived outside the main compound. For  
20 that reason, I could not tell you about location where he stored  
21 those documents; I did not have any authority to go there.

22 [11.24.37]

23 Q. Thank you, Mr. Witness. Now, let me move away from that last  
24 day at S-21 and let me go back to your work at S-21, but not  
25 before I ask you a question about -- again about the hierarchy.

1 What is it that you remember about Son Sen?

2 A. As for the role and position of Son Sen in relation to S-21, I  
3 do not know that for sure. I only knew that he was in charge of  
4 the general staff of the military, but as to his specific role at  
5 S-21, I have no idea. <I only knew that he was in charge of the  
6 general staff of the whole country.>

7 Q. You gave an interview to the investigators of the Prosecution.  
8 That is document E3/9140; English ERN and Khmer ERN is the same,  
9 00181082. In that interview, you called Son Sen Secretary  
10 General, direct supervisor of S-21 and that they called him Ta  
11 Khieu, correct?

12 A. Previously, he was in charge of the military and he was  
13 referred to as Ta Khieu; although, I personally did not meet him  
14 face to face during the war time.

15 [11.26.55]

16 Q. But in that same interview, you said that at one point in  
17 time, while you working at S-21, he opened a meeting, a meeting  
18 for all S-21 cadres, and that afterwards, he handed over the  
19 meeting to Duch.

20 Same page as just referred to, Mr. President.

21 Do you recall seeing him at a meeting, a study session, which he  
22 opened and then subsequently handed over to Duch?

23 A. Yes, that is true because he came to make a speech during any  
24 main national <celebration>.

25 Q. Do you remember when that was, exactly which year and month?

1 A. No, I cannot recall that clearly. As I have stated, it  
2 happened many years ago, so I cannot recall the dates or any  
3 specific dates; however, I recall that he was present during  
4 national celebration.

5 [11.28.23]

6 Q. Let me see if I can try it differently. Do you remember how  
7 many months before the Vietnamese came you saw him, how many  
8 months it was or years?

9 A. I cannot make a concrete conclusion on that. It could be a  
10 year or a year <and> a half before that date.

11 Q. Another witness who was a former S-21 cadre, Mr. Prak Khan,  
12 testified a few weeks ago before this Chamber that he saw Son Sen  
13 three or four times in 1978; is that something that could be  
14 accurate?

15 A. As I--

16 MR. PRESIDENT:

17 Please hold on and International Deputy Co-Prosecutor, you have  
18 the floor.

19 MR. DE WILDE D'ESTMAEL:

20 Thank you. I believe we have the transcripts of the hearings, so  
21 <it would be nice if the Defence, before the witness answers,  
22 inform all of the parties of> the exact date, the exact time  
23 <when Prak Khan supposedly said that>. Thank you.

24 [11.30.05]

25 MR. KOPPE:

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1 It's a spontaneous question, so I don't have the reference right  
2 now, but we will look it up as I speak, but let me--

3 JUDGE FENZ:

4 Ask the question after the break with the reference.

5 MR. KOPPE:

6 Ah, okay. Yes, it's anyway a good time to have the break, Mr.  
7 President.

8 MR. DE WILDE D'ESTMAEL:

9 For purposes of clarification, I do not think <Prak Khan was the  
10 one who said that>. Perhaps the Defence could crosscheck that. I  
11 believe it was rather Lach Mean who said it, <I don't know if  
12 that will help, but in any case> we'll need the exact references  
13 and the exact <quote> because I <do not remember hearing> Prak  
14 Khan talk of three or four times in 1978. I do not remember that  
15 at all. <Thank you.>

16 [11.31.00]

17 MR. KOPPE:

18 That is correct. It's, in fact, Lach Mean, but we will give the  
19 exact reference after the break Mr. President.

20 MR. PRESIDENT:

21 Thank you, counsel.

22 It is now convenient for our lunch break. We take a break now and  
23 resume at 1.30 this afternoon.

24 Court officer, please assist the witness at the waiting room

25 reserved for witnesses and civil parties during the break time

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1 and invite him as well as his duty counsel back into the  
2 courtroom at 1.30 this afternoon.

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

6 The Court is now in recess.

7 (Court recesses from 1131H to 1328H)

8 MR. PRESIDENT:

9 Please be seated. The Court is now in session and the Chamber  
10 gives the floor to the defence team for Mr. Nuon Chea to resume  
11 its questioning. You may proceed.

12 BY MR. KOPPE:

13 Thank you, Mr. President. Good afternoon Your Honours, counsel.

14 Q. Mr. Witness, before the lunch break, I was referring you to  
15 testimony of another S-21 cadre, indeed, not Prak Khan, but  
16 someone called Lach Mean. And during the hearing of the 26th of  
17 April 2016, at about 14.29, I asked him a question about Son Sen  
18 and when he saw Son Sen.

19 And I said, "Witness, but that -- that it was in 1978 that you  
20 saw Son Sen three, maybe four times." And then Lach Mean answers:  
21 "Yes, that is correct. I saw him three or four times during the  
22 period that I worked as an interrogator."

23 Now, my question to you is: You spoke earlier about Son Sen and  
24 him being present at a study session; do you recall seeing him in  
25 1978 like Lach Mean said?

1 JUDGE FENZ:

2 While the witness is thinking, what was the reference?

3 [13.31.04]

4 MR. KOPPE:

5 The transcript of 26 April 2016 at around 14.29.

6 MR. SUOS THY:

7 Son Sen came to address the crowd at a study session and I cannot  
8 recall the exact date when he was there, but <I> usually  
9 <attended the study sessions at the> national ceremonies <>. As I  
10 said, <I was the only person to station my post, so> I rarely  
11 attended that meeting or <other> meetings. <Hor rarely allowed me  
12 to attend the study sessions. However, those in other units, they  
13 would attend those meetings more often>. I did not recall exactly  
14 when he was there addressing the crowd.

15 BY MR. KOPPE:

16 Q. That's no problem. Let me finish the subject of Office 21 or  
17 Regiment 21 being part of the military by showing to you a  
18 document which is not in your binder, but which has been put on  
19 the interface before.

20 Mr. President, it is E3/2028 and with your leave, I would like to  
21 put that document on the screen. The English ERN is 00185219 and  
22 Khmer is 00021084.

23 [13.33.17]

24 MR. PRESIDENT:

25 Yes, you may proceed and in general, the Chamber grants the

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1 request to have all the documents projected or shown on the  
2 screen unless those documents are objected <to> by the party.

3 BY MR. KOPPE:

4 It is indeed in the binder. I apologize. So you can also have a  
5 look at the binder, but at the screen; it's the same.

6 Q. Mr. Witness, this document says, "List of prisoners from the  
7 general staff office." And then if you have a look at, for  
8 instance, prisoner number 3, prisoner number 4, prisoner number  
9 8, prisoner number 9; they are members of S-21 and, at the same  
10 time, are considered prisoners from the general staff office; is  
11 my understanding correct?

12 [13.34.35]

13 MR. SUOS THY:

14 A. That is correct; they were from general staff.

15 Q. And to be sure, there's another document, which is also in  
16 your binder, which we put on the screen; that is E3/2100 --  
17 2-1-0-0; Khmer, ERN00019233; and English, 00855374; French, I  
18 will provide a bit later.

19 Mr. Witness, if I have that document on the screen. There it is.  
20 It says on top, "Military Staff Office". I believe in French it  
21 says, "Bureau de l'-État Major." If you look at prisoners 19, 20,  
22 21, 25; basically, from 19 till 32, you see that there are all --  
23 that there are members belonging to Regiment 21 or Office 21 and  
24 that they are registered under the category "Military Staff  
25 Office"; correct?



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1 A. <Those offices were> under the command of general staff, so  
2 <those> offices were put in the column <"general staff". The  
3 office S-21 was in the column "general staff">.

4 [13.36.50]

5 MR. PRESIDENT:

6 Duty Counsel, please be careful, <> when the witness is directed  
7 to examine the documents; <sometimes>, the documents on the  
8 screen are not really clear enough for the witness to examine and  
9 you <should assist the witness in finding the documents in the  
10 binder>. I direct and advise you to assist the witness in  
11 reviewing the documents and during the break time, duty counsel  
12 should review the documents and also assist the witness in  
13 finding all the details from the documents. And please also  
14 assist the witness to review and read the documents before he  
15 responds to the questions.

16 [13.37.42]

17 BY MR. KOPPE:

18 Thank you, Mr. President.

19 The French ERN is 00848707. I owe you another French ERN, by the  
20 way; that was the French ERN for document D288/6.52/4.40. That  
21 was a military court statement of Duch. The French ERN for that  
22 excerpt was 00329405.

23 Q. Mr. Witness, we've discussed the military nature and character  
24 of Office 21. We have discussed the person who was in charge all  
25 the way in the top. Now, I would like to discuss the person to

1   whom you were directly responsible to in hierarchy and I believe  
2   that was Hor.

3   Now, you said, on many occasions, that you were a member of the  
4   guard unit. You also said that Hor was the chairman of the guard  
5   unit and that you shared also an office with Hor. That's all  
6   correct; isn't it?

7   MR. SUOS THY:

8   A. Let me clarify the question once again; what is -- what you  
9   asking me and please ask clearly?

10   [13.39.47]

11   JUDGE FENZ:

12   Perhaps one question at a time.

13   BY MR. KOPPE:

14   Well, I was summarizing what he had said many times already, but  
15   if it's still not clear, I'll -- I'm happy to ask it again.

16   Q. Just a yes or no, if that's possible, Mr. Witness. You were a  
17   member of the guard unit, correct?

18   MR. SUOS THY:

19   A. Correct.

20   Q. Hor was the chairman of the guard unit, correct?

21   A. (Microphone not activated)

22   Q. I heard you say yes, but the microphone wasn't on.

23   A. Correct.

24   Q. And you shared an office with Hor, correct?

25   A. Yes.

1 [13.41.00]

2 Q. Now, let me get to a few more specifics in regards your  
3 working relation with Hor or what you had to do following Hor's  
4 orders.

5 Let me take you to your interview to the Prosecution, E3/9140;  
6 the first ERN is the same English as in Khmer, 00181096. This is  
7 what you said and the only thing that I will be asking if that is  
8 indeed a correct statement.

9 "When there was an order to retype this list, I had to retype and  
10 forward it to Hor." End of quote. So this is about retyping a  
11 certain document. When you retyped the document, you forwarded it  
12 to Hor, correct?

13 A. Correct.

14 Q. The next excerpt is two pages down, same ERN for Khmer and  
15 English, 00181098: "Usually, Hor examined papers that I prepared  
16 for him and then he would sign in to approve." End of quote.  
17 Correct statement?

18 A. Correct.

19 [13.42.54]

20 Q. The next one is on the next page, English and Khmer ERN  
21 00181099 -- and I quote: "So my task is, first of all, to  
22 handwrite all the names of the prisoners who came in and then I  
23 reported it to Hor and Hor will forward it to Duch's office." End  
24 of quote.

25 MR. PRESIDENT:

1 Please hold on, Mr. Witness. You may proceed now, Co-Prosecutor.

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. I'm a bit concerned by the way this  
4 examination is taking place because, first, it's becoming a  
5 reading of excerpts at each time; statements of the witness <and>  
6 asking the witness to confirm these statements, so maybe the  
7 Defence could, from time to time, put an open question. That  
8 would also be possible. And if the answer does not correspond to  
9 what he said before, then you could confront the witness with  
10 what he said before, but here, things are becoming, <">is it true  
11 that you said this<, etc.">, so I don't think that this is the  
12 method that was used before this Chamber up until now.

13 [13.44.14]

14 I understand that the Defence is trying to gain time, but open  
15 questions can be asked with regard to these excerpts, so you do  
16 not need to read out the previous statements because no question  
17 had been put to the witness in that regard before.

18 MR. KOPPE:

19 All these questions were open questions by the Prosecution, so  
20 I'm just rereading the answers. It goes much quicker. Many open  
21 questions were already asked, so I think, Mr. President, this  
22 line of question is permissible.

23 JUDGE FENZ:

24 I think it's not only an issue of line, but these are statements  
25 made before an official of this Court, so this is not something

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1 from any other court where we don't know the circumstances, so

2 I'm inclined to believe that's a possible way.

3 But again, to be clear, because these are statements of this

4 witness before an authority of this Court, so we have certain

5 control over the circumstances.

6 [13.45.15]

7 BY MR. KOPPE:

8 Yes and, indeed, it was the Prosecution, itself, that asked those

9 questions.

10 Q. So let me read that last paragraph or excerpt again. You said,

11 "So my task is, first of all, to handwrite all the names of the

12 prisoners who came in and then I reported it to Hor and Hor would

13 forward it to Duch's office"; correct?

14 MR. SUOS THY:

15 A. Correct.

16 [13.45.52]

17 Q. The next one is on English and Khmer ERN 00181106. This is a

18 question about formats, a certain way that documents are made or

19 are produced, and then you said the following: "The idea of

20 making this format is not mine; actually, it was the order of

21 Hor, but both the format and the organization of this list was

22 told by Hor. Hor, himself, received the order from his upper

23 authority as well."

24 My question: Was Hor, indeed, involved in both the format and

25 organization of lists?

1 A. Hor was the one who organized the format and also the list for  
2 me to <write> down the names.

3 Q. Is it fair to say that Hor was the person for whom you worked  
4 the most or that he was the closest to you in relation to your  
5 work?

6 A. The tasks that I did <were> ordered by Hor in relation to  
7 listing all the names.

8 [13.47.55]

9 Q. Before I will revisit Hor and what you - and --and what you  
10 said about Hor, let me -- let me now turn to what Duch said about  
11 the tasks or functions of Hor. I will read to you what he said  
12 and then I will ask whether that is correct or not from your  
13 recollection.

14 First excerpt, Mr. President, from Duch's testimony about Hor,  
15 document E3/5748; English, ERN 00153568; French, 00153445; Khmer,  
16 00153459. And Duch says that it was Hor who took charge of the  
17 non-important prisoners; is that correct or is that incorrect?

18 A. That is correct; <the> important prisoners were dealt by Hor.

19 Q. Duch said also the following about Hor -- that is, document  
20 E3/1570; Khmer, ERN 00154223; English, 00154193; French,  
21 00154208. "Hor took care of the Phnom Penh sector in every field;  
22 interrogation, as well as document reading. Anything that  
23 happened in the Phnom Penh sector would go through Hor's office  
24 before it would reach me." End of quote.

25 Correct or incorrect?

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1 A. I do not know about tasks performed by Hor.

2 [13.50.42]

3 JUDGE FENZ:

4 Counsel, you understand there's a difference whether you confront  
5 the witness with his own previous statements or with the  
6 statements of another witness because if you haven't asked open  
7 questions before you confront him with the statements of another  
8 witness, it might be considered or there might be a tendency to  
9 lead; just as a general warning that it is seen as leading.

10 BY MR. KOPPE:

11 Let me go to his next quote. It's also difficult to ask open  
12 first, Judge Fenz. It's E3/1576; Khmer, ERN 00159563; English,  
13 00160722; French, 00159584 till 85.

14 Q. Duch says that Hor was relatively autonomous in his work. My  
15 question: Is that something that you were able to observe; was  
16 Hor relatively autonomous in his work?

17 MR. SUOS THY:

18 A. I do not really understand the word "autonomous"; could you  
19 please simplify it?

20 [13.52.25]

21 Q. Of course, that's no problem at all. Was Hor relatively  
22 independent when he made his decisions? Whenever Hor ordered  
23 something to be done, could he order that by himself or did he  
24 need to get authorization of anyone else?

25 A. To my knowledge, whatever Hor did required the permission from

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1 the upper echelon; otherwise, he could not do the tasks.

2 Q. I understand and who was the upper echelon?

3 A. I am referring to Duch.

4 Q. Let me now confront you with what Duch, himself, said in his  
5 earlier statements and I'm now focusing specifically on the  
6 matter of execution of prisoners.

7 You said many times -- and that's why I don't need to ask you an  
8 open question -- that it was Duch who decided whether a prisoner  
9 should be executed; yes or no. However, Duch said the following  
10 in E3/65; Khmer, ERN 00146488; English, 00147526; French,  
11 00147900. He said and I quote:

12 "At S-21, the person who planned and gave the order on this  
13 matter [the killing] was Khim Vat alias Hor and the implementer  
14 was chairman of my special unit, Him Huy." End of quote.

15 So Duch is saying here that the decision to execute was, first of  
16 all, Hor's decision; correct or not correct?

17 [13.55.24]

18 A. To my knowledge, <according to the documents>--

19 MR. PRESIDENT:

20 Please hold on, Mr. Witness. You have the floor first,  
21 Co-Prosecutor.

22 MR. DE WILDE D'ESTMAEL:

23 First of all, I'd like to insist again that things are going very  
24 fast. We have very little time to look at the excerpts <as they  
25 are> in their context. What I heard from the reading of the



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1 excerpt of Duch's interview is that at S-21, the person who would  
2 organize the executions <and> would give orders to that effect  
3 was Hor. So in the question that's put now to the witness, it  
4 changed. It becomes Hor would decide upon the executions. It's  
5 not what I heard in the excerpt that was read out.

6 [13.56.10]

7 I do not have the excerpt in front of me to check right now, but  
8 it appears to me that the counsel <once again> changed the words  
9 used by Duch in -- by saying <now> that it was Hor who would  
10 decide upon the executions. That's not what I heard when this  
11 excerpt was read out.

12 It's one thing to plan the executions <once the decision has been  
13 made, or> to give orders for the executions to take place, but  
14 it's something else to decide upon the executions. Those are two  
15 different things and I don't think we can mix them up.

16 [13.56.50]

17 BY MR. KOPPE:

18 The only thing I can do is literally repeat what Hor -- what Duch  
19 said and let me not interpret it then.

20 Q. Let me quote it again, Mr. Witness. "At S-21, the person who  
21 planned and gave the orders on this matter (the killing at S-21)  
22 was Khim Vat alias Hor and the implementer was chairman of my  
23 special unit, Him Huy."

24 What is your reaction?

25 MR. SUOS THY:

1 A. Regarding this document, Hor would receive the orders from  
2 Duch. He had no authority to remove anyone or anybody unless  
3 there was an order from Duch and after receiving the order or  
4 orders from Duch <in relation to the execution, it was> Hor <who  
5 decided> how to deal with those people with <the help of> the  
6 company or 100-member unit.

7 Q. Let me read to you another quote about the same subject,  
8 E3/452; Khmer, 00146559; English, 00147567; French, 00147929; and  
9 I quote: "The tasks of detention and smashing had been the burden  
10 of Comrade Hor ever since the creation of S-21." End of quote.  
11 Is that incorrect or is that correct?

12 A. That is correct, but as I said, Hor received the orders from  
13 Duch and do what -- and he did whatever he was assigned to do by  
14 the upper echelon, to my knowledge.

15 [13.59.21]

16 Q. In that same document, the next page, Duch says that "In  
17 relation to the execution of prisoners, Hor had to ask my opinion  
18 first." So not permission, but opinion; is that incorrect?

19 A. To my knowledge, unless there was an order from Duch, Hor did  
20 - could <not> do the job.

21 Q. The question is about ordering - or, rather, approving by  
22 Duch; did Duch order executions or did he approve suggested  
23 executions?

24 A. After there was a decision from Duch, then Hor could perform  
25 the specific task. Hor, himself, had no authority to decide to

1 kill anybody or any prisoner. Everything depended on Duch in  
2 terms of interrogation and other tasks.

3 [14.01.07]

4 Q. Well, the reason I'm asking this, Mr. Witness, is because very  
5 recently, you were interviewed by the investigators of the  
6 International Co-Investigating Judge. That is E3/10571; question  
7 and answer 7, so that's for all languages the same.

8 And you had been shown a document and then you say the following:

9 "I used to see Duch's handwriting often. Especially, I saw his  
10 handwriting and his signature very often when he approved  
11 smashing and provided it to Hor. After that, Hor gave this  
12 document in Duch's handwriting to me to prepare the names of  
13 people who had to be smashed. After that, company commanders Peng  
14 and Huy took that list."

15 So again I'm coming back to that word "approved"; was it Duch  
16 approving Hor's decision or was it Duch ordering Hor?

17 A. Duch gave an order to Hor.

18 [14.03.05]

19 Q. Were you ever in a room or were you ever witness of Duch  
20 ordering Hor?

21 A. I did not witness a direct order; however, there <were  
22 documents with Duch's> annotation <given to> Hor <, and then Hor  
23 gave me those documents to type. It was likely that Duch gave the  
24 order to Hor>.

25 Q. Correct, but Duch said there was an incident once that a

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1 prisoner was executed who still had to be interrogated--

2 JUDGE FENZ:

3 Reference. Counsel, reference.

4 MR. KOPPE:

5 Could you have the courtesy to at least let me finish my  
6 sentence?

7 JUDGE FENZ:

8 If we want to follow and check the accuracy of the references,  
9 and there's a problem with that, we need the reference.

10 [14.04.14]

11 BY MR. KOPPE:

12 I'll move on.

13 Q. Mr. Witness, let me move on to my next subject and I will find  
14 you your quote, Judge Fenz. And that is about -- my question is  
15 about the tasks of S-21, the general objectives of S-21. Let me  
16 confront you with what Duch said on two occasions as to the tasks  
17 of S-21. During his testimony in this case, 9 April 2012 at  
18 15.35, he said that S-21 was a unit to fulfil its espionage task.  
19 Is that correct; was S-21 tasked for countering espionage?

20 MR. SUOS THY:

21 A. I did not know about that matter. My duty was to complete the  
22 list on time; <otherwise, I would be in trouble>.

23 [14.05.50]

24 Q. Another major task of S-21 was, according to Duch, and that he  
25 said in E3/451; Khmer, 00187652; English, 00204341; and French,

66

1 00186171; he said, "The major task of S-21" -- he actually agreed  
2 with that when it was being put to him by the Investigating Judge  
3 - "was searching for traitors, finding poison, arms, and  
4 Vietnamese agents. This was the reason S-21 was appointed, to  
5 search for those agents through the confessions."

6 Is that something that you remember as well as being the major  
7 task of S-21?

8 A. As I have said from the outset, <Duch mentioned several> tasks  
9 <of S-21>, but my main focus was on my <own> assignments and I  
10 did not pay attention to other tasks, <and even the tasks outside  
11 the compound, I did not know much about it>. I tried to complete  
12 my tasks properly and on time <because I was afraid I would be in  
13 trouble>.

14 Q. Let me see if I can do it differently. Last week, you were  
15 shown a list of daily counting of prisoners; specifically, on 24  
16 October 1977.

17 Maybe I can have that on the screen, Mr. President. That is  
18 E3/8763. The English ERN is 00182983 and 84.

19 (Short pause)

20 [14.09.16]

21 BY MR. KOPPE:

22 I don't think that is the correct document. Let me try it  
23 differently.

24 Q. You might recall, Mr. Witness, that you were shown a document  
25 by, I believe, Judge Lavergne, which spoke about all kinds of

1 units from the army and zones that prisoners were detained from  
2 -- were coming from. The list consisted of Division 164, Division  
3 170; all the zones and autonomous regions were in there, and you  
4 might also recall that you explained the various abbreviations of  
5 the state ministries.

6 Now, my question, first, is if you recall this list; do you  
7 remember whether these categories were all the categories there  
8 were or were there other separating categories for prisoners?

9 MR. SUOS THY:

10 A. Could you please specify the list that you mentioned? Are you  
11 referring to the daily counting of prisoners list or another  
12 list?

13 [14.10.53]

14 Q. Yes, that's the list that was shown to you last week.

15 Unfortunately, I don't get the Khmer one; E3/8763, maybe it's in  
16 the binder.

17 MR. PRESIDENT:

18 Duty Counsel, could you please check the binder and provide it to  
19 your client?

20 Court officer, could you take the document from the defence  
21 counsel and give it to the witness?

22 BY MR. KOPPE:

23 I apologize for the delay, Mr. President.

24 Q. So that is the document that was shown to you with all those  
25 state ministries and all the -- the various divisions of the

1 army; do you remember that document, Mr. Witness?

2 A. Yes, I see it.

3 [14.12.15]

4 Q. Now, my question is: do you remember any other categories of  
5 prisoners or were these all the categories that were used within  
6 S-21?

7 A. This is kind of a combined list <of S-21> prisoners. However,  
8 this kind of list was not drawn up on a daily basis. It was only  
9 drawn up when there was an instruction to make such a report by  
10 Hor, <and it was drawn up once in a while>.

11 And the daily list was different from this kind of list as the  
12 <daily> list was shorter in terms of information that it only  
13 mentioned the names and the positions. And to me, this is a  
14 consolidated list or a combined list <that was drawn up once in a  
15 while>.

16 Q. I understand, but my question is: was there a category of  
17 prisoners that was not mentioned on this list? Is there a  
18 remaining category that we maybe do not know of or are these  
19 divisions of the army, the members from the zones and the state  
20 ministries, are these all the categories there were?

21 A. This is kind of a master list and, to my knowledge, there was  
22 no other kind of a master list.

23 [14.14.10]

24 Q. I will keep that in mind.

25 Now, let me now go to document E3/ -- or rather, the WRI of Duch,

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1 E3/1 -- sorry, E3/5772; English, ERN 00209170; Khmer, 00186194;  
2 and French, 00186210. He says that, "Prisoners in S-21 would only  
3 come from within the Party and not from the popular masses." End  
4 of quote.

5 Is that correct?

6 A. To my knowledge, <that> generally happened but I could not say  
7 about the statement made by Duch.

8 Q. Let me formulate it differently. Is it correct that the  
9 prisoners in S-21 all belonged to one of those categories and  
10 only came from within the Party and not from the civilian  
11 population?

12 A. The information list covered civilians as well. So to my  
13 knowledge, that statement by Duch is not correct.

14 [14.16.30]

15 Q. But if there were civilians in S-21, were they then not  
16 members of one of those categories that you just mentioned or  
17 that we just discussed?

18 A. In terms of civilians, <> for example, if they were sent from  
19 the Northwest Zone, <then the Northwest Zone and their positions  
20 would be mentioned>. If they were former Lon Nol soldiers <or if  
21 they used to work under the Lon Nol regime, they would be  
22 mentioned with the zones or the sectors where they were sent  
23 from. So there were mixed categories>.

24 Q. So what you are saying is that Duch's testimony that prisoners  
25 only came from within the Party is incorrect?



1 A. Yes, that is correct.

2 Q. Now let me go to one other person that you worked closely  
3 with, and that is Meng. Meng was the chairman of the  
4 interrogation office; correct?

5 A. No, Meng was not chief of the interrogation section but he was  
6 chief of the interrogation office.

7 [14.18.22]

8 Q. Ah, that's what I said in English. Maybe something went wrong  
9 in the translation.

10 But what is the difference between chairman of the interrogation  
11 office and chairman of the interrogation section?

12 A. They were different. The chief of the office was in charge of  
13 drawing up the list for all the interrogation units. For the  
14 chairman of the interrogation unit, that person was in charge of  
15 all the interrogators within the interrogation unit.

16 Q. When you talked to the American defence intelligence officers,  
17 you also mentioned Meng. That is document E3/7837; Khmer, ERN  
18 00800613 (sic); French, 00775890; and English, 00276844. These  
19 American interrogators or officials summarized Meng's work as  
20 "the interrogation registrar". Interrogation registrar, is that  
21 an adequate description of Meng's duties?

22 A. Meng was the person who was in charge of all the lists for all  
23 the interrogation units. Meng was in charge of all the master  
24 lists of prisoners <as well as the list of S-21 cadres and  
25 combatants>, and the typists were also under Meng or under his

1 office.

2 [14.20.55]

3 Q. Was there any overlap between your work and his work, or were  
4 these really two completely different jobs or tasks?

5 A. My tasks and Meng's tasks were separate and different. First,  
6 I had to make a report to Meng on the number of prisoners. And  
7 Meng, himself, was overall in charge of those tasks in the three  
8 offices and he was one who was in the possession of the master  
9 list.

10 Q. During your interviews with the investigators of the  
11 Co-Investigating Judges, your interviews with the Prosecution  
12 here, at trial and in 2009, it happened quite often that you  
13 didn't recognize a certain S-21 document or an S-21 list. Was  
14 that because that particular list was most of the times drawn up  
15 under the supervision of Meng and that a lot of documents from  
16 S-21 you were simply not able to recognize because of your  
17 position?

18 A. I cannot recall all the lists. I only knew about the lists  
19 that were drawn <up> by the guard unit.

20 Q. But to put it differently, Meng was responsible for all kinds  
21 of other documents than you were responsible for; correct?

22 A. Yes, that is correct.

23 [14.23.33]

24 Q. Just to get it completely clear, Mr. Witness, let me read  
25 something you said before the Chamber in Case 001 --that is,

1 document E3/7466 at 9.40 in the morning, and that might have been  
2 an error in the transcript because it says the following: "I  
3 worked only under supervision of Peng" -- with a 'P' -- "who was  
4 the chief of the interrogators. I was the one who summarized the  
5 list."

6 So you said you worked under supervision of Peng who was the  
7 chief of the interrogators. Did you mean Meng or Peng?

8 JUDGE FENZ:

9 Did you check the original Khmer transcript? Perhaps it's simply  
10 a-

11 [14.24.45]

12 BY MR. KOPPE:

13 That is a good question. No, I haven't. But maybe the witness can  
14 clarify.

15 Q. If you said you worked only under the supervision of the chief  
16 of the interrogators, did you mean Peng or did you mean Meng?

17 MR. SUOS THY:

18 A. Since there is confusion here between Meng and Peng, Peng was  
19 not in charge of maintaining the list. He was <part of a guard  
20 company>.

21 Q. So you meant Meng and not Peng; correct?

22 A. For drawing up the list I referred to Meng. As for Peng, Peng  
23 was in charge of the 100-man unit or company. <When I was the  
24 chief of the 18th> group, <I was under the supervision of Peng's  
25 company>.

1 MR. KOPPE:

2 Now, one of my last questions in relation to those lists in  
3 general -- Mr. President, with your leave, I would like to show a  
4 small clip from the East German documentary, "Die Angkar". I  
5 believe the AV Unit is ready to show that clip and if that is all  
6 right with you.

7 MR. PRESIDENT:

8 Counsel for civil parties, you may proceed.

9 [14.27.04]

10 MS. GUIRAUD:

11 Thank you, Mr. President. I have a short question for my  
12 colleague.

13 Is this the <excerpt> mentioned in an email last week, because if  
14 that is it, he did not specify the minutes. And if yes, to be  
15 concrete, the problem we have is that document is only in German.  
16 It is a documentary that is not in any of the Tribunal's official  
17 languages and what we have is only partial translations of the  
18 comments in the documentary. And we are therefore unable to  
19 understand what is said in the <excerpt> that the colleague has  
20 referred to. That poses difficulty for us.

21 I know there is a German-speaking Judge here present but we, for  
22 our part, in view of the fact that this documentary is in none of  
23 the languages of the Tribunal, face difficulties in understanding  
24 it.

25 [14.28.18]

1 MR. KOPPE:

2 I'm not interested in the commentary that you can hear. For all  
3 that matters, we can switch off the sound.

4 The only thing that I want to show is a book containing  
5 prisoners' lists and I want to ask him a question about what you  
6 see, not about what you hear.

7 JUDGE FENZ:

8 Clear reference was asked.

9 MR. KOPPE:

10 Yes, the AV Unit should know--

11 JUDGE FENZ:

12 For the record.

13 MR. KOPPE:

14 Yes, it is documentary "Die Angkar" E3/3095R at 23.58 till 25.15.

15 MR. PRESIDENT:

16 Your request is granted and AV Unit personnel are instructed to  
17 play the video clip requested by defence counsel for Nuon Chea.

18 [14.29.36]

19 (Audio-Visual presentation)

20 (End of Audio-Visual presentation)

21 [14.30.49]

22 BY MR. KOPPE:

23 Q. Mr. Witness, you saw the footage. This is a documentary that  
24 was shot in 1980 or 1981 very quickly after S-21 was abandoned.

25 And what you see on that footage is an orange book containing

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1 entry lists of prisoners.

2 Is that something that was used, this orange book containing  
3 those entry lists? Did you work with a book?

4 MR. SUOS THY:

5 A. I was in charge of that large book.

6 MR. PRESIDENT:

7 Judge Lavergne, you have the floor.

8 [14.31.53]

9 JUDGE LAVERGNE:

10 I am reacting because I am hearing Counsel Koppe speaking about a  
11 list containing prisoner names. These names contain no <prisoner>  
12 names. These lists are daily lists of the number of prisoners,  
13 those coming in and those leaving. These <exact same> documents  
14 were already presented in fact in this trial.

15 BY MR. KOPPE:

16 Maybe I misspoke. I certainly didn't mean to say names. Maybe it  
17 went wrong in translation.

18 Q. Mr. Witness, this book containing entry lists or documents  
19 that you were responsible for, is my understanding now correct  
20 that you in fact used this orange book while you were at S-21?

21 MR. SUOS THY:

22 A. I was in charge of the daily incoming prisoners.

23 [14.33.05]

24 Q. I understand, but did you use this orange book for that  
25 purpose?

1 JUDGE FENZ:

2 Perhaps we can show a still?

3 BY MR. KOPPE:

4 We have stills but we originally planned to show stills, but the  
5 footage actually is more clear. Maybe we can show it again but I  
6 think the witness was able to see it clearly.

7 Q. So again, Mr. Witness, did you use this orange book? Was that  
8 part of your daily work using that orange book?

9 [14.33.55]

10 JUDGE LAVERGNE:

11 Counsel Koppe, I don't really understand the relevance of your  
12 question. This book contains the same sheets as those that were  
13 presented to this witness and he said indeed that he was  
14 completely unaware of these sheets. The witness said that he  
15 would come up with lists <of names> of prisoners coming in; lists  
16 of names. Here there are no names. These are simply statistical  
17 data with the number of prisoners coming in and leaving in each  
18 unit involved. So I don't see the relevance of your question  
19 here.

20 BY MR. KOPPE:

21 Maybe something is going wrong in the translation. The only thing  
22 I am interested in, and that's what I heard in English at least,  
23 is that he used this orange book. And the reason I am asking is  
24 that we only have separate documents. We do not -- we are not  
25 aware of the existence of a book. That's why I am asking this

1 question. There is no such thing as an orange book. At least,  
2 that's what I know.

3 [14.35.00]

4 Q. So my question again, you saw an orange book. I leave for what  
5 it is what's in it. But did you use this orange book?

6 MR. SUOS THY:

7 A. I used a thick book. However, I do not recall the content  
8 inside the book, a thick one. And for the colour, <the book  
9 cover> was pink, not yellow.

10 MR. KOPPE:

11 Mr. President, what I am trying to establish is whether there was  
12 a difference in what was the original state of those entry lists  
13 and how we have it now in the file.

14 Having said that, would it be possible to show the witness this  
15 footage again?

16 [14.36.12]

17 MR. PRESIDENT:

18 AV Unit, please show the video clip as requested by the defence  
19 counsel and please pause when the concerned document -- that is,  
20 the orange document was shown.

21 (Short pause)

22 [14.36.45]

23 (Audio-Visual presentation)

24 (End of Audio-Visual presentation)

25 [14.38.18]



1 BY MR. KOPPE:

2 Q. So Mr. Witness, you had another chance to look at this book.

3 Was this the book that you used?

4 MR. SUOS THY:

5 A. Generally speaking, this is the master list or the book of the  
6 master list <> of prisoners <incoming> on a daily basis and  
7 usually this book of <the> master list was used when I had to  
8 total the number of prisoners <for them once in a while. But as  
9 for the list of names of prisoners, the incoming prisoners list  
10 was drawn up on a daily basis.>

11 MR. PRESIDENT:

12 Judge Lavergne, please proceed.

13 JUDGE LAVERGNE:

14 Now, for purposes of clarity, I would like to specify that this  
15 is a register that compiles the daily lists of the S-21  
16 prisoners. These daily lists resemble the lists under index  
17 E3/8763, which was shown on Friday and even this morning to the  
18 witness.

19 [14.39.52]

20 MR. PRESIDENT:

21 Thank you, Judge.

22 It is now a convenient time for a short break. The Chamber will  
23 take a short break from now until 3 p.m.

24 Court officer, please assist the witness in the waiting room  
25 during the break time and please invite him back together with

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1 the duty counsel into the courtroom at 3 p.m.

2 The Court is now in recess.

3 (Court recesses from 1440H to 1500H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Court is now back in session and before I hand the floor to  
7 the defence counsel for Nuon Chea to continue putting further  
8 questions to the witness, the Chamber would like to remind the  
9 two defence teams that you have one and a half sessions remaining  
10 for tomorrow morning, so that you are through the remaining time  
11 and that you can decide amongst yourselves on the use of the  
12 remaining times for questioning the witness.

13 You may proceed, Counsel.

14 [15.01.45]

15 BY MR. KOPPE:

16 So one and a half tomorrow including today, then it's clear.

17 Yes, Mr. President, allow me to revisit the matter of who decided  
18 on the execution of prisoners in S-21.

19 I have now had the time to find the references made by Duch. As a  
20 matter of fact, he speaks about this in three different times.

21 Q. So Mr. Witness, you were very clear in your testimony that it  
22 was Duch who decided who should be executed. Let me direct your  
23 attention to E3/452; Khmer, ERN 00146554; English, 00147567 to  
24 68; and French, 00147930.

25 Duch describes an incident with a prisoner named Soen Sany --

1 Seun Sary -- he repeats talking about that incident also in  
2 E3/5801. That's his testimony in Case 001 of 17 June 2009 at 9.28  
3 in the morning and he also refers to it in his own written  
4 explanation, E3/1570; English, ERN 00154201.

5 [15.03.59]

6 Now, all these references, as I said, is a description about an  
7 incident of a person named Seun Sary who was executed but whose  
8 interrogation had not finished yet.

9 The question of the Investigating Judges to Duch is as follows:

10 "Many have said that you decided everything." And then Duch  
11 answers: "At first, taking prisoners out to smash, that was  
12 Comrade Hor who made the decisions without it being necessary to  
13 tell me."

14 Then the incident -- he describes the incident with Seun Sary and  
15 then he says, "Son Sen instructed to have Hor ask my opinion  
16 first."

17 Let me read to you what he said in his testimony in this Trial  
18 Chamber:

19 "Your Honour, there are two phases of this matter. The first  
20 phase; that is before the incident that a prisoner was killed  
21 before the confession was completed, it was done by Comrade Hor  
22 in order not to overburden the workloads and at that time the  
23 detainees were only in reasonable number."

24 [15.05.33]

25 "After the incident of Seun Sary alias Brav and the confession

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1 was cut off, he was warned by the superior, that it was a time  
2 that anyone who was interrogated and finished, then Comrade Hor  
3 would come to me and report it to me. I acknowledged that the  
4 interrogation was complete and it was the order from his superior  
5 that they would be only taken only after the confessions were  
6 extracted."

7 And in that explanation of that written document, in his written  
8 document, E3/157, he also talks about two phases. The first stage  
9 was Comrade Hor preparing a plan and arranging the transport out  
10 at his own initiative and then the second phase as described.

11 So again, Mr. Witness -- and then we are done with that subject  
12 -- here Duch says very clearly it was Duch -- it was Hor who  
13 decided about the execution and Duch only advised Hor about  
14 interrogations being finished.

15 Is that correct or incorrect what Duch said?

16 [15.06.58]

17 MR. SUOS THY:

18 A. I <am not certain about> that matter. However, <to my  
19 knowledge>, Hor could only act upon getting permission from the  
20 upper echelon -- that is, from Duch as Hor worked under Duch.

21 Q. Okay. Now, let me move onto my next subject, Mr. Witness.

22 I would like to show you a document which is in your binder,  
23 document E3/8648; English, ERN 00292816; Khmer, 00288471; and  
24 French, 00303515.

25 And if we can put it on the screen as well, Mr. President, that

1 would be helpful.

2 MR. PRESIDENT:

3 Judge Lavergne, you have the floor.

4 JUDGE LAVERGNE:

5 I would like to take this opportunity while the document is not

6 yet placed on the screen to tell Mr. Koppe that the interpreters

7 are requesting that you should slow down because they have a hard

8 time hearing what you are saying.

9 [15.08.29]

10 BY MR. KOPPE:

11 No problem at all.

12 So it's document E3/8648; Khmer, ERN 00288471; English ,00292816;

13 and French, 00303515.

14 Q. Mr. Witness, do you see this document?

15 On the screen, please.

16 MR. SUOS THY:

17 A. Yes, I see the document. I did not make this document because

18 in Tuol Sleng prison, there was no list of released prisoners.

19 <Perhaps somebody came and released someone, but I do not know

20 about it.>

21 Q. That's very interesting. Do you agree with me that the title

22 of the document is "Names of people released on 26 November

23 1977/Division 920"?

24 [15.10.03]

25 JUDGE FENZ:

1 Keep the document on the screen, please, ITU, as long as we deal  
2 with it.

3 BY MR. KOPPE:

4 I understood that as soon as they have me or you on camera they  
5 have to switch, it seems. That's why they take it away.

6 Ah, here it is -- or maybe not. I don't know.

7 Q. Mr. Witness, do you agree with me the title of this document  
8 is "Names of people released on 26 November 1977/Division 920"?

9 MR. SUOS THY:

10 A. This is not the list made by our guard unit. <However, I do  
11 not know where it was made>.

12 Q. Who made this list?

13 A. There were three offices that <drew> up the list; namely the  
14 rice farming unit <and> the interrogators unit <>. And to my  
15 knowledge, <in the prison,> there was no list of prisoners who  
16 were released.

17 [15.11.30]

18 Q. Well, that's what you say, to your knowledge, but isn't this a  
19 fact a document of release of 100 Division 920 members?

20 Can you help us? Who is the author, if you know, of this  
21 document?

22 A. At my unit, this kind of list did not exist <regarding the  
23 list of released prisoners>. This list could be made by <an>  
24 external unit or other units regarding the list, the names of  
25 prisoners who were released. <I do not know how the list was

1 drawn up or how prisoners were released.>

2 Q. Can you explain why that is? What makes you say this is not a  
3 document from your unit? Could it be a document of Meng's office?

4 A. When I made a report, I did not have a list of names of people  
5 who were released and at our office, there was no such list.

6 [15.12.57]

7 Q. Then again the question, from which unit is this list?

8 JUDGE FENZ:

9 But, Counsel, given what he has said, you are inviting him to  
10 speculate. He says, "I don't know." That's my understanding.

11 BY MR. KOPPE:

12 Let me ask it in a way that it's not asking for speculation.

13 Q. Is my understanding correct you do not know who made this  
14 list?

15 MR. SUOS THY:

16 A. That is true.

17 Q. Let me move on to the next document that I would like to show  
18 you. That is document E3/10555.

19 Mr. President, there is only a Khmer version of this document,  
20 01219685 to 87 of the Khmer ERNs.

21 And if I can have it on the screen, E3/10555?

22 Now, Mr. Witness, it's my understanding that these are two  
23 biographies. One is a biography of someone called Chheang Phoeung  
24 alias Sal, and the biography of a person called Sieng Bophat  
25 alias San.

1 For your reference, Mr. President, these names are mentioned in  
2 the OCIJ list under 14886 and 14888.

3 [15.15.36]

4 And it's my understanding and I hope you can help me, Mr.

5 Witness, that both these persons were sent to the rice fields. Do  
6 you see on the right part, the right upper part of both documents  
7 that these people were sent on the 5th of March '78 "To the rice  
8 fields"?

9 A. <Regarding this list>, I did not know about prisoners who were  
10 sent to the rice fields or maybe my memory does not serve me well  
11 since this matter happened several years ago.

12 Q. Do you recognize the handwriting where it says "sent to the  
13 rice fields"?

14 (Short pause)

15 [15.17.10]

16 MR. SUOS THY:

17 A. I cannot recall whose handwriting it is.

18 BY MR. KOPPE:

19 Q. Do you know what it means "sent to the rice fields"? Which  
20 rice fields?

21 MR. SUOS THY:

22 A. Sending to the rice fields means that it would be sent to  
23 <Prey Sar or> S-21D.

24 Q. And these two biographies, are these S-21 documents?

25 A. From the format, it should be the biographies of S-21 but I



1 was not aware of any incidents where prisoners were sent to the  
2 rice fields.

3 Q. Let me ask you a general question. How did people end up in  
4 the rice fields of Prey Sar? If they were punished for whatever  
5 reason and they ended up in S-24 or Prey Sar, do you know how  
6 they got there?

7 A. I did not know the details about people being sent to the rice  
8 fields and of course due to the passage of time, I cannot recall  
9 that.

10 [15.19.12]

11 Q. Do you know whether there was a reception area close to the  
12 outside perimeter of S-21?

13 A. There were special forces at the outer perimeter who were  
14 present there in order to receive prisoners <from everywhere>.

15 Q. Do you know if prisoners or people who had arrived at this  
16 outside reception building, whether they were sent to Prey Sar,  
17 to the rice fields?

18 A. I did not know exactly what happened since prisoners were sent  
19 only through that outer part, and I was working inside.

20 Q. Do you know whether people who were sent to Prey Sar first  
21 went inside the premises of Tuol Sleng where you worked in order  
22 to be documented and photographed, and once that was done they  
23 were taken out again and sent to Prey Sar?

24 A. For people who were sent to be photographed, they were not  
25 sent to the rice fields -- that is, to my knowledge.

1 [15.21.15]

2 Q. Your office was in Hor's office. Is it correct that the  
3 photography unit was also in that same building?

4 A. Yes, the photography unit and my unit <were> in the same  
5 place.

6 Q. And do you recall who the chief of the photography unit was?

7 A. I do not recall who was the -- who the chief was. I knew that  
8 there were two photographers but I did not know about the chief.

9 Q. Does the name Sreang or Nim Kimsreang mean anything to you?

10 A. I know for sure about the two photographers; namely Song and  
11 Sreang.

12 [15.22.37]

13 Q. Yes, I apologize for my pronunciation, Sreang.

14 Let me read to you what Sreang has told investigators of the  
15 OCIJ. That is document E3/7639; Khmer, ERN 00162710; English,  
16 00162736; French, 00338079.

17 The question to Sreang is the following: "After their photos were  
18 taken, where were the prisoners sent?"

19 He said: "The majority of the prisoners who had been photographed  
20 were sent to farm rice but aside from that, I don't know. Those  
21 prisoners sent to farm rice were mostly minor people. I went  
22 along. I photographed that. I saw that they farmed rice."

23 In that same statement, Sreang recalls an incident, Khmer two  
24 pages before. He says: "One day when I was developing, photos  
25 were damaged and when I requested to retake the photos, I could

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1    only find two of them. And I asked Duch, 'Brother, the prisoners  
2    brought in yesterday, where have they all gone?' He said they had  
3    all gone to the rice fields. 'Go photograph them at the rice  
4    fields.'" End of quote.

5    Now, Sreang is saying that the people who were sent to Prey Sar  
6    were first photographed, presumably in your office. Is that  
7    correct?

8    [15.25.01]

9    A. I did not know the details regarding the process of being  
10   photographed. It was possible that those people were photographed  
11   at the outer section before they were sent to the rice fields  
12   and, to my understanding, those who were sent inside and  
13   <photographed> were never sent to the rice field; <they were  
14   detained in the building>.

15   Q. But where was Sreang's office then outside the Tuol Sleng  
16   premises? Where did -- did Sreang have another place where he  
17   could make photos?

18   A. It is unclear to me. I did not know how the photography was  
19   taken at the outer section compared to the photography that was  
20   taken inside.

21   [15.26.23]

22   MR. KOPPE:

23   Mr. President, I have in addition to the binder with documents  
24   also given to Mr. Witness, a set of photos and I would like to  
25   show these photos briefly to him and then ask a few questions

1 about this. I also have it on the screen so you can follow it  
2 from there.

3 It is document E3/9214. It consists of two parts.

4 And for duty counsel, it's the blue binder that I have provided  
5 to the witness.

6 So with your permission, I would like to show that binder to the  
7 witness.

8 MR. PRESIDENT:

9 Yes, your request is granted.

10 BY MR. KOPPE:

11 So hopefully it will be on the screen soon. Yeah.

12 Q. Now, Mr. Witness, you see a lot of photos. As a matter of  
13 fact, this first part contains about 435 photos and each photo  
14 has something written on the back.

15 My question to you is: can you not only have a look at these  
16 photos, but also at the handwriting of the back of these photos?

17 (Short pause)

18 [15.29.05]

19 BY MR. KOPPE:

20 Mr. Witness, do you recognize this handwriting?

21 MR. SUOS THY:

22 A. No, I do not recall whose handwriting it is.

23 Q. Do you know whether there was a procedure in general to write  
24 on the back of photographs?

25 A. It happened a long time ago. I cannot recall the details of

1 the procedures or what <had> to be written down at the back of  
2 the photograph. Usually, we did not write <on the back of> the  
3 photographs.

4 Q. Now, in this first part of this photo book you see that the  
5 people who appear in these photographs they all have numbers on  
6 their clothes. So I am not referring to the little white number  
7 that was done by DC-Cam but I am referring to the numbers that  
8 supposedly these prisoners had while they were being  
9 photographed.

10 Do you see these numbers?

11 A. Yes, I do.

12 [15.30.40]

13 Q. Can you explain to the Court who it was that put those numbers  
14 on these prisoners or on these people?

15 A. As for the number attached to a shirt, I did not know about  
16 the process. The number was made by those photographers and maybe  
17 they used it <as a reminder>.

18 Q. But wasn't this number also of importance to you to make sure  
19 that the number on the prisoner's shirt somehow corresponded with  
20 the biographies that you made?

21 A. From what I see in the photo, the number could be the  
22 sequential number of the photograph of the prisoners. For  
23 example, if <it was> photograph number <32>, then the number <32>  
24 would be attached to the <biography> of that person.

25 [15.32.20]

1 Q. So the attaching of numbers was something solely within the  
2 task of Sreang and the photographers and not yours; correct?

3 A. That was the task for the photographers and that was for them  
4 to <recognize the photographs>.

5 Q. Now let me, within that same folder, go to the second set of  
6 photos that starts with ERN P01223764, and maybe we could have on  
7 the screen this second set of photos, and if we can scroll  
8 through it.

9 Mr. Witness, these set of photos come from someone else, but they  
10 all have one thing in common. They all used a different way of  
11 identifying the particular person. You can see -- maybe we can  
12 take one example -- that rather than having a number on their  
13 shirt, they now have a little token indicating the date,  
14 indicating their name, and indicating a sequential number.  
15 Do you see this?

16 [15.34.32]

17 A. Yes. The photographers would do whatever they can to --  
18 whatever they could to note things that they performed.

19 Q. Do you know how the system that they used works? Do you know  
20 how the numbering that you can see on those tags worked? How did  
21 the numbering go, do you know?

22 A. Regarding the numbering by the photographers, usually the  
23 numbers would be designated to a prisoner in accordance with the  
24 biography.

25 For example, if the person was designated number 3, then I would

1 also include number 3 in the biography.

2 Q. Do you know if the photographers used a sequence of numbers  
3 starting every month, starting every quarter in a year, more  
4 particularly 1978? What can you tell us about that system?

5 A. Regarding the numbering on the photographs, the photographers  
6 were entitled to change the number or the sequential numbers.

7 <For instance, every two days, they would change the sequential  
8 numbers. So it depended on the photographers>.

9 [15.36.47]

10 Q. But do you know when this system started? When did the  
11 photographers start with this system indicating not only a date  
12 of entry but also a number and a name?

13 A. When <> the prisoners came into that centre, I would <write  
14 down their biographies. Regarding the sequential numbers on the  
15 biographies, for instance, for two days of prisoner entries, they  
16 would tell us to> put <down> the number <one to ten> accordingly.  
17 And then <in the next three days, they would change the  
18 sequential numbers >, and that <depended on> the photographers.

19 Q. But did you and the photographers design a system in 1978 that  
20 you -- that included first numbering until the end of the month  
21 and starting a new number in the beginning of the next month or  
22 did you do that first in quarters? Do you remember what the  
23 system was in 1978?

24 A. It depended, and usually it varied. It did <> change, for  
25 example, once a week, <every two weeks> or once quarterly, it

1 depended on the <number of> incoming prisoners on a daily basis.

2 [15.38.52]

3 Q. But do you recall that in 1978 you started with a quarterly  
4 count and then at one point, presumably April, you started with a  
5 monthly count?

6 A. I cannot recall well the numbering of the incoming prisoners  
7 because that happened a long time ago.

8 Q. I understand; that's no problem, Mr. Witness.

9 Let me turn now to combatants being sent for re-education or  
10 refashion purposes to something called Kampong Chhnang Airport.  
11 Do you know anything about this?

12 A. I did not know about what happened outside <>.

13 [15.40.22]

14 Q. Let me see if I can refresh your memory a bit, Mr. Witness.

15 You were asked this question by DC-Cam in -- I don't know exactly  
16 when, but it is in the document E3/9320; Khmer, ERN 000520321 --  
17 I'm not quite sure if that's correct - 00052032; English,  
18 00337986 or page 20 of the interview; and French, 00280530.

19 Now, the DC-Cam interviewer asks you the following question, and  
20 let me quote that to you completely. He says:

21 "Through various interviews, people have told me that prisoners  
22 had been put to work at Kampong Chhnang airport. They said they  
23 had been imprisoned at the surrounding buildings of Tuol Sleng  
24 prison, not inside Tuol Sleng prison itself. They claim to have  
25 been brought from different units. They were released and sent to



1 work at Kampong Chhnang airport. Were you aware of this?"

2 [15.42.01]

3 And then you say: "It was not my regular task; therefore, I do  
4 not know about this. Everything depended on Duch and Hor. They  
5 might be released and sent there as I knew those who were brought  
6 in there hardly survived."

7 And then let me also do the next question: "Some people claim  
8 that they had been imprisoned at Tuol Sleng while others had been  
9 imprisoned at Prey Sar, but their photos were there at Tuol  
10 Sleng. How could this happen? Their photos were displayed at Tuol  
11 Sleng but they were imprisoned at Prey Sar. Were you aware of  
12 this?"

13 And then you say, "No".

14 Now, you do seem to imply, albeit vaguely in your answer, that  
15 people might have been released and sent to Kampong Chhnang  
16 airport.

17 Is that something that you remember happened?

18 A. I cannot remember it well in relation to that issue.

19 [15.43.27]

20 Q. Do you remember ever having heard anything about Kampong  
21 Chhnang airport while you were working at S-21?

22 A. I was at the time working at S-21 and I did not know what  
23 happened at Kampong Chhnang airport construction site.

24 Q. Let me now show you a document which is also in your binder,  
25 document E3/8761.

1 MR. KOPPE:

2 And with your permission, Mr. President, I would like to put it  
3 on the screen as well.

4 BY MR. KOPPE:

5 Q. Do you recognize this document, Mr. Witness?

6 MR. SUOS THY:

7 A. This document was not drawn up by me because my documents  
8 usually never -- <were> never included with the types of  
9 offences. I included only occupations <and arrival dates>.

10 Q. Do you have any idea who made this document?

11 A. The interrogation unit <combined all> the documents <of  
12 prisoners>.

13 [15.46.28]

14 Q. Now, if my understanding is correct, this is a list of people  
15 taken from Region 25, 15, 33 and 37, and in the last column is a  
16 column called "Crime Category", and it mentions things like CIA,  
17 White Khmer, Spy, Bandit, Colonel, etc.

18 If you look specifically at that column, are you able to tell who  
19 made this list or who might have been responsible?

20 A. To my knowledge, this list was done by Meng's unit.

21 Q. And when did Meng's unit make this list? Was that before S-21  
22 was moved to the former -- or to the present Tuol Sleng premises  
23 or after?

24 A. As I indicated that already, I do not know for sure when  
25 exactly Tuol Sleng was moved to -- S-21 was moved to Tuol Sleng.

1 And to my recollection, the list that I drew up never included  
2 the crime category.

3 [15.48.27]

4 Q. All right, thank you, Mr. Witness.

5 Let me go back to a document that I showed you before, E3/2100,  
6 2100.

7 MR. KOPPE:

8 Maybe we can have it on the screen as well, Mr. President?

9 BY MR. KOPPE:

10 Q. I'm particularly interested in a person under number 20 and 21  
11 of that list. If I'm not mistaken, number 20 is a person called  
12 Sao Ken alias Vun, age 30. He is to be interrogated but his  
13 function is "Office 24 Chairman, S-21D".

14 Did you know Sao Ken alias Vun being the Office 24 Chairman or  
15 belonging to S-21D?

16 MR. SUOS THY:

17 A. To my knowledge, my group did not -- was not responsible  
18 for drawing up this list, in one column it says <> "Interrogation  
19 <was concluded>" and I think perhaps this list may have been  
20 drawn up by Meng's unit, and I do not know who Sao Ken <alias  
21 Vun> was.

22 And to my recollection and if I am correct, that person was not  
23 head of S-21D, but perhaps he may have been the head of an  
24 office.

25 [15.51.20]

1 Q. Yes, I was equally surprised to see Sao Ken as Office 24  
2 Chairman.

3 The same applies to number 21 on that list, But Heng, who is  
4 referred to as "Documentation Team Leader of S-21".

5 Did you know But Heng?

6 A. I told you already that <I didn't know about> the  
7 documentation <group> within <the> interrogation unit and, as I  
8 said, in the interrogation unit there were different subgroups  
9 <such as the documentation group, the typist group and others; so  
10 I am not certain about that>.

11 [15.52.11]

12 Q. I understand, but you worked closely with Meng and it might  
13 have been someone who did maybe the same thing as you? But I  
14 don't think we've ever heard of someone called But Heng.

15 So that name doesn't ring a bell at all with you?

16 A. I cannot recall it. I cannot recall this individual's name.  
17 I know the head of the -- of a 100-men unit, and for rest I have  
18 no idea. I was assigned to be based within the prison compound  
19 and I did not focus or concentrate on the tasks on any individual  
20 working <in other units>.

21 Q. No problem, Mr. Witness.

22 Now, let me turn to three documents at the same time. That's a  
23 bit complicated, but it is document E3/9898, E3/9897, and  
24 E3/2251. So I will repeat, 9898, 9897, and 2251.

25 Do you find it, Mr. Witness?

1 A. I have found it.

2 [15.55.16]

3 Q. Now, in these three documents, one person is mentioned three  
4 times. So let me start with E3/2251, Khmer ERN 00086783. If it's  
5 correct in your binder, you will see it highlighted. You see that  
6 same person in E3/9897, Khmer ERN 01011214 and, again, in E3/9898  
7 on Khmer ERN 01011226.

8 I'm not so interested in that person itself, but he is mentioned  
9 three times in three different lists.

10 My question to you is: did it happen that prisoners would end up  
11 in different kinds of lists?

12 JUDGE FENZ:

13 Can you just give us the name for the record? Name of the person  
14 who comes up three times.

15 MR. LIV SOVANNA:

16 The name is Im Chheng Im, Im Chheng Im.

17 BY MR. KOPPE:

18 Q. I see that you found the name. That name, Mr. Witness,  
19 appears three times in three different lists.

20 Do you know whether it happened -- maybe to say one list is from  
21 the East Zone and the two others are people from the Northeast  
22 Zone. Does it happen that people are mentioned on different  
23 lists?

24 [15.58.05]

25 MR. DE WILDE D'ESTMAEL:

1 Mr. President, indeed it's a bit complicated as counsel warned  
2 us. I can't really follow what's happening. Indeed, there's Im  
3 Chheng <Im> (phonetic) under the Northeast Zone <column> in  
4 document E3/2251. <Could> the Defence at least read out the  
5 headings of the other documents so we can understand what's  
6 happening<?> Because it's in Khmer, maybe your national colleague  
7 could assist us in that regard so we could have at least <an>  
8 immediate summary translation of the <subject> of these two other  
9 documents so that we can know if they come<, for example,> from  
10 different zones which <does not seem clear> to me. Thank you.

11 [15.59.09]

12 MR. LIV SOVANNA:

13 May I, Mr. President?

14 The first document is E3/2251; ERN in Khmer 00086783 in number 5,  
15 and the name is Im Chheng Im alias Sipha, age 40 years old,  
16 female, wife of <> contemptible But or A But, and the  
17 interrogator's name is Tuy.

18 And the second document is E3/9898; ERN in Khmer, <01011226> in  
19 number 3, and the title is "Northeast Zone". The name is Im  
20 Chheng Im alias Sipha, age 40 years old, female, the wife of  
21 contemptible But, and the interrogator's name is Tuy.

22 And the third document, E3/9897; ERN in Khmer, 01011214; the  
23 title of the document is "Prisoners from the <> Northeast Zone",  
24 <in number 3>, and the name is Im Chheng Im, age 40 years old,  
25 and this person alias name is Sithar (phonetic) (sic).

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1 Thank you, Mr. President.

2 [16.01.15]

3 JUDGE FENZ:

4 Can I just ask: the only list I can read is the last one; is the  
5 date everywhere 24-10-'78?

6 MR. KOPPE:

7 That's a difficult question because we're all having the same  
8 problem. I'm getting input from my Khmer team members, so I  
9 cannot answer the question because I cannot read Khmer--

10 JUDGE FENZ:

11 Perhaps it--

12 MR. KOPPE:

13 --maybe my co-counsel.

14 MR. LIV SOVANNA:

15 In one column, it states 24 October 1978. All the dates are the  
16 same and I cannot indicate for sure whether that is the arrest  
17 date, but the dates are the same, 24 October 1978 <in those three  
18 documents>.

19 (Short pause)

20 [16.02.35]

21 BY MR. KOPPE:

22 Q. Mr. Witness, are these indeed the same -- this is the same  
23 person mentioned three times? And if yes, is that something that  
24 happened on more than one occasion?

25 MR. SUOS THY:

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1 A. There was only one list sent out. <But why did> the same name  
2 <appear> three times <> in the documents<? Because the list was  
3 drawn up and typed by the interrogation unit and then sent to  
4 Duch>.

5 And usually <Duch had> a small note <> indicating the name of the  
6 <person> who had been interrogated, the interrogator's name, and  
7 other detail. <So the note was then typed, that was why the name  
8 appeared three times, but in fact, it was the same name.>

9 [16.03.48]

10 MR. PRESIDENT:

11 I thank you very much, and it is now time for the adjournment.

12 The Chamber will resume its hearing on <Tuesday> 7 June 2016 at 9  
13 a.m.

14 From tomorrow, the Chamber will continue hearing the testimony of  
15 Suos Thy to its - to the conclusion and then proceeds to hear  
16 2-TCW-916.

17 Please be informed and please be on time.

18 Thank you, Mr. Witness. The hearing of your testimony has not  
19 come to an end yet. You are invited to be here again tomorrow at  
20 9 a.m.

21 I am grateful to you as well, Mr. Mam Rithea, the duty counsel.

22 You are also invited to be here also tomorrow at 9 a.m.

23 Court officer, please work with the WESU to send Mr. Suos Thy  
24 back to the place where he is staying at the moment and please  
25 invite him back to testify before the Chamber tomorrow at 9 a.m.



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1 Security personnel are instructed to bring Nuon Chea and Khieu  
2 Samphan back to the detention facility of the ECCC and have them  
3 returned into the courtroom before 9 a.m.  
4 And the Chamber was informed <of> the presence of 2-TCW-916 as  
5 well at the <ECCC> detention facility. And security personnel are  
6 instructed to bring 2-TCW-916 to the waiting room under this  
7 courtroom as well tomorrow. However, the waiting rooms for the  
8 witness, 916, and waiting room for the Accused shall not be the  
9 same.

10 The Court is now adjourned.

11 (Court adjourns at 1605H)

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