



**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 - KAING GUEK EAV "DUCH"**

**PUBLIC - REDACTED**

Case File N° 001/18-07-2007-ECCC/TC

28 July 2009, 0905H

Trial Day 51

Before the Judges:

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Jean-Marc LAVERGNE  
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YOU Ottara (Reserve)  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AHMED	English
JUDGE CARTWRIGHT	English
MR. HONG KIMSUON	Khmer
MR. KIM MENGKHY	Khmer
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MS. SE KOLVUTHY	Khmer
MS. STUDZINSKY	English
MR. SUOS THY	Khmer
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TY SRINNA	Khmer
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.05.45]

4 MR. PRESIDENT:

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

6 We will continue to hear the testimony of the witness, Suos Thy.

7 According to our hearing schedule, yesterday we started hearing

8 the testimony of the witness, Suos Thy, and this morning the

9 Chamber will continue.

10 I notice the presence of the civil party lawyers. Please wait

11 until I finish my proceedings.

12 [09.06.53]

13 The Greffier, can you report on the attendance of the parties to

14 the proceedings.

15 THE GREFFIER:

16 Mr. President, all parties to the proceedings are present. The

17 witness, Suos Thy, is also present. KW-15 who is scheduled to

18 appear next is also waiting to be called by the Chamber. He has

19 no relationship to any parties to the case. He has already taken

20 an oath.

21 MR. PRESIDENT:

22 The civil party lawyer, I notice your presence so you may

23 proceed.

24 MS. STUDZINSKY:

25 Thank you. Good morning, Mr. President. Good morning, Your

2

1 Honours.

2 I would like to make a short application related to the witness,

3 Mr. Suos Thy. Can I do so, Mr. President?

4 MR. PRESIDENT:

5 Go ahead.

6 MS. STUDZINSKY:

7 Thank you. Related to this witness, Mr. Suos Thy, civil party  
8 lawyers of group 2, who represent civil parties who are directly  
9 concerned with the testimony of this witness, would like to  
10 request for additional time in order to ask the witness specific  
11 questions related to two civil parties.

12 [09.09.09]

13 The witness made the register. He conducted the prisoner lists  
14 and in these prisoner lists, in different prisoner lists, the  
15 names of the father and the husband of two of our clients appear  
16 in these lists. To put specific questions to this witness is not  
17 possible to do this in the allocated time that civil parties  
18 have.

19 For this witness we have 40 minutes. The general questions to be  
20 put to this witness by all civil party groups do not allow us to  
21 put these specific questions to the witness. In order to  
22 represent our clients appropriately and to be able to guarantee  
23 that their specific interests can be put to this witness and this  
24 witness who is the only witness who was working with the prisoner  
25 list, therefore, we request the Chamber to allocate us for these

3

1 specific questions additional time in order to fulfill our  
2 professional duties.

3 This is in an exception that we request here and, as we have  
4 understood the Chamber, the allocated time for questioning  
5 witnesses is a general rule and which allows, of course, under  
6 specific circumstances, exceptions. In this light, we submit  
7 this application.

8 To specify, I think we would need 20 additional minutes for  
9 questioning the witness on these specific issues.

10 Thank you very much.

11 [09.11.34]

12 MR. PRESIDENT:

13 Once again, the Chamber maintains its position regarding the  
14 decision which has been already issued, particularly the time  
15 allocation for each party as it was issued and once again  
16 reiterated yesterday.

17 However, the Chamber has also considered the possibility of the  
18 testimony of this witness, which may be related to several  
19 documents that need to be presented on the screen in the Chamber  
20 during the proceedings, therefore, the decision to hear the  
21 testimony of this witness for one day, after considerations  
22 amongst Judges of the Bench may extend to one and a half days.

23 And each party will be given the additional time as allocated for  
24 one and a half day hearing of the witness. Therefore, the  
25 Co-Prosecutors will have 30 minutes for one day, and for one and

4

1 a half days they would have 45 minutes.  
2 For the civil party lawyers in total would have 40 minutes for  
3 one day and it increases to 60 minutes for one and a half days.  
4 For the defence counsel, they will have 60 minutes to question  
5 this witness. So the additional time allocation is proportionate  
6 to the time allocated for one and a half day hearing of the  
7 witness. And it is granted to each party to the proceedings.  
8 The civil party lawyers for the four groups need to discuss among  
9 yourselves to make an effective use of the additional 20 minutes  
10 granted for this particular witness and try to only focus on the  
11 main facts before the Chamber and not to ask repetitive questions  
12 or questions which are not related to the facts which lead to the  
13 waste of time.  
14 [09.14.45]  
15 Now we will continue to hear the testimony of the witness.  
16 The AV officer, can you show a document with ERN in Khmer  
17 00021134 on the screen?  
18 What is going on now with the AV Unit? Is it possible to have  
19 the documents shown on the screen?  
20 Can you show the portions to the right? Going a bit to the top  
21 part.  
22 BY MR. PRESIDENT:  
23 Q.Mr. Suos Thy, can you please examine this document and tell us  
24 what type of document is it in relation to your work? Can you  
25 read the document or you prefer to have it in hard copy?

5

1 A.I can read the document on screen. There is no need for hard  
2 copy.

3 Q.What can you tell us about this document? Is this the  
4 document as part of your work at S-21?

5 A.This is not my document. It is possible that the document  
6 belongs to my section or the interrogation unit. I, myself,  
7 never write 1, 2, 3, 4, 5 into the list in that order.

8 [09.18.41]

9 MR. PRESIDENT:

10 The AV officer, please remove the document and show another  
11 document with the ERN number. The ERN number is 00343200.  
12 Can you zoom out a little bit so we can see a better section of  
13 the document?

14 BY MR. PRESIDENT:

15 Q.Mr. Suos Thy, can you examine the document and can you tell us  
16 if this is one of the documents that you worked on at S-21?

17 A.The format of the document is different from the format that I  
18 used. I did not know who made this document. It could be the  
19 interrogation unit who produced this document.

20 MR. PRESIDENT:

21 The AV Unit, can you remove this document and replace it with  
22 another document with ERN 0021084?

23 Again, the ERN is 00021084.

24 BY MR. PRESIDENT:

25 Q.Suos Thy, can you examine this document and tell us the source



6

1 of this document? Is this the type of document that you worked  
2 on?

3 A.This format of document is the one that I used. However, I  
4 actually worked on this document but in the column  
5 "Miscellaneous" and the description under that was entered by  
6 somebody else, and I think -- and this is my assumption -- that  
7 only the interrogation unit can write comments under the column  
8 "Miscellaneous", and for me, for my part, I would write all the  
9 information in various other columns except the last column under  
10 the heading "Miscellaneous".

11 [09.25.11]

12 Q.What about the handwriting notation which means "complete"?  
13 Who wrote that?

14 A.It is not my handwriting.

15 MR. PRESIDENT:

16 Judge Lavergne, you take the floor.

17 JUDGE LAVERGNE:

18 Mr. President, just to clarify matters -- many of us do not read  
19 Khmer -- is it possible to indicate a summary of the documents  
20 shown on the screen? Because I think that the second document  
21 appears to be a biography of a civil party. I'm referring to  
22 D80. And it seems to me that it's a list of prisoners as well  
23 here. But could we just have the title of the list at the very  
24 least, that way the record will show what the document is in  
25 fact?

7

1 MR. PRESIDENT:

2 The title of this document is "The General Staff Office". Due to  
3 the hundreds and thousands of documents, it is difficult to  
4 verify whether the documents were prepared and used by this  
5 witness, or whether they were prepared and used by various other  
6 units, and it is also in order to compare his testimony to the  
7 testimonies of previous witnesses. The document of a biography  
8 of Chin Met was prepared by S-24, or the re-education office at  
9 Prey Sar, and this witness referred to that office as S-21D. So  
10 this is just to verify the document.

11 The AV Unit, please remove this document and replace it with a  
12 document with the ERN 001063069 (sic). I repeat: 00106369. The  
13 title of the document is "The List of Prisoners Whose  
14 Interrogations Were Postponed in January '77". Please move on to  
15 the second page.

16 [09.29.13]

17 BY MR. PRESIDENT:

18 Q.Mr. Suos Thy, please examine this document with the said title  
19 and look at the second page of this document and the subsequent  
20 pages. The question is: is this the document that you prepared  
21 and worked on at S-21 or not?

22 A.I did not prepare this document. When it comes to the  
23 postponement of the interrogation, it exclusively belonged to the  
24 interrogation unit.

25 MR. PRESIDENT:

8

1 The AV Unit is instructed to remove the picture from the screen  
2 now. Please put another document with ERN 00087036 on the  
3 screen, please.

4 This document is entitled "The Incoming List of Prisoners", dated  
5 28th of April 1978 and the name appears here is Truong Thi  
6 Nguyen, aged 14, female, farmer, Vietnamese. Could you please  
7 scroll down?

8 BY MR. PRESIDENT:

9 Q.Mr. Suos Thy, could you please look at this document and can  
10 you recognize it, whether it is part of the S-21 list regarding  
11 the entry of prisoners on April 1978?

12 A.It belonged to our unit. I did prepare this document.

13 Q.Could you please move on to the next document? This document  
14 bears the same template with the same content except the  
15 different name of the prisoner. And this document bears ERN  
16 00087037. The title is the same, Incoming Prisoner List dated  
17 28th of April 1978. The prisoner named Dia Phal (phonetic) aged  
18 29, male, base people at Ta Pov (phonetic) Commune, Chantrea  
19 District, Zone 243.

20 Mr. Suos Thy, can you recognize this document?

21 A.I prepared this document too.

22 [09.34.00]

23 MR. PRESIDENT:

24 The AV Unit is advised to remove this document from the screen  
25 and please put on another document with ERN 00021273 through

9

1 00021274, on the screen, please.

2 Please scroll down a little bit further.

3 BY MR. PRESIDENT:

4 Q.Can you recognize this document because its template is  
5 different from the previous documents but your name appears on  
6 the piece of document?

7 This document bears ERN number 00021270 entitled "The list of  
8 people entering S-21," dated 24th of May 1978. The person who  
9 received them was Thy. So what do you think about this document?

10 A.This document was also prepared by me but I would like to give  
11 further clarification to understand this.

12 Through Brother, the term used in these documents on the second  
13 line -- normally I received this document from Huy, not from  
14 other subordinates because other people would not be allowed to  
15 go into S-21. And this document was given to me through that  
16 person I said and I did not receive it directly from the person  
17 who would have sent the document. Only Huy would be the one who  
18 brought it to me. And I only retyped the contents of the  
19 document according to original copy.

20 MR. PRESIDENT:

21 Please move to the next -- scroll down.

22 [09.38.03]

23 Can we change to the next page, please?

24 BY MR. PRESIDENT:

25 Q.Mr. Suos Thy, could you please look at this document with ERN

10

1 00021273 through 00021274? It is about the list of incoming  
2 prisoners dated on the 24th on the same date in 1978. There were  
3 29 prisoners.

4 Hor was the person who sent them to the prison and Thy was the  
5 person who received them. So could you please tell the Court  
6 what do you think about this document?

7 A.As I already stated earlier on, I did not receive the  
8 documents directly from the person who delivered it. The list  
9 was given to me through Hor and I only wrote down Hor's name on  
10 the list as the person who delivered the document. Actually, he  
11 was not the one who delivered it at the outset. And I basically  
12 received the letters from Huy who was outside. I never  
13 personally or directly got it from the person who would be  
14 delivering it.

15 Q.There are plenty of documents to be shown. We are not able to  
16 show all the documents but we would like to ask you regarding  
17 this date of the document.

18 Here, it's dated 24th of May 1978, for example. And there were  
19 five times that such lists were sent along with prisoners. So in  
20 one occasion there were four or five or even 29 of prisoners to  
21 be sent.

22 [09.40.50]

23 So can you tell the Court whether you received prisoners five  
24 times a day? That's why you could write down the list or prepare  
25 such list. Five intakes.

11

1 A. It was obvious that prisoners were sent in on a regular basis  
2 from offices and from sectors. Sometimes there were fewer people  
3 being sent. Sometimes there more people being sent and more  
4 frequently too.

5 Q. Thank you.

6 MR. PRESIDENT:

7 The AV Unit is instructed to switch to the normal view.

8 BY MR. PRESIDENT:

9 Q. Regarding the detainees at the re-correction centre Prey Sar  
10 or you named it Sar 21D, regarding the detainees who were  
11 detained at that prison, were you also involved in preparing the  
12 lists of those detainees?

13 A. Regarding the detainees detained at S-24 prison, I was not  
14 involved because there was each document worker for each  
15 respective unit. I worked only under supervision of Peng who was  
16 the chief of the interrogators and I was the one who summarized  
17 the lists.

18 Q. What happened to the detainees who were removed to be smashed  
19 and those in particular at S-24 who were taken to be executed  
20 directly at the killing fields? So what happened to their lists  
21 of names, for example?

22 [09.44.10]

23 A. I don't know much about the detainees at S-24, but when  
24 detainees were sent to be detained at S-21 they were under the  
25 control of the guards at this prison and, of course, detainees

12

1 would be taken out to be executed, as the President said.

2 Q. So it suggests that you don't know much about the detainees  
3 who were taken to be executed at Choeng Ek. You were aware of  
4 the detainees who were taken from S-21 to S-24 and then returned  
5 to S-21. Is that correct?

6 A. It is correct, Your Honour.

7 Q. Yesterday, you have spoken of the removal of detainees from  
8 their cells to be executed, and that there would be a list  
9 prepared also, after those detainees were exterminated. And that  
10 Hor would also be in charge to bring back the list and have it  
11 handed to you to compile them, so that the final list would be  
12 prepared and reported to the superior. In total, and to the best  
13 of your recollection, how many prisoners were smashed at Choeng  
14 Ek?

15 A. I don't know the exact numbers of mass killing at Choeng Ek.  
16 I was the only person who prepared the list, and I could not  
17 manage to even summarize the list on a monthly basis or annual  
18 basis. So I don't know much about the exact numbers of people  
19 killed at Choeng Ek.

20 Q. From the very outset when you were assigned to prepare the  
21 list of incoming prisoners and outgoing prisoners, whether you  
22 had to verify the final list, and sometimes you only were  
23 informed of the lists of people who had been smashed in order to  
24 compile the common lists of all the detainees at S-21, including  
25 important prisoners and Western or foreign prisoners.

13

1 [09.47.47]

2 The next question is, ultimately before your group left S-21 --  
3 it was on the 6th or 7th of January, 1979 the date which you left  
4 -- did you notice that some prisoners were left behind in the  
5 prison? If so, how many were they?

6 A.Regarding the detainees who would have been left behind on the  
7 6th or 7th of January, 1979, I think I have no idea because all  
8 detainees had already been smashed before that date, except those  
9 who were detained at the special prison. And I had no idea how  
10 many of them were detained at those special prisons.

11 Q.You were the document worker and you were the registrar, and  
12 that you had to prepare the lists of detainees who would then be  
13 taken to the empty cells or rooms and, later on, you would go  
14 there to verify the names of the detainees who would have already  
15 been placed in those respective rooms or cells in order to make  
16 sure that you can communicate to your superior or to the guards  
17 or to the interrogators.

18 The question is, during the time when you had to fulfil your task  
19 because you told the Court that you had to work 24 hours a day,  
20 so what was your impression regarding the treatment of those  
21 detainees, the treatment they received from the cadres of S-21  
22 while they were being detained at that vicinity? Can you,  
23 please, elaborate on this a little bit?

24 A.When I would go to verify the lists of the prisoners inside  
25 the prison cells, I did not pay great attention to their



14

1 condition, although I knew that they suffered a great deal  
2 because most of them were very thin and the majority of them were  
3 so skinny and malnourished, I may say, and there were not  
4 significant ventilation or air circulation inside the room.

5 [09.52.08]

6 Q.Had you observed that the prisoners sustained some kind of  
7 injury or wounds and were they treated after all?

8 A.I did not fully care for that. The medics would be in charge  
9 to offer the medical treatment to them, and it was my business  
10 only to verify the list and I had to rush back to my work.

11 Q.Could you please tell us about the situation, the moment when  
12 detainees would be walked to the gate to wait for the trucks  
13 before they would be taken to be smashed? So you said that  
14 detainees' names would be called again and to make sure whether  
15 any detainee was not accounted for, for example. So if the  
16 prisoners were weak and sick, what happened to them?

17 A.Before they boarded the trucks the detainees were malnourished  
18 and they were blindfolded, but I did not give my great impression  
19 in relation to their physical condition or wellbeing because I  
20 only paid attention to verifying their names, and I could only  
21 see that they were very weak by then.

22 [09.54.23]

23 Q.To verify their names or against their biographies, for  
24 example, did you ever note that any detainee fell seriously ill,  
25 that he or she could not even tell you or help you to verify

15

1 their biography before they were exterminated?

2 A.If the detainees were very thin, but I think they were very  
3 thin but no-one would become so ill that they could not assist me  
4 with the verification of their biographies. I could just ask  
5 them questions and they could respond.

6 Q.What time would it be for detainees to be taken to be  
7 executed?

8 A.Normally it took place at about 4 p.m.

9 Q.So it is fair to say that at 4 p.m. the operation started, so  
10 when would it end?

11 A.The verification of the names of the detainees to be executed  
12 would not take long. It would take me about an hour or so.

13 Q.What were the groups of people who took detainees to be  
14 executed and how many were there in that group?

15 A.The people who took detainees to be executed, I don't think I  
16 can understand this because Hor would be in charge and Hor would  
17 know more about this, and Hor was the one who ordered such  
18 execution and Hor ordered the Special Unit with Ta Mien  
19 (phonetic) or to Peng or to Sry.

20 [09.57.15]

21 Q.Which group was in charge of taking away the Vietnamese  
22 prisoners of war to be executed or taking them to be  
23 interrogated?

24 A.The interrogation of the Vietnamese prisoners were under the  
25 supervision and charge of Mam Nai, alias Chan.

16

1 Q.During the time when you dealt with documents at S-21 were you  
2 performing your task in your role as a soldier or as an ordinary  
3 citizen or just normal staff?

4 A.I don't know for sure but I can presume that I was doing the  
5 job of a soldier or military unit because the General Staff was  
6 fully in charge of S-21.

7 Q.When you worked did you wear soldier or military uniform, or  
8 you wore ordinary or civilian clothes?

9 A.During that time we were not allowed to wear uniforms. We  
10 were given black clothes and the guards were also wearing black  
11 clothes, not military uniforms.

12 Q.Were you wearing berets, like the cap used for revolutionary  
13 armies at that time?

14 A.People did not wear uniforms, no berets or caps. We only wore  
15 black clothes; that's all.

16 [09.59.53]

17 MR. PRESIDENT:

18 I have no further questions and I don't know whether Judges of  
19 the Bench would like to put questions to this witness.

20 Judge Silvia Cartwright, you take the floor.

21 JUDGE CARTWRIGHT:

22 Thank you, Mr. President.

23 BY JUDGE CARTWRIGHT:

24 Q.It is, as the President has questioned you, that you had a  
25 very clear routine when you received incoming prisoners and the

17

1 manner in which you questioned them. Is that correct?

2 A.The practice we used was like the way that I described.

3 Q.So that the majority of incoming prisoners were brought  
4 straight to you from the trucks. You compiled their summary  
5 biographies. They were photographed, led to their cells by the  
6 guards, and you went and noted the cell number for each prisoner  
7 and then passed the details on to the interrogators. Was that  
8 your routine?

9 A.That is my daily operation. Regarding miscellaneous works, I  
10 did not really have many except to stick the photograph onto the  
11 biographies.

12 [10.02.17]

13 Q.There were, however, some prisoners who were not processed in  
14 this way; for example, foreigners and important prisoners were  
15 taken straight to the special prison without their biographies  
16 being taken by you and without being photographed. Is that  
17 correct?

18 A.Regarding the senior prisoners, they were processed at the  
19 special prison.

20 Q.And the lists of those special prisoners were made by Hor who  
21 gave them to you to compile into your lists. Is that correct?

22 A.That is correct.

23 Q.And there was another group that was not processed in the same  
24 way and you have confirmed this, that children were not recorded.  
25 Is that right?

18

1 A.That is correct.

2 [10.04.01]

3 Q.And I think yesterday that you estimated that between 100 and  
4 200 children might have passed through S-21. Is that right?

5 A.Regarding the estimate of the children who were detained at  
6 S-21, although the number is not clear, it is my presumption only  
7 and indeed the children were detained at S-21.

8 Q.And children would come in with their parents in quite small  
9 numbers, maybe three or four at a time. Would that be right?

10 A.That is correct.

11 Q.And those children would be removed from their parents and put  
12 in another part of the prison from where you presumed they were  
13 taken to be killed. Is that right?

14 A.When the children who were detained as they came along with  
15 their parents, I was not really sure whether they were separated  
16 and detained separately from their children or they were detained  
17 together with their parents.

18 Q.But the children would be in small groups and you presumed  
19 they were taken at some stage to be killed?

20 A.For the children who entered the prison, I was not sure how  
21 long they were detained until they were taken out. It's up to  
22 Hor to instruct Peng to remove them.

23 [10.06.20]

24 Q.And did children go on the trucks at night with adults who  
25 were being taken away to be killed?

19

1 A.Regarding the people who were taken to be killed, the children  
2 were not taken along with the adults.

3 Q.Do you have any knowledge about how these children were taken  
4 away to be killed?

5 A.I did not know regarding this matter. It was the duty that  
6 Hor assigns to Peng.

7 Q.Were they perhaps killed around S-21 itself? Do you know  
8 that?

9 A.Regarding this matter, I am not completely sure because it did  
10 not involve with the list making which was part of my duty. So I  
11 was not -- know when the children were taken out. It depends on  
12 when Hor ordered Peng to take them out.

13 Q.Thank you. Now, could the AV Unit put a document on the  
14 screen, please -- 00006728?

15 Can you scroll down to the bottom of that list, please? There is  
16 some handwriting at the bottom of that list. Can you read out  
17 what it says? Would you prefer someone else to read it out?

18 [10.09.53]

19 A.I would like to clarify your question, Your Honour, because I  
20 do not yet understand your question.

21 Q.Well, my assumption is that the Khmer there reads in the  
22 handwriting "Total prisoners including 160 children smashed by  
23 Brother Sre are 178 persons", with a date 23 July 1997 and a  
24 signature, Hor. Is that correct?

25 A.That is Hor's signature.

20

1 Q.Does it also speak of a total of 178 prisoners including 160  
2 children having been killed?

3 A.Regarding this matter, I did not see the children, the 160  
4 children, and the making of this list was only for the 18  
5 prisoners according to the number of the prisoners on the list,  
6 and I did not know where the children were taken from and I  
7 presumed it is written by Hor.

8 Q.Well, another witness has suggested that this list of 160  
9 children were children who came from Prey Sar. I am simply  
10 trying to ask you if that is what the document says.

11 A.This document actually confirms that. And let me clarify a  
12 bit further, regarding the 160 children, I did not see them being  
13 detained at that location.

14 [10.12.28]

15 Q.Well, my question to you is this: Is it possible that the  
16 small groups of children who arrived at S-21 were taken to Prey  
17 Sar where, later on in a big group, they were killed in the  
18 manner indicated by this document?

19 A.As I have just said, for the children, the 160 children, they  
20 were not sent to S-21 Office.

21 Q.Thank you.

22 JUDGE CARTWRIGHT:

23 Could you return the screen to the usual position, please?

24 [10.13.27]

25 BY JUDGE CARTWRIGHT:

21

1 Q.As children's names and numbers were not recorded by you we  
2 can assume that the numbers of those killed at Choeung Ek or at  
3 S-21 are greater than the numbers that your documents show. Is  
4 that correct?

5 A. As I have just said, it was my conclusion but I did not know  
6 the details unless I see the list.

7 Q.Now, when it came to your routine for compiling execution  
8 lists can I summarize it as follows: the accused would annotate  
9 the lists, saying which prisoners were to be killed; the lists  
10 then went to Hor who gave them to you. Is that right?

11 A.That is correct.

12 Q.You then made a separate list of those to be executed, tallied  
13 the numbers, recorded the cell and building number and then sent  
14 the execution list to Hor. Is that correct?

15 A.That is correct.

16 Q.When a final name check was made at the prison gate you  
17 checked the names going onto the trucks against that list. Is  
18 that right?

19 A.That is correct.

20 Q.You worked very closely with Hor, did you not? In fact, you  
21 shared an office with him. Is that right?

22 A.The office where I worked it was Hor's office. He had a  
23 general supervision. And I worked on a list also in that  
24 document. The photographers also worked in that office.

25 [10.16.42]



22

1 Q.You told the President a short time ago that the prisoners  
2 were very skinny and malnourished. Have you not also said to the  
3 Co-Investigating Judges some died of starvation and others were  
4 tortured to the point of death? Did you make those statements?

5 A.Could you please repeat your question?

6 Q.Did you tell the Co-Investigating Judges that some prisoners  
7 died because of starvation and others were tortured to the point  
8 of death?

9 A.That is correct.

10 Q.We have heard evidence that says that 1978 in particular was a  
11 very busy year for S-21. Is that how you recall it?

12 A.That is correct.

13 Q.From your observation point in Hor's office, did you ever see  
14 trucks arrive at S-21 which had to be turned away because you  
15 could not fit them into the prison or had not time to process  
16 them?

17 A.Regarding this matter, let me clarify it again. Could you  
18 please repeat your question?

19 [10.19.12]

20 Q.Did you ever see trucks of prisoners arrive at S-21 and be  
21 turned away because you could not fit any more prisoners in?

22 A.For the prisoners who were transported in by vehicles they  
23 were only transported by Hor's group, because the drivers from  
24 outside were not authorized to drive into the compound.

25 Q.You told the President earlier that you did not keep a list of

23

1 the total of prisoners at S-21 or those who were sent to be  
2 killed. Is that correct?

3 A.I would like to confirm that for the general list it did not  
4 include every name. However, toward late 1978 or early 1979 all  
5 the prisoners were taken out and killed and those remained were  
6 those who were allowed to work, and there were some inside a  
7 special prison but I did not know the exact number.

8 Q.So the lists that have been found at S-21 are not complete  
9 because you did not list every single name in them. Is that  
10 right?

11 A.The list at S-21 did not add all the total numbers so the  
12 total number was not known. However, let me clarify a bit  
13 further on this matter. Although the grand total number was not  
14 calculated, or the numbers of the prisoners at the special  
15 prison, the named were sent by Hor to me to type into the list.

16 Q.Finally, did you ever compile a list of all the staff at S-21?

17 A.Regarding the list of the S-21 staff, I did not compile it  
18 because I was in the guard unit. I did not know whether the list  
19 of the cadres and staff working at S-21 whether they were  
20 compiled or not.

21 Regarding the platoon and the company, Hor directly supervised  
22 both of them, so I did not know the total number of the  
23 combatants or cadres or staff working at S-21 at all because the  
24 list-makers were assigned to respective units. Previously for  
25 the guard's unit, the list was under the supervision of -- I'm

24

1 sorry, it's the interrogation unit which was supervised by Meng  
2 and Meng in charge of the list or the general list for that  
3 section, as he used to do it in Division 703.

4 So I would say the list of the combatants, the cadres and the  
5 staff of S-21 was under the supervision of Meng. He would have  
6 the grand list.

7 [10.23.50]

8 And to make it easier to understand for the guard unit, it was  
9 not like in the war time when people were injured or died in the  
10 battle. So because there was no war, then the cadres who  
11 actually supervised the list themselves would know the total  
12 number for their respective unit.

13 Q.Thank you very much.

14 JUDGE CARTWRIGHT:

15 I have no further questions, Mr. President.

16 MR. PRESIDENT:

17 Now it is time for a break. The Chamber will take 17 minutes  
18 break until twenty to eleven when we will resume to continue  
19 hearing the testimony of this witness.

20 Court officer, can you provide necessary refreshments to the  
21 witness and bring him back at the said time.

22 The hearing is adjourned.

23 (Judges exit courtroom)

24 (Court recesses from 1024H to 1044H)

25 (Judges enter courtroom)

25

1 MR. PRESIDENT:

2 Please be seated. The court is now back in session.

3 Judges of the Bench, if you would wish to put questions to the  
4 witness the floor is yours.

5 Judge Lavergne, you take the floor.

6 [10.44.53]

7 BY JUDGE LAVERGNE:

8 Q.Yes, Mr. Suos Thy, I am Judge Lavergne and I have a few  
9 questions to put to you. You explained to us how you were  
10 working and you explained to us how you compiled the prisoners  
11 lists -- who were coming in and who were also leaving. And I  
12 would like you to tell me if you, beyond this task, if you had  
13 responsibilities involving the archiving of the documents at S-21  
14 and, in particular, if they were individual files that were  
15 compiled for each prisoner.

16 A.I was not in charge of altering the format of the lists of  
17 detainees other than those forms I had been used to do.

18 Q.Maybe there is a problem of translation here. What I'm asking  
19 you is that beyond the prisoner list that we spoke about was  
20 there an individual file for each prisoner in which there was,  
21 for example, the confession or other information that was  
22 specific to the prisoner in question? And were you in charge of  
23 managing these documents?

24 A.I did not perform other tasks or keep other documents of  
25 detainees other than the lists of detainees I managed, except

26

1 taking their names of the parents, where they came from, for  
2 example the original units they came from. And there were no  
3 individual lists of each detainee.

4 Q. So therefore you never had to process confessions regarding  
5 certain prisoners with the annotations that were added to these  
6 documents? You never had to deal with these documents. You never  
7 checked these documents?

8 [10.48.25]

9 A. Regarding the detainees' documents I don't think I had done  
10 any other tasks other than the task I was assigned to compile  
11 their lists and I did not deal with the documents given by the  
12 interrogators.

13 Q. So according to you who was in charge of archiving these  
14 documents and where were these documents stored?

15 A. The interrogation unit would be well in charge of these  
16 combined lists shared by Peng, but Peng was later on arrested.

17 Q. Among the very high amount of documents that were found at the  
18 current premises of the genocide museum there are documents that  
19 seemed to be coming from S-24 that you also referred to as S-21D.  
20 When you were working did you also have to process lists of  
21 prisoners coming from S-24? Did you know if they were decisions,  
22 specific decisions that were taken to centralize these documents  
23 at S-21?

24 A. As I indicated earlier on, regarding the lists of prisoners at  
25 S-21 they were not collected and compiled by me. Only Peng who

27

1 was in charge of overall lists of S-21 was in full control of the  
2 lists of detainees from S-24 too.

3 Q.But you, all of the lists that you were compiling, the  
4 biographies that you would compile, did you save them in a  
5 specific place or were they given to the interrogators? What  
6 happened to them in reality? Were you in charge of storing these  
7 lists?

8 A.Could you please rephrase your question because I'm afraid I  
9 may not understand it yet?

10 [10:51.49]

11 Q.I am speaking about the lists that you were compiling, the  
12 lists of the incoming and outgoing prisoners who were being  
13 brought to be executed, or I'm speaking also about the  
14 biographies that you would also compile when the prisoners  
15 arrived and to which you added the photographs.

16 The question that I'm putting to you is: were you in charge of  
17 saving these documents or, concretely speaking, where were these  
18 documents saved, and who was in charge of saving these documents?

19 A.There were two kinds of documents. Even the biography could  
20 be made in two copies. A copy would be stored at the defence  
21 section and that Meng would be in charge of storing them.

22 Q.And the other documents and the lists, who kept the lists?  
23 Were the lists in your office? Were they in another room?

24 A.S-21 documents were all kept at Meng's location and it was  
25 located at the place where I worked back then, the place where

28

1 documents would have been stored.

2 [10.53.50]

3 Q.So it was in the same place, so you were sharing this room  
4 with Meng and with other people, and in this very same room all  
5 of the documents from S-21 were kept. Is that what we must  
6 understand?

7 A.Regarding the documents processed by Meng's control, they  
8 would be stored outside, but the detainees' lists of S-21 would  
9 be stored inside. I would like to also emphasize that Meng's  
10 office stored all kinds of documents from the interrogators and  
11 the overall lists of S-21 and other lists, and it was kept  
12 outside.

13 Q.When the prisoners arrived at S-21, were some of them allowed  
14 to carry with them objects, valuable objects or, let's say,  
15 sensitive objects, and were these objects confiscated? Were  
16 there lists that were compiled of these confiscated objects?

17 A.Normally, detainees who were sent to the main prison had been  
18 arrested from outside and were arrested in different parts of the  
19 country, and they did not carry with them any objects.

20 Q.So no prisoner came to S-21 with, let's say, a watch or any  
21 kind of personal jewellery or any kind of sentimental object?  
22 This never happened, according to you?

23 A.Detainees who were sent to my location would be stripped to  
24 their underpants and no belongings were allowed to be carried  
25 with them at all.

29

1 Q.And if there were personal jewels, what happened to them?

2 What happened to these objects?

3 A.Since I started working to compile lists, detainees would not  
4 have been arrested from within S-21. They had been arrested from  
5 the outside and that they were not allowed to bring with them any  
6 items, other than their clothes.

7 [10.57.52]

8 Q.You worked at S-21 since practically the start and practically  
9 until the end of -- do you remember Him Huy, the person who was  
10 in charge of the Special Unit?

11 A.Yes, I do remember him.

12 Q.Do you remember Him Huy, if he had to leave S-21 in 1978 or  
13 if, according to what you remember, he stayed there until the  
14 end?

15 A.I don't remember it clearly. Huy worked outside and by the  
16 end of 1978 I did not see Huy return to the prison because there  
17 were less prisoners coming in by late 1978, and I did not see him  
18 back.

19 Q.What relationship did you have with the accused? Did the  
20 accused often visit you at your office? Did he monitor or  
21 supervise the preparation of the lists? What can you tell us  
22 about that?

23 A.Regarding the accused, the contact was made through the chain  
24 of command. I was not contacted directly. The contact had to go  
25 through Hor because we were in different units. And regarding



30

1 the instructions, the instructions would be given to Hor and Hor  
2 would subsequently provide the instructions to us.

3 [11.00.45]

4 Q. Did you have an opportunity to see the accused within or  
5 inside the buildings of the S-21 complex? Did you see him when  
6 you were in your office? Did you see him enter any of the S-21  
7 buildings?

8 A. I sometimes saw him visiting the compound and most of the time  
9 he would go to the workshop to where the painter worked and to  
10 meet with Hor. I did not know whether he went to visit the rooms  
11 in those buildings, I had no duty to watch out for him.

12 Q. So what you are telling us is that you saw him inside the S-21  
13 buildings in other places apart from the painters and sculptures  
14 workshop. Is that correct?

15 A. Most of the time I only saw him at the painting and the  
16 sculpture workshop, and also I saw him when he met with Hor while  
17 he was sitting in the front at the house opposite the compound.

18 Q. Did you see him elsewhere in S-21?

19 A. Besides that, I also saw him sometimes at the common dining  
20 hall.

21 Q. In your view, was the arrival of the Vietnamese troops a great  
22 surprise or had this been the subject of discussions amongst the  
23 personnel and amongst your superiors?

24 A. Regarding the Vietnamese prisoners, I did not know anything  
25 about them. I only registered the names of the list of the

31

1 prisoners who were brought in. That's all.

2 [11.04.36]

3 Q.That is not exactly what I asked you. I'm asking you about  
4 the arrival of Vietnamese troops on the 7th of January 1979. Was  
5 the arrival of these troops in Phnom Penh a surprise to you or  
6 had this been the subject of discussions?

7 In particular, had measures been considered to, for instance,  
8 destroy part of the archives or perhaps the archives or records  
9 were destroyed before the Vietnamese troops arrived?

10 A.Regarding the arrival of the Vietnamese troops in 1979 in  
11 Phnom Penh, we did not know it in advance. We did not know where  
12 the Vietnamese troops reached yet. We were like living in the  
13 dark. We didn't know anything about the outside situation. And  
14 there was no plan to destroy any document.

15 Q.Thank you.

16 JUDGE LAVERGNE:

17 Mr. President, I have no further questions for this witness.

18 MR. PRESIDENT:

19 Next, the Chamber would like to give the floor to the  
20 Co-Prosecutors to put questions to the witness. The  
21 Co-Prosecutors have 45 minutes.

22 QUESTIONING BY THE CO-PROSECUTORS

23 MR. TAN SENARONG:

24 Thank you, Mr. President.

25 [11.07.05]

32

1 BY MR. TAN SENARONG:

2 Q.Good morning, Mr. Suos Thy.

3 Yesterday you already told the Chamber that you were in the guard  
4 unit of S-21 office, in charge of administrating the list. The  
5 question is: in your guard unit, how many members, and whether  
6 Kok Sros was one of the members of the group of the unit?

7 A.Regarding the guard unit, I did not know the total number of  
8 the people in that unit. And for Kea (phonetic) Sros, from that  
9 time until today I personally have never heard that name or that  
10 he worked in the guard unit, but through his testimony he said  
11 that he was a guard in the guard unit. But I personally did not  
12 know him.

13 Q.Thank you, Mr. Suos Thy.

14 Second question. Yesterday you also told the Chamber that in  
15 each building there was a medic on standby. Can you recall if  
16 there was a medic, a name of a medic or any female medic working  
17 in S-21? And if also you can recall the name of the head of the  
18 medical unit?

19 A.For the medics working in S-21, from my recollection, although  
20 I am not certain, there were two medics but at first there were  
21 four medics but I could only remember two. And they were Rin and  
22 Try. These two medics, Rin and Try were under the supervision of  
23 various chiefs but the chief was arrested and then replaced by  
24 another medic.

25 [11.10.07]

33

1 And after Rin and Try were arrested, then there were only some  
2 teenager medics from Amleang because the forces in the medical  
3 unit from 703 Division were all arrested.

4 In general, in S-21 in the medical unit, although I am not 100  
5 percent certain, there was no female medic.

6 Q.Thank you.

7 My third question: in the re-enactment dated 27th February 2008  
8 with ERN 00181328, D86/16, you said Building A was for important  
9 or special prisoners, or the important cadres. Are you still  
10 standing by your statement?

11 A.As I have said for Building A, it was used for the detention  
12 of the special prisoners. It was also known as a special prison  
13 because later on all those special prisoners who were detained at  
14 various houses outside were gathered and put into that Building  
15 A.

16 However, before that, it was used to detain ordinary prisoners  
17 and in Building A there were no individual cells. There were  
18 only common rooms.

19 Q.Thank you, Suos Thy.

20 In the record dated 27 of March 2008 00181395 which is D48/2,  
21 photo number 34, in that photo did you really indicate that the  
22 person in the photo was the one who died in the detention room?

23 MR. TAN SENARONG:

24 Mr. President, with your leave I would like to have the photo 34  
25 shown on the screen. It's from document D48/2.

34

1 MR. PRESIDENT:

2 The AV Unit, can you show the photo on the screen as requested by  
3 the Co-Prosecutor?

4 BY MR. TAN SENARONG:

5 Q.The AV Unit could you please link to the computer of the  
6 Co-Prosecutor? This is the photo as you stated in the statement,  
7 in your statement and according to your statement are you still  
8 standing by the statement that you made in that document?

9 A.As I have said, the prisoner who died I have not witnessed it  
10 personally, because for the prisoners who were sick and died they  
11 will be taken care of by their medical unit and I only registered  
12 the names into the list.

13 [11.15.21]

14 Q.Thank you. My next question is: the prisoners who died at  
15 S-21, did they die due to the sickness, starvation, or as a  
16 result of torture?

17 A.The report on the prisoner who died was made by the medical  
18 unit as they died from sickness. So I could not make a clear  
19 conclusion on that. Whether they died as a result of torture in  
20 addition to the insufficient food could be the result of their  
21 death.

22 Q.Thank you. On the 24th of February 2008 in the accused's  
23 interview statement D42 00159560 it reads:

24 "For the killing on the 30 May 1978 I want to confirm that Hor  
25 instructed Peng, the chief of the guard unit, before his

35

1 departure. However, because Suos Thy was in charge of the list  
2 and the documents of the statistics did not agree, Suos Thy  
3 demanded for a return notation from me and that's why I signed on  
4 that document."

5 MR. TAN SENARONG:

6 With the President's leave I would like the AV Unit to show the  
7 document 00159571.

8 [11.17.50]

9 MR. PRESIDENT:

10 The AV Unit, could you please project the document on the screen  
11 as requested by the Co-Prosecutor?

12 BY MR. TAN SENARONG:

13 Q.The question is did you actually request Peng to get the  
14 approval and the signature from Duch?

15 A.Regarding this annotation, it is not my handwriting. I had no  
16 authority to request for any approval. This is Duch's  
17 handwriting.

18 Q.Thank you. Yes, indeed, it is Duch's handwriting but in his  
19 statement he said there was a request from you for such  
20 annotation and that's the reason that he made annotation to Peng  
21 to smash them into pieces and that is the annotation of Duch.  
22 And he stated so in his statement that you requested Peng for  
23 Duch's annotation. The question is did you actually request for  
24 his annotation?

25 A.I had no right to ask for his annotation or any annotation

36

1 because everything was up to Hor to decide or to make request.

2 I personally had no authority to have any contact with Duch  
3 directly.

4 Q.In general when prisoners were taken to be killed did Peng's  
5 group, including Pon and Him Huy, had to have prior approval and  
6 authorization from Duch before the prisoners could be taken out?

7 A.In general and in principle, for the prisoners to be taken out  
8 or in there had to be an authorization from Duch who was the  
9 Chairman of S-21. Everything had to be done through him and with  
10 his authorization.

11 Q.When you verify the list of the prisoners and the total  
12 numbers of the prisoners when they were taken to be killed, did  
13 you ever see Duch, the accused here, to stand and give orders on  
14 the spot?

15 A.Regarding the verification of the prisoners to be taken out,  
16 in general Duch did not stay there and order it. It was the  
17 exclusive duties of the guards unit. When there was an order for  
18 the prisoners to be taken out we had to make sure that the number  
19 was correct, otherwise we would be responsible for it.

20 Q.In the statement of the interview dated the 29th February 2008  
21 of the accused, Kaing Guek Eav, alias Duch, with the ERN  
22 00166588, D54. In that statement Judge Marcel Lemonde asked you:  
23 "Sous Thy, are you still standing by the statements that you made  
24 on the 18th of October 2007 regarding the drawing of blood and  
25 that the names were included in the list of the prisoners to be

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1 smashed?"

2 And in your response at ERN 162604 -- do you still confirm the  
3 statement that you made in that interview?

4 A.Regarding the statement that I made previously, I acknowledge  
5 the fact of the drawing of blood. Hor instructed me to write  
6 down the names of the prisoners whose blood was drawn in the list  
7 of the prisoners to be smashed. The medical unit would request  
8 it to Hor and Hor would request to Duch for the authorization  
9 before the prisoners were taken to have their blood drawn.

10 [11.24.05]

11 MR. TAN SENARONG:

12 With the President's leave I would like to show a document with  
13 the ERN 00177943.

14 MR. PRESIDENT:

15 The AV Unit, could you show the document on the screen with ERN  
16 00177943?

17 BY MR. TAN SENARONG:

18 Q.Mr. Suos Thy, do you recognize the biography that you made on  
19 a prisoner named Phing Ton?

20 A.Regarding this biography, I did make it for the prisoner named  
21 Phing Ton.

22 Q.Thank you. Can you recall the fate of this prisoner; whether  
23 he died due to sickness or whether he was taken out to be killed  
24 in Choeung Ek or in any other location within the vicinity of  
25 S-21?



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1 A.As I have said, the prisoners in general -- I would not be in  
2 a position to know the detail of the fact of each prisoner as to  
3 whether they died due to sickness or they were taken to be  
4 killed.

5 Q.Thank you. My last question.

6 [11.26.29]

7 MR. TAN SENARONG:

8 The AV Unit, can you show the document 00188853 on the screen?

9 MR. PRESIDENT:

10 Can you show that document with the ERN as requested by the  
11 Co-Prosecutor?

12 BY MR. TAN SENARONG:

13 Q.The question is: for the prisoners entered on the 12th of  
14 December '76, did you make this list? And Phing Ton was  
15 mentioned in this document.

16 A.As I have said, I made this list but for my recollection on  
17 every prisoner, I would not be able to recall it.

18 MR. TAN SENARONG:

19 Thank you, Mr. President, and Mr. Suos Thy for answering my  
20 questions. Next I would like to give the floor to my colleague.

21 BY MR. AHMED:

22 Q.Mr. Suos Thy, you are in the business of collecting  
23 statistics. Can you tell this Court what was the total strength  
24 of prisoners at one time in S-21?

25 A.As I have said, the total number of the prisoners would not be

39

1 able to calculate annually or monthly because we were busy just  
2 trying to keep up with what we were assigned to do.

3 [11.28.20]

4 Q.Let me rephrase my question. At one time what would be the  
5 maximum capacity that S-21 can hold of the prisoners?

6 A.At S-21 the capacity to hold prisoners was uncertain, but  
7 whenever the prisoners were brought in then they would be  
8 detained in those rooms or individual cells, so I could not make  
9 any conclusion on the total number of the prisoners at any given  
10 time.

11 Q.Did it happen sometimes that S-21 was full to capacity and you  
12 had no place to keep the prisoners?

13 A.S-21 could detain prisoners because the prisoners kept coming  
14 in and going out. It was never filled.

15 Q.You told this Court today and yesterday that photographs were  
16 taken when prisoners were brought in. Was that the only time a  
17 photograph was taken of the prisoners or photographs could be  
18 taken at some other times?

19 A.Regarding the photographing of the prisoners, they would only  
20 be photographed at that time. However, for the special prisoners  
21 then Hor would order the photographer to take their photos in  
22 their detention room.

23 Q.In particular, were photographs taken when prisoners had died?

24 A.Could you please repeat the question? You're referring to the  
25 detainees who died of disease or by starvation?

40

1 [11.31.00]

2 Q.Whenever prisoners would die, whatever may be the cause, were  
3 photographs taken of the dead prisoners?

4 A.I would like to reiterate that I don't know, or I don't  
5 remember seeing any dead detainees being photographed.

6 MR. AHMED:

7 With your permission, Mr. President, can I request the AV Unit to  
8 project this collection of photographs: P00005342? Thank you.

9 MR. PRESIDENT:

10 The AV Unit is now instructed to put this document up on the  
11 screen as requested.

12 BY MR. AHMED:

13 Q.Mr. Suos Thy, can you recognize this photographs? Were they  
14 taken at S-21?

15 A.I don't remember having seen these photographs. I think only  
16 the photographers who would be able to shed light on these  
17 photos.

18 Q.The photographers sat in your own room, didn't they?

19 A.The location of the photography place was close to my  
20 location, but I'm sure these photographs could not have been  
21 taken next to the place where I worked.

22 MR. AHMED:

23 With your permission, Mr. President, can I direct a question to  
24 the accused as to whether does he recognize these photographs and  
25 if at all they were taken at S-21?

41

1 [11.33.29]

2 MR. PRESIDENT:

3 The request is granted, and the accused please respond to the  
4 question.

5 THE ACCUSED:

6 Mr. President, the photos of the dead prisoners, regardless of  
7 how they died, I only accept the photos of the important cadres  
8 whose picture had to be taken by order of the superior; for  
9 example, the photographs of Vorn Vet, Chhay Kim Huor and the  
10 photo of Ly Phal, alias Pal, who was exhumed from the grave and  
11 his photo would have been taken three days after that body was  
12 buried.

13 MR. AHMED:

14 Do you recognize these photographs on the monitor and can you  
15 confirm if these photographs may have been of those important  
16 cadres, or some of them?

17 THE ACCUSED:

18 The important cadres, whose names have already been included in  
19 my previous statement, I recognize their names and faces, and I  
20 don't remember knowing any names here shown in these photographs.

21 MR. AHMED:

22 Your Honour, my next questions are now to the witness.

23 BY MR. AHMED:

24 Q.Mr. Sous Thy, you told the investigators of the

25 Co-Investigating Judges that prisoners in S-21 came from all over

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1 the country. You also told this morning that they came from  
2 various sectors and divisions. Can you confirm that for the  
3 Court?

4 A.Yes, I do confirm that prisoners were coming from different  
5 parts of the country, offices, sectors and zones.

6 [11.36.03]

7 Q.You also told the investigators of the Co-Investigating Judges  
8 that Son Sen appeared at an S-21 meeting and he was introduced as  
9 a commanding officer. Can you confirm that, please?

10 A. I did not pay attention to who visited the premises.  
11 Actually, Son Sen came to the Duch house -- or location where a  
12 political session would be conducted, not to the premises of  
13 S-21.

14 Q.And what happened in that meeting and was the accused present  
15 at that time?

16 A.I think it was not a meeting, it was a normal study session  
17 for S-21 staff members. So when the superior came so the accused  
18 must have come.

19 Q.You also told the Co-Investigating Judges' investigators that  
20 children were separated from their parents and they were sent to  
21 be killed within two days. Can you confirm that, please?

22 A.Regarding the children who were sent to S-21, the period of  
23 time when they had to be taken away to be smashed varied, and I  
24 am not quite familiar with it because it was not under my  
25 jurisdiction.

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1 [11.38.29]

2 Q.You told the Court this morning that important prisoners were  
3 directly taken to the special prison. Can you then confirm that  
4 their biographies were not taken and they were not photographed?

5 A.Regarding the important detainees and their biographies, I did  
6 not remember having obtained any. We only recorded the names and  
7 their roles. And regarding other previous important detainees,  
8 we never had their biographies because the biographies could have  
9 been prepared or made earlier already.

10 Q.You told the Court -- and Mr. President, this would be my last  
11 or second last question -- you told the Court that you very  
12 closely interacted with the interrogation unit. Can you tell the  
13 Court what was the time between when the interrogation of a  
14 prisoner was complete and that prisoner was sent to Choeung Ek  
15 for smashing?

16 A.From me and the interrogation team, I was not closely  
17 interacted. They only came to get the names of the detainees  
18 from me so that they could take them to be interrogated. And  
19 when the interrogation ended, I did not know and I was not  
20 assigned to know the matters of interrogation. And when they  
21 came to me to ask for the names or the list, then they only asked  
22 for the names and the room numbers of each respective detainees.

23 Q.You also told the Court that Vietnamese prisoners of war were  
24 brought to S-21. When do you think Vietnamese prisoners of war  
25 were brought to S-21 and what may have been their numbers?

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1 A.As I stated earlier, Vietnamese prisoners of war came on an  
2 irregular basis, actually, because other detainees would be well  
3 recorded, but I don't really know for sure as to how many  
4 Vietnamese prisoners of war may have been arrested and sent to  
5 S-21. I only had to make sure that I could fulfill my task  
6 completely by the end of the day.

7 [11.42.05]

8 Q.So some Vietnamese prisoners of war may have come in '76, some  
9 may have come in '77, some may have come in '78. Is that  
10 correct?

11 A.There were no Vietnamese prisoners of war in 1976 or 1977.  
12 Only when the conflicts started then we saw them.

13 MR. AHMED:

14 Mr. President, my questions are over, but for the purposes of the  
15 record, I may submit that the statement given by this witness  
16 before the Co-Investigating Judges, the statement given by this  
17 witness before the Co-Prosecutors may deem to have been read into  
18 evidence so that it can be used at the time of judgment.

19 Thank you very much.

20 MR. PRESIDENT:

21 Next, it is opportunity for the civil party lawyers to put  
22 questions to the witness. Each group is having 15 minutes.

23 [11.43.57]

24 MR. HONG KIMSUON:

25 Thank you, Mr. President and Your Honours.

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1 QUESTIONING BY CIVIL PARTY COUNSEL

2 BY MR. HONG KIMSUON:

3 Q.Good morning, Mr. Suos Thy. I am Hong Kimsuon. I am

4 representing civil parties group 4.

5 I have a few questions. First, could you please clarify for us a

6 little bit? You said the last day on the 6th of January 1979

7 there were some prisoners in the special prison and outside the

8 S-21 complex. Could you tell us how you knew there were

9 prisoners left?

10 A.I would like to confirm that the detainees who were outside

11 could have been remained because I was not in charge of preparing

12 or making that list. And I knew this because in the list of

13 prisoners to be taken out to be executed the list only included

14 those who were detained inside S-21 compound, not those who were

15 outside.

16 Q.So apart from the outgoing list, the list of prisoners to be

17 smashed that the detainees detained outside S-21 would not be

18 included in the list and that made you believe that they could

19 remain. Is that correct?

20 A.It's correct.

21 [11.46.00]

22 Q.Thank you. In the record of the interview before the

23 Co-Investigating Judges, you indicated that in the lists of the

24 staff members of S-21 currently known as Tuol Sleng Prison, the

25 list classified into three groups: S-21, S-21A, and S-21B and



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1 S-21D.

2 S-21 A was for the interrogation unit under the supervision of  
3 Duch. S-21 B for the guards under supervision of Him Huy. And  
4 S-21 D under supervision of Huy Sre for rice farming purposes.  
5 And the President already put this question to you, but I need  
6 your clarification regarding these three groups of staff. Apart  
7 from these lists were there any other lists given to you to  
8 compile?

9 A.Regarding these three major groups and their lists were not  
10 compiled by me. The guard unit was responsible to report to the  
11 interrogation unit and Meng was in charge.

12 Q.Thank you. So the 18 groups divided from the three main  
13 groups. Were you aware of the list and how the list was  
14 prepared?

15 A.As I already stated, regarding the list of the cadres, there  
16 could have been more cadres and more lists before that. And  
17 there could have been 18 groups of them and they were not solely  
18 the staff of S-21 except the guard unit which comprised of 18  
19 groups.

20 Q.Thank you. I may proceed further.

21 [11.48.57]

22 You said that when detainees were being loaded to be executed and  
23 in such process you were assigned to verify their names, the list  
24 of names. Could you tell us a little bit more how the process  
25 could have been done?

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1 And you said the detainees were thin and that they were not too  
2 ill to respond to your questions. Could you compare or give us  
3 the physical appearance comparison when you saw them when they  
4 came in and then by the time when they were taken out to be  
5 executed? What was the difference?

6 A.I don't think I understand your question clearly. Could you  
7 please make it brief?

8 Q.I am now briefing it. You said you were assigned to process  
9 the verification of the names of detainees to be taken away to be  
10 executed and that each detainee who went into S-21 had to have  
11 their photograph taken. And of course, by the end you had to  
12 verify their names and their biography could consist of a  
13 photograph, the photograph which had been taken from the very  
14 beginning.

15 And then you said the detainees were sick and thin. So could you  
16 tell us the different appearance, the people in the photo and the  
17 people you saw at the last minute?

18 A.To verify the detainees against their photographs taken when  
19 they arrived, in reality we did not verify their appearance. We  
20 only verified their names and roles. For example, where they  
21 came from. And that's it. We did not really care whether they  
22 were thick or thin.

23 [11.51.45]

24 Q.Thank you. Regarding another point in your statement before  
25 the Co-Investigating Judges in relation to the detainees who fell

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1 very sick and that they were tortured to death. So do you  
2 maintain or confirm, still confirm your statement?

3 A.I still recognize it and it is confirmed.

4 Q.Thank you. In the same interview you said you had been  
5 working as the document worker since Nat was the Chairperson at  
6 the security office near the Central Market, and you said that  
7 detainees would never be released. Do you still stand by your  
8 statement?

9 A.Since I started working at S-21 office with Duch and since I  
10 worked with Nat, I never confirmed any release of any detainee.  
11 But during the time when Nat was in charge, there were no removal  
12 of detainees to be smashed yet.

13 Q.I would like to give reference to this document under E21/1  
14 concerning the analysis of the statement of the survivors with  
15 ERN 00288997. Point 20 regarding Suos Thy's statement is quoted  
16 from this particular statement with the above ERN number.

17 The next question, please.

18 [11.54.31]

19 In the same statement, you stated that the important detainees  
20 who fell ill had to be sent straight to Duch. Do you confirm  
21 this statement now?

22 A.Regarding the important detainees and who were ill, Duch would  
23 order to Hor to assign medics to give treatment to them.

24 Q.Thank you. The next question please.

25 In relation to the cadres at S-21, do you still remember your

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1 statement in the same document, the same ERN?

2 There were no less than 100 people who were arrested and smashed.

3 So do you confirm this statement now?

4 A.Regarding the list of members of staff at S-21, I still

5 confirm the statement and I stand by it.

6 Q.The last question: do you still remember the torture

7 inflicted on detainees to death? How many detainees could have

8 been killed by such tortures?

9 A.I don't know for sure. The detainees who died in the

10 buildings would have been reported by the medics as sick

11 detainees. So when they died in the buildings, it is not

12 necessarily a view that they died of tortures. So they could

13 have died of illness.

14 Q.Thank you.

15 I would like to confirm the ERN number again. It is ERN number

16 00288997.

17 [11.57.20]

18 Thank you, Mr. Suos Thy, for your responses.

19 MR. PRESIDENT:

20 We note the Co-Prosecutor would wish to address the Court.

21 MR. TAN SENARONG:

22 The national Co-Prosecutor would like to put an observation.

23 Yesterday, there was a projection of the document regarding this

24 map and the prosecutor, with the leave of Mr. President,

25 instructed Mr. Suos Thy to point out that particular location he

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1 worked in and that the document be put in the case file, please.

2 And I asked Mr. Suos Thy, in relation to the detainee Phing Ton  
3 who was registered by him. I would like this document to also be  
4 confirmed by him and put in the case file.

5 Another one, he also confirmed regarding document 00188853 and I  
6 would like him to also give his thumbprint to prove that he made  
7 this, produced these documents personally and directly.

8 MR. PRESIDENT:

9 The request by the Co-Prosecutor is sustained.

10 [11.59.9]

11 So it should be appropriate to allow the witness to give the  
12 thumbprints to authenticate these documents, although it is clear  
13 in the transcript in relation to the display of the ERN numbers  
14 and that should not be another special format other than what  
15 have already been well-recorded in the transcript.

16 Regarding the special feature of the mapping of these locations  
17 which needs to be well-labelled, so that it is convenient for  
18 both the Court and the witness to pinpoint the exact location for  
19 the purpose of clarity. And I think it is appropriate to do so.

20 It is now an appropriate time to take an adjournment. Before the  
21 adjournment, the Chamber would like to express our thanks to Mr.  
22 Suos Thy for your time in giving your testimony here. However,  
23 the Court has not yet finished hearing your testimony and that we  
24 have just started to hear questions from the civil party lawyers  
25 of one group, and we still have three more groups of the civil

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1 party to put further questions to you before the defence counsel  
2 is allowed to put questions to you too.

3 So, please, return to the courtroom by 1.30.

4 And the Court is now adjourned for lunch.

5 The Court officer is now instructed to coordinate to make sure  
6 that the witness can enjoy his lunch and break.

7 The security personnel are instructed to take the accused back to  
8 the detention facility.

9 THE GREFFIER:

10 All rise.

11 (Judges exit courtroom)

12 (Court recesses from 1201H to 1333H)

13 (Judges enter courtroom)

14 MR. PRESIDENT:

15 Please be seated. The Chamber is now back in session to continue  
16 hearing the testimony of the witness Sous Thy.

17 I would like now to give the floor to the civil party group 3.

18 If you have questions to be put to this witness, you take the  
19 floor.

20 MR. KIM MENGKHY:

21 Good afternoon, Mr. President. Good afternoon, Your Honours.

22 BY MR. KIM MENGKHY:

23 Q. Good afternoon, Mr. Suos Thy. My name is Kim Mengkhy, a civil  
24 party lawyer for group 3. I have some questions for you  
25 regarding the victims who were executed at S-21 office.

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1 MR. KIM MENGKHY:

2 First, with the President's leave, I would like to have a  
3 document shown on the screen. The ERN is 00198659. It's in  
4 Khmer language and the document is D25/8/2.

5 MR. PRESIDENT:

6 The AV officer, could you please have the document shown on the  
7 screen with the ERN as requested by the counsel?

8 BY MR. KIM MENGKHY:

9 Q.Mr. Suos Thy, this document is the biography of a prisoner  
10 named Tioulong Rainsy. Mrs. Tioulong Rainsy, in her biography,  
11 was a staff of a French radio station and she's the daughter of  
12 Nheuk Tioulong. Do you know the biography of this prisoner?

13 A.Regarding the biography of this prisoner, I am not totally  
14 clear and the handwriting is not mine.

15 Q.Thank you.

16 [13.37.31]

17 MR. KIM MENGKHY:

18 With the President's leave, I would like to have a document shown  
19 on the screen. The ERN number is 00088813.

20 MR. PRESIDENT:

21 The AV official, please present that document on screen. The ERN  
22 number is as requested by the counsel.

23 BY MR. KIM MENGKHY:

24 Q.Mr. Suos Thy, this is a biography of a prisoner. The name is  
25 Lim Kimary. He's the husband of Tioulong Rainsy. He was

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1 arrested at the same time as his wife. He was the general  
2 director of the Cambodian Commercial Bank. Can you recognize his  
3 photo and whether you can recollect his biography?

4 A.As I have said, regarding the names and the photos of  
5 prisoners, I cannot remember every one of them.

6 Q.Thank you.

7 MR. KIM MENGKHY:

8 With the President's leave, I would like to have another document  
9 shown. The ERN number is 00281254.

10 MR. PRESIDENT:

11 The AV officer, please project the document on the screen with  
12 the ERN number as requested by the counsel.

13 [13.40.25]

14 BY MR. KIM MENGKHY:

15 Q.Mr. Suos Thy, this is a photograph of a victim at S-21,  
16 however, the photo was not taken from S-21. His name is Uk Ket.  
17 He worked at the Ministry of Foreign Affairs, the third secretary  
18 of the ministry. The question is: can you recognize this  
19 person's face, and if you can, can you recognize the name if he  
20 was detained at that location?

21 A.As I have repeatedly said, I cannot recognize all the faces of  
22 the prisoners. I worked alone at the time and I did not have  
23 time or bother to put names to the faces of the prisoners, so I  
24 cannot clearly recall it.

25 Q.Thank you.



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1 MR. KIM MENGKHY:

2 With the President's leave, I would like to have a document shown  
3 on the screen. The ERN number is 00281230.

4 MR. PRESIDENT:

5 The AV Unit, please show the document with the said ERN on the  
6 screen as requested by the counsel.

7 BY MR. KIM MENGKHY:

8 Q.Mr. Suos Thy, this is the same document in relation to Mr. Uk  
9 Ket. The title of the document is "Names of Prisoners Smashed on  
10 the 9 October '77. Mr. Uk Ket's name is on number 43 and on the  
11 list his name was 31 years old from the Ministry of Foreign  
12 Affairs and he was a secretary of the embassy and the date of  
13 smashing is also mentioned on the document.

14 The question is did you make this document, or whether the  
15 document was made by any other persons from other units?

16 A.According to my recollection the names of the prisoners which  
17 are prepared are not the same as this document because in my  
18 documents the date of entry would be on the far left, not on the  
19 far right as stated in this document.

20 [13.44.07]

21 Q.The question is why your group did not make this document and  
22 why you made this document instead?

23 A.The documents that I made I had one format to follow. It was  
24 almost the same but after the column of the positions it was not  
25 the date of entry as stated in this document.

55

1 Q.Thank you.

2 So when the document was made by Meng were those prisoners  
3 regarded as the important prisoners?

4 A.These prisoners were ordinary prisoners, not important.

5 Q.Thank you.

6 MR. KIM MENGKHY:

7 With the President's leave, I would like to show another document  
8 on the screen with the ERN 00281210 or E/84.3.

9 MR. PRESIDENT:

10 The AV official, can you show the document with the said ERN  
11 number as requested by the counsel on its screen?

12 MR. KIM MENGKHY:

13 Please move to the bottom part.

14 [13.46.05]

15 BY MR. KIM MENGKHY:

16 Q.This document is related to the prisoners from the previous  
17 regime in the administration section, and under serial number 37  
18 it's Mr. Op Chi, (phonetic) who was a member of the parliament  
19 and he was arrested and sent to S-21. It is said he was arrested  
20 in Sector 33; that is, Kampong Speu, and his date of arrest and  
21 his date of smashing were also mentioned.

22 Did you present this document or was it made by another group?

23 A.Regarding this document my group did not make this document.

24 From looking at the typed letters they are not the typewriter's  
25 type of the letters that we used.

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1 Q.Can you tell us which unit made this document and why this  
2 certain format was used as it's also mentioned, the date of entry  
3 and the date of smashing? What is the purpose of this document?

4 A.I am not really sure on the nature of this document because my  
5 group did not make this document. The format is different from  
6 the format that we used. Even the font used was different. I  
7 think from what I can say, this document seems to be printed from  
8 a printing house so I cannot make any conclusion or draw any  
9 conclusion from this document.

10 Q.Thank you.

11 [13.48.41]

12 I would like to ask the next question regarding to the last  
13 important prisoners or the important prisoners. How they were  
14 registered in a particular list and detained in a particular room  
15 or were they all detained in the same common room or what was the  
16 process like?

17 A.For general prisoners first, if the individual cells were  
18 available they would be detained in those individual cells.  
19 However, if they were not vacant then they would be placed in a  
20 common room. However, again, if they were taken to be  
21 interrogated and after they were brought back they would be  
22 placed in the individual cells.

23 Q.My last question, from the time that you started serving S-21  
24 until the collapse of S-21 by the Vietnamese troops, did you  
25 yourself ever commit any offence and were punished for that

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1 offence during the implementation of your duties there?

2 A.During that regime, frankly speaking, as I saw the arrest of  
3 the S-21 staff I tried my best and tried to avoid to make any  
4 mistakes, especially during the times of the arrest of the S-21  
5 staff. Later on the listmaker was also arrested from the  
6 interrogation unit. I was fearful and then Huy was arrested and  
7 then I became even more fearful. So for every single task I was  
8 assigned to I was very, very careful in not making any mistake.

9 MR. PRESIDENT:

10 Now, I would like to give the floor to the civil party lawyer  
11 group 2. The time now is 10 to 2 and you have 15 minutes.

12 [13.51.38]

13 MS. STUDZINSKY:

14 Thank you, Mr. President.

15 BY MS. STUDZINSKY:

16 Q.Good afternoon, Mr. Suos Thy. My name is Silke Studzinsky and  
17 I'm lawyer for the civil parties for victims. I would like to  
18 put some questions to you.

19 First question is: do you remember what was the longest duration  
20 of a prisoner in S-21, longest duration of stay in S-21 of a  
21 prisoner?

22 A.I cannot say for sure regarding this matter, however, I can  
23 conclude that the longest a prisoner was detained was two months.

24 Q.Have you ever experienced a case of a prisoner who has been  
25 imprisoned in Tuol Sleng and S-21 around 19 months; one nine?

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1 A. For prisoners who might be detained up to 19 months, I am not  
2 really, really sure, and it is my conclusion none of them was  
3 detained up to that long, but it's possible that they might be  
4 detained outside.

5 Q. Thank you. I come now to the lists that you have produced and  
6 the date of arrival that you have noted.

7 Is it right to say that, as you did not want to make any mistake,  
8 that the date that you have noted was accurate, the date of the  
9 arrival?

10 [13.54.22]

11 A. Regarding the date of entry -- was properly recorded as when  
12 they were arriving.

13 MS. STUDZINSKY:

14 Mr. President, could the AV Unit please be advised to show the  
15 document with the ERN number 00188853? This was already --

16 MR. PRESIDENT:

17 The AV official, can you show the document with the said ER  
18 number on the screen as requested by the counsel?

19 BY MS. STUDZINSKY:

20 Q. You have already recognized that you have produced this  
21 document. If you look on the list and the arrival on 12th of  
22 December 1976, and there under number 9 we find Building, H04 and  
23 a cell, 18. Could you please describe what kind of cell this  
24 was?

25 A. The date of entry 04/18 -- I think the first alphabet was cho

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1 (phonetic) not da (phonetic). I see it refers to the building  
2 and the cell number. It's been so many years already, I cannot  
3 recollect it properly.

4 Q.That means you do not remember where exactly and what -- where  
5 this cell was and what kind of cell. Is this what you want to  
6 say?

7 [13.57.41]

8 A.Let me say that, frankly speaking, I cannot recall it. To me,  
9 04 -- because usually there would be a building, a common room,  
10 or individual cell. So I am not sure whether 04 really  
11 identifies the individual cell or the common room. I forget,  
12 but, in general, yes, these numbers identify the building or the  
13 room number.

14 Q.Thank you, Mr. Suos Thy. Of course, this is the title of this  
15 indicators.

16 Do you remember the biography of Mr. Phing Ton that the  
17 prosecutor had already shown to you; do you remember this  
18 biography?

19 A.As I have said earlier, in the making of the list it was only  
20 I alone who made it and there were lots and lots of works and I  
21 could not pay attention to every single individual. So I tried  
22 to complete the task for the day. The next day I would start  
23 working on another task.

24 Q.Sorry, I think you did not understand the question.

25 MS. STUDZINSKY:

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1 Then I would like to ask the President to advise the AV to put  
2 again on the screen the document with the number 00188857.

3 MR. PRESIDENT:

4 Counsel, can you read the ER number again of the documents that  
5 you wish to have it shown on the screen?

6 MS. STUDZINSKY:

7 Yes, of course. This is the ERN 00188857.

8 [14.00.23]

9 MR. PRESIDENT:

10 AV officer, can you show the document with the ERN number  
11 00188857 on the screen as requested by the counsel for civil  
12 party group 2?

13 MS. STUDZINSKY:

14 Thank you.

15 BY MS. STUDZINSKY:

16 Q.Mr. Suos Thy, please look at this biography that you have  
17 already recognized; that you have produced this biography.

18 MS. STUDZINSKY:

19 Could the AV scroll a little bit down?

20 BY MS. STUDZINSKY:

21 Q, There you find at the end the room, as far as I understand,  
22 where the prisoner, Mr. Phing Ton was sent to. Is this right? I  
23 can read here Room 3, Hall 3, House 1. Is this where the  
24 detention took place or as -- it seems to be the arrest or what  
25 does it mean? Could you explain this part?

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1 A.It is actually the place where he could have been detained.

2 Q.Did you produce this biography at the same occasion when you  
3 produced this prisoner or arrival list that I have shown you  
4 before -- the arrival list for the 12th of December 1976? Were  
5 these both documents produced when Mr. Phing Ton arrived in your  
6 office?

7 A.I think I would need you to please repeat your question.

8 Q.I will do so. You see this biography, and I hope you remember  
9 the prisoner list that I have shown you before about the  
10 prisoners who arrived on 12th of December '76. And my question  
11 is now were these documents, the biography and the prisoner list,  
12 were they produced together?

13 A.The biography and the list of incoming detainees, this list --  
14 the biography was prepared immediately when the detainees were  
15 being sent in. And there was another long list and this could  
16 have been made after that long list had been completed.

17 [14.04.35]

18 Q.I observe that the cell where the prisoners has been or was  
19 detained are different in both documents, in the biography and in  
20 the prisoner list. Could you explain why these cells are  
21 different?

22 A.The rooms were different because the guards would reorganize  
23 where the detainees would be swapped or would be moved to  
24 different rooms or locations and I had to only record  
25 accordingly. All detainees were not supposed to be put in the



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1 same rooms at all times because the guards could remove them to  
2 different places within the vicinity and every move would be well  
3 informed and I had to be informed.

4 MS. STUDZINSKY:

5 I see that my time is running out. However, I would like to  
6 inform the Chamber that I wanted and intended to put before this  
7 witness the document number D25/5/7 and with a question to the  
8 witness if he acknowledge this list, and the document number  
9 D/25/5/5 and the document number D25/5/13 and the document number  
10 ERN00188858, also a prisoner list where Mr. Phing Ton appears and  
11 I would like to request that at least maybe the Chamber put these  
12 questions then to the witness if he acknowledges these lists.  
13 And so far I thank you, Mr. Sous Thy, for answering my question.  
14 Thank you.

15 MR. PRESIDENT:

16 Civil party lawyers group 1, you take the floor. We start from  
17 six past two.

18 MS. TY SRINNA:

19 Mr. President, Your Honours.

20 [14.07.41]

21 BY MS. TY SRINNA:

22 Q.Good afternoon, Mr. Witness. My name is Ty Srinna, a national  
23 co-lawyer, and in our group we have Mr. Alain Werner who is part  
24 of the team to put questions.

25 Before putting the questions I would like to seek clarification

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1 in relation to the document in which you stated before the  
2 Co-Investigating Judges on the 18th of October 2007, document  
3 D22/9 and under ERN00162606 in Khmer.

4 At that time you were asked by the Court official did they leave  
5 or survive and then you responded that you have no idea because  
6 when all the people from 703 were arrested that other people were  
7 taken from Amleang to replace them.

8 Do you remember stating this before the Co-Investigating Judges?  
9 A.I still remember that I did say so.

10 Q.Do you know why almost everyone from 703 was arrested?

11 A.I am not quite sure I understand this, because in reality  
12 people from 703 who at the beginning came to work at S-21, and  
13 there were a lot of them, but later on more and more disappeared  
14 and we could see new faces who came to replace the old ones who  
15 had disappeared. And I'm answering to your question based on my  
16 observation and I don't know in details.

17 [14.10.49]

18 Q.Do you know who actually ordered the arrest of the chief of  
19 Division 703?

20 A.The person who had the authority to make such arrest was at  
21 the level of Duch who could do so. Other people would not be  
22 entitled such privilege.

23 Q.Do you know anything about the relationship between Hor and  
24 Duch?

25 A.I am not sure I know much about this but, in reality, Hor was

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1 so fearful of Duch and I did not know more details about this.

2 Q.Were all staff members of S-21 afraid of Duch or it was only  
3 Hor alone who would be scared of Duch?

4 A.Frankly, and to the best of my honesty, I was so scared of my  
5 immediate supervisor, let alone Duch, so even the cadres who  
6 worked with Duch they did not even call them by names. They just  
7 addressed them by using "Brother East" or "Brother" and that's  
8 all. And it was the reality back then.

9 Q.I would like to refer to D61/1. This document is from the  
10 Documentation Centre of Cambodia in which you gave the interview  
11 to that organization on the 20th of October 2004, and it can be  
12 found under ERN number 00052028 in Khmer and in English 00337987.  
13 In that document you said Nat was afraid of Duch, and then you  
14 responded that:

15 [14.14.13]

16 "Yes, he was a division commander and he was kind of afraid of  
17 Duch. That was just my personal observation of his attitude  
18 towards Duch. As for Hor, he was deadly afraid of Ta Nat because  
19 the division commander was very senior to the battalion  
20 commanders. They were very different. The division commanders  
21 enjoyed a series of rights including removing people.

22 How should we be compared to Duch when even Ta Nat was afraid of  
23 him? Each and every day I always prayed not to be called on by  
24 Hor. Each of his calls meant something needed to be done or  
25 something was wrong."

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1 Do you remember having said this to the staff of the DC-Cam?

2 A.Once again, I would like to reiterate that I have no idea of  
3 the relationship between Nat and Duch but I know that Hor and  
4 Duch -- that Hor was very afraid of Duch. And the subordinates  
5 were so scared of these superiors and they were so frightened  
6 whenever they learned that they would be called by the superior,  
7 whatever task they would have been assigned or whatever they  
8 would have been called for.

9 Q.At that time were the names Hor and Har used at the same time  
10 and were they the same people or was there just one and the same  
11 person?

12 A.There was no name Har. There was Hor.

13 Q.Next question. You were also asked whether Hor or Pon had the  
14 right to make any arrest.

15 [14.16.52]

16 Since you already responded to the question I was about to ask, I  
17 would like to proceed to another new one.

18 You were asked whether you could confirm in relation to the  
19 removal or the purges of the former staff from Division 703 and  
20 what were the reasons for their arrest, and you said:

21 "I'm not sure of that either. It was too difficult to know the  
22 affairs and we were in different sections. For instance, if a  
23 prisoner had escaped the guards would be arrested and tortured.  
24 The more they were tortured, the more they implicated others and  
25 more arrests allowed. It was too complicated. Justice just

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1 could not be found. I'm not just saying that for the sake of  
2 saying it. I'm saying what I knew."

3 Do you remember having said that?

4 A.Yes, I do.

5 Q.When the guards were arrested -- I mean the guard who allowed  
6 a prisoner to escape and that later on they would be tortured and  
7 in their confession they implicated others, did these kinds of  
8 things happen to only staff at S-21 or other people too?

9 A.I don't know it for sure but when a detainee escaped the three  
10 guards in the building were arrested, and later on another guard  
11 from the company was also arrested on the ground of that escape.  
12 [14.19.58]

13 Q.This morning you indicated to Judge Lavergne and the Court in  
14 relation to the point, you said you saw Duch walking to the  
15 workshop where artists were working. Can you recollect when did  
16 that happen?

17 A.He went there, and he would go there, but I don't remember the  
18 date for sure.

19 Q.When you saw him at that time what was his character like?  
20 Was he happy? Was he worried or else? Could you please shed  
21 light on this a little bit?

22 A.Regarding the senior people who came to the location, I don't  
23 think I had anything to do with them because when we saw their  
24 arrival actually we were afraid we only had to work harder and  
25 mindful of our business.

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1 Q.When detainees at S-21 had all been smashed then staff members  
2 at S-21 were free. During that time were staff instructed to be  
3 prepared for any disaster or for any expected event, or were they  
4 told to go home, or were they told to prepare for newcomers? Can  
5 you please tell us on this?

6 A.When detainees had all been removed we had received no further  
7 instructions. We had to remain in our location at our workplace  
8 and we were not told to prepare anything at all.

9 Q.Last question, please: since you had started working at S-21  
10 from 1975 to 1979 what were the benefits or promotion you would  
11 have been given during that time from your superior? Thank you.

12 A.Since I had started working at the prison of Division 703 to  
13 S-21 prison, the benefits or the interests I obtained from my  
14 work was almost zero and, in return, what I obtained was the  
15 fearfulness; and I was being so fearful and frightened, and I was  
16 so afraid that one day I would commit a mistake and then I would  
17 also be arrested and killed.

18 [14.24.06]

19 MR. PRESIDENT:

20 Next, we would like to give the floor to the defence counsel to  
21 put questions to the witness. The floor is yours. You have 60  
22 minutes to put questions.

23 MR. KAR SAVUTH:

24 Thank you, Mr. President, Your Honours and the Chamber.

25 QUESTIONING BY DEFENCE COUNSEL

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1 BY MR. KAR SAVUTH:

2 Q.Mr. Suos Thy, in the name of the list-holder at S-21 had you  
3 observed that the detainees at S-21 being sent to S-24, or Prey  
4 Sar?

5 A.Detainees at S-21 were never sent to the rice fields. As long  
6 as they were sent to S-21 they would not be sent to the rice  
7 fields.

8 However, I would like to reserve my right to say that I only know  
9 something within the compound and what I've learned because I  
10 knew that, when they came, they could not be sent to another  
11 prison.

12 Q.Thank you.

13 At S-21, as you said, there were no female medics. Is that  
14 correct?

15 A.It is true that, at that location, there were no female  
16 medics.

17 Q.Thank you.

18 [14.26.9]

19 Yesterday, you indicated that there were medics who were assigned  
20 to treat detainees in each building. Do you still remember their  
21 names, the names of the medics?

22 A.At that time, I know for sure that there were two medics whom  
23 I known very well, although there could have been four of them  
24 but I only have known Rin and Try.

25 Q.Thank you.

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1 You've spoken of the detainees -- or the staff member of S-21 who  
2 turned detainee and escaped. Do you still remember his name?

3 A.Of course I do. His name was Chai (phonetic).

4 Q.Thank you.

5 Did S-21 send the photo of that escapee to the base so that he  
6 would be re-arrested?

7 A.I don't know. It was the business of my superior.

8 Q.Thank you.

9 You told the President, yesterday, that there were S-21A, S-21B  
10 and S 21D, and that you don't know S-21C. Is that correct?

11 [14.28.30]

12 A.So far as I know, there were only S-21A, B and D, and I don't  
13 know whether there was S-21C or where it would be located,  
14 because every one of us would be familiar with these three Sars  
15 -- S-21A, B and D.

16 The reason they put this code name was more convenient because  
17 S-21A referred to the interrogation unit and that B referred to  
18 the defence unit and D referred to the rice field, so it saved  
19 time to say things shorter.

20 Q.Thank you.

21 MR. KAR SAVUTH:

22 With Mr. President's leave, can the question be put to the  
23 accused whether there was S 21C?

24 If there was, where would this location be located and what was  
25 its function?



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1 MR. PRESIDENT:

2 Your request is allowed.

3 And the accused, please be ready to respond.

4 THE ACCUSED:

5 Mr. President, the presentation made by the upper echelon, they  
6 only referred to only one, S-21.

7 [14.30.26]

8 Regarding S-21A, B, C or D, during the time of my supervision, I  
9 did not pay particular attention to these details. I learnt of  
10 these details only during the investigation. I also learnt the  
11 new word S-21, S-22, S-23 and S-24.

12 Through my research, I acknowledge that the personnel from the  
13 Co-Prosecutor's Office, Sambath, actually referred to the A, B, C  
14 and D to the respective buildings at S-21. So I think that was  
15 the invention made by Nat during his supervision.

16 And I would say S-21A referred to the location in Phnom Penh, the  
17 interrogation section, and for S-21B, as said by Suos Thy, it was  
18 also referred to Phnom Penh location for the guard unit. And for  
19 S-21C -- and this is my conclusion -- it refers to the vegetable  
20 plantation and farm in Ta Khmau which was the legacy of the  
21 Division 703. And the S 21D, that would be Prey Sar, at the rice  
22 fields.

23 However, let me reiterate. The superior or the upper echelon  
24 only referred to this organization as S-21.

25 Q.Thank you. Let me now put more questions to Mr. Suos Thy.

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1 Did you know an event when a prisoner jumped from the upper floor  
2 to commit suicide?

3 A.Regarding the jumping of a prisoner from the building, I was  
4 not aware of it and the reason is simply because I worked only in  
5 my office.

6 Q.You said you never received any direct order from Duch. Is  
7 this correct?

8 A.That is correct.

9 [14.33.38]

10 Q.Did you ever go and meet Duch personally? Was there any  
11 chance or occasion where you met him in person?

12 A.I am not really clear on this but I think it rarely occurred.

13 Q.On the 20th of October 2004 you provided an interview to the  
14 Documentation Centre of Cambodia. Can you recall that?

15 A.Yes, I do.

16 Q.Let me read an excerpt. Representative Phan Sochea from the  
17 DC-Cam asks you:

18 "And Duch, who supervised the centre and did you meet him often?"

19 And you replied:

20 "No, I was in a separate office and everything was secretive at  
21 the time. And we, the guards unit, had no authority to ask, let  
22 alone the interrogators unit, even during our lunch. We had to  
23 eat in our own group. We cannot go and mix with another group  
24 during our mealtime."

25 Do you remember the statement that you made and are you still

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1 standing by your statement?

2 A.Yes, I stand by my statement.

3 [14.35.33]

4 Q.Thank you.

5 You told the Chamber that the General Staff supervised S-21

6 directly. Is that correct?

7 A.Regarding the supervision of the General Staff over S-21, I

8 did not know it clearly but I knew about how to process the list,

9 that is Hor instructed me to write the word S-21 under the column

10 "General Staff" so I concluded that the General Staff directly

11 supervised S-21.

12 Q.Thank you. What about the Central Committee, did it directly

13 supervise S-21? Were you aware of that?

14 A.Regarding this matter, it was too high for me to know.

15 Q.Thank you. Did you know if there was anybody who could order

16 Duch directly?

17 A.Regarding this matter, it's beyond my knowledge because it

18 involved the upper and higher echelon. Because I personally knew

19 that the topmost person was Duch who issued orders to everybody

20 else and I didn't know who else would issue orders to him.

21 Q.Did you ever see Son Sen visit S-21?

22 A.I cannot recall the year but the entire unit was called for

23 training at the political training school and I saw him there.

24 Son Sen was there at that political training school.

25 [14.38.07]

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1 Q.Thank you. This morning, you told the Chamber that you worked  
2 at S-21 at your office 24 hours a day. Did you know about an  
3 event where prisoners were tortured by having their feet hanged  
4 and then the head was submerged into a water jar? Were you aware  
5 of that?

6 A.As I have said, I did not know this event. Because at my  
7 list-making office in that section I worked alone and I did not  
8 wander around and I did not know about other peoples' duties. I  
9 only paid much attention to my work, not the attention on other  
10 peoples' work.

11 Q.Thank you. So regarding the rope which is still visible at  
12 the moment, did you ever see any prisoner being tortured by using  
13 that rope?

14 A.Frankly speaking, regarding the rope, I did not know when it  
15 was hung at that location. It was there but I did not know and I  
16 did not see any prisoner tortured at that location because the  
17 prisoners were detained in various rooms.

18 Q.So did you observe -- because from what I can say, your office  
19 was not far from where the rope was hung. If you opened the door  
20 you would have seen the rope. Did you ever see anyone torturing  
21 any prisoner at that location with the rope during the time that  
22 you worked there?

23 A.As I have repeatedly said, if I saw something I would say I  
24 saw it. And if I did not see it I would say I did not see it.

25 [14.40.54]

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1 Q.Thank you.

2 At S-21, people were arrested and sent to S-21 and if the husband  
3 or the wife was arrested, then their spouses would be arrested  
4 either at the same time or at a later time. Is this a fair  
5 assumption?

6 A.From my observation in general when they were sent from  
7 various other units, when the husbands were arrested the wives  
8 would be sent along.

9 Q.Thank you. Just a little bit before that you told the  
10 counsel, Ty Srinna, that the person who had the authority to  
11 order the arrest was only Duch. Did you know that Duch ordered  
12 the arrest by himself or he followed the orders from upper  
13 echelon?

14 A.Regarding this matter, I am not clear. What I am clear on is  
15 that at S-21 it was Duch who was the top, the highest person.  
16 And every single decision had to be made by him at S-21.

17 Q.Thank you.

18 Mr. Suos Thy, the majority of your work was to verify the names  
19 of the prisoners to be smashed and you had to check and verify  
20 their names before they were taken out. Is this a fair  
21 assumption?

22 A.That is true.

23 Q.Did you like your work?

24 A.Regarding my work, I did not like it even a bit but, if I was  
25 assigned to do it, anybody dare to object it? No.

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1 So I had to do it as I was ordered to do it but I did not like  
2 that work at all.

3 [14.43.26]

4 Q.Thank you.

5 If you disliked your work, why you did not leave that work?

6 A.In general, why -- if somebody dislikes a job and doesn't move  
7 on, during that regime, where would you want me to go?

8 If I was absent for five minutes then I would be noted. At that  
9 time, there was no houses, no private citizens, there were only  
10 cooperatives, and if I were to go to the cooperative then I would  
11 have been arrested there.

12 So I had just to force myself to do the assigned tasks. Even if  
13 I tried to escape, there was nowhere for me to go to. There was  
14 nowhere to stay. To the cooperatives, they would know and I  
15 would be rearrested.

16 Q.Can you say whether all the staff at S-21 disliked their job  
17 but they had nowhere else to go? Is this a fair assumption?

18 A.(No interpretation)

19 Q.During the three years, eight months and twenty days, how  
20 scared were you?

21 A.During the three year, eight month, twenty day-period of the  
22 Khmer Rouge Regime, from the time I came to work at the S-21  
23 office at Tuol Sleng, fear always was with me because of the  
24 experience that I saw the arrest of those people and, once they  
25 were arrested, they would be killed.

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1 [14.45.45]

2 MR. PRESIDENT:

3 I notice Alain Werner on his feet. You may proceed.

4 MR. WERNER:

5 I apologize for interrupting, Your Honour.

6 We did not get on the English channel an answer to the question

7 before, whether or not other staff of S-21 didn't like their job.

8 We didn't get any answer in English.

9 Thank you.

10 MR. PRESIDENT:

11 Defence counsel, can you ask the question again, as the civil

12 party lawyers did not get the answer from the witness? So just

13 ask this one question then we will take a break.

14 BY MR. KAR SAVUTH:

15 Q.Mr. Suos Thy, can you tell us whether you knew that all the

16 staff and cadres at

17 S-21 disliked their regime at the time?

18 A.The S-21 staff disliked their regime at the time, and that is

19 true.

20 [14.47.34]

21 MR. PRESIDENT:

22 We will take a break. There are some pending issues.

23 There was a submission from Studzinsky, the counsel, who

24 requested the Chamber and it is my understanding that the two

25 decisions the Chamber made yesterday were thought not to cover

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1 the submission.

2 And because of the unclear submission made by Studzinsky, I would  
3 like Judge Cartwright to verify and confirm the submission.

4 Judge Cartwright, you may proceed.

5 JUDGE CARTWRIGHT:

6 Thank you, Mr. President.

7 Ms. Studzinsky, simply to have some clarification, please. The  
8 first document to which you referred, D25/5/5 in the English is a  
9 prisoner list in which the name Phung Guth Sunthary appears.  
10 However, in the French and Khmer versions of the same document --  
11 at least in the French and Khmer versions of the same document  
12 number, the document appears to be a biography of the same  
13 gentleman.

14 So for clarification purposes, which document do you refer to  
15 before we give a decision, of course, on the overall submission?

16 MS. STUDZINSKY:

17 Yes, thank you for your question.

18 [14.49.37]

19 I made the same observation that it's different in different  
20 languages. And the English document could be found in D25/5/12;  
21 this seems to be the same prisoner list.

22 JUDGE CARTWRIGHT:

23 However, do you refer to the prisoner list or to the biography or  
24 both?

25 MS. STUDZINSKY:



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1 I refer to the prisoner list.

2 And this was now the English document, and the Khmer is the  
3 ERN00188877 through 78.

4 JUDGE CARTWRIGHT:

5 The second question I ask is your intention in making the  
6 application.

7 You will recall the decision yesterday that indicated that the  
8 Trial Chamber would not put unasked questions at the request of  
9 civil parties. Of course, the Trial Chamber will retain a  
10 discretion in this regard, but certainly not as a matter of  
11 routine.

12 Do you seek to have these documents put before the Chamber in  
13 order for the Chamber ultimately to decide what weight to place  
14 on them?

15 MS. STUDZINSKY:

16 Yes, that is correct.

17 I would like that these documents are to be put before the  
18 Chamber and so that the Chamber can take a decision on it and use  
19 their discretion.

20 JUDGE CARTWRIGHT:

21 Finally, in D25/5/5, there is a reference against the name that  
22 you are concerned with. Are you asking that the Chamber clarify  
23 that reference?

24 You will recall, in the execution date column, that the date is  
25 given, but in some cases details of the status of the person

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1 concerned is listed instead.

2 MS STUDZINSKY:

3 Concerning this prisoner's list which appears under D25/5/5 and  
4 as well under /12 in the English version, there first -- one  
5 question is if this list was fabricated by the witness. And then  
6 we find under the item "Execution date" concerning Mr. Phing Ton,  
7 the remark "Pause/Suspend". And to elaborate on this, who did  
8 fill in these words or what did it mean and so on; that was the  
9 purpose of this?

10 JUDGE CARTWRIGHT:

11 Thank you. When you use the word in English "fabricate", I  
12 presume you mean did this witness write these lists, not make  
13 them up. Thank you.

14 [14.53.59]

15 MR. PRESIDENT:

16 It is time for a short break. The Chamber will have a 20-minutes  
17 break. We will resume at twenty past three.

18 Court officer, provide necessary facility to the witness and  
19 bring him back before the said time. The hearing is now  
20 adjourned.

21 THE GREFFIER:

22 All rise.

23 (Judges exit courtroom)

24 (Court recesses from 1454H to 1518H)

25 (Judges enter courtroom)

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1 [15.18.44]

2 MR. PRESIDENT:

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

4 We continue hearing the testimony of this witness and before we  
5 give the floor to the defence counsel to proceed from where we  
6 left off before the adjournment, we would like to announce the  
7 decision in relation to the application put before the Court by  
8 the civil party lawyer in relation to these documents, and that  
9 the documents are now considered put before the Court.

10 And in relation to another document, I would like Judge Silvia  
11 Cartwright to put some questions for clarification.

12 JUDGE CARTWRIGHT:

13 Thank you, Mr. President.

14 Could the AV Unit put the English version of D25/5/5 on the  
15 screen please? Thank you.

16 Could the witness look at that list and then scroll down, please,  
17 to the second page. I have two questions to the witness.

18 BY JUDGE CARTWRIGHT:

19 Q.The first is: did you prepare that list?

20 A.No, I didn't, Your Honour.

21 Q.Are you able to tell the Chamber what the words  
22 "pause/suspend" mean in the right-hand column alongside prisoner  
23 number 10?

24 MR. PRESIDENT:

25 We note that the counsel for the witness is on his feet.

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1 [15.22.29]

2 MR. KONG SAM ONN:

3 Since the document is available only in English I'm afraid the  
4 witness may not be able to shed any light on that document, so  
5 would the Khmer version of the document be put on the screen  
6 instead, Your Honour?

7 JUDGE CARTWRIGHT:

8 Ms. Studzinsky, can you give me the number of the Khmer document,  
9 please?

10 MS. STUDZINSKY:

11 Yes, I will do so. I'm sorry being late, but I heard 3..20.

12 I give you now the ERN. That is 00188877.

13 [15.23.36]

14 MR. PRESIDENT:

15 The AV Unit is now instructed to put document with ERN 00188877  
16 up on the screen, please.

17 JUDGE CARTWRIGHT:

18 That's not the correct number. It's 00188877.

19 MR. PRESIDENT:

20 The AV Unit, could you please advise the Chamber whether you can  
21 access to that document or not? Please, document 00188877  
22 through 00188878. Please put it on the screen.

23 JUDGE CARTWRIGHT:

24 Thank you. Could you scroll down to the next page, please? Yes,  
25 that page.

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1 BY JUDGE CARTWRIGHT:

2 Q. In the far right column alongside prisoner number 10 are you  
3 able to read the words written there?

4 A. It was the document I wrote.

5 Q. So you have written this document and are you able to tell the  
6 Chamber what the words in the far right column say against  
7 prisoner number 10?

8 A. I could read that the word is "postponed".

9 [15.28.04]

10 Q. Thank you. What does that word mean then in relation to this  
11 prisoner?

12 A. So far as I remember, although it is not clear, but the term  
13 "postponed" I may guess that it was Hor who asked me to note down  
14 that term, the term "postponed" which suggests that interrogation  
15 should be postponed.

16 Q. Thank you.

17 JUDGE CARTWRIGHT:

18 The AV Unit can return the screen to normal, please.

19 Mr. President, this document, ERN 00188877 to 00188878, is put  
20 before the Chamber.

21 MR. PRESIDENT:

22 Next we would like to give the floor to the defence counsel to  
23 put the rest of his questions to the witness.

24 BY MR. KAR SAVUTH:

25 Q. Mr. Suos Thy, at present when you think back on your work at

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1 S-21, what do you think of the work that you did at S-21 at the  
2 time?

3 A.I would like to say that the work that I did at S-21 was under  
4 the order or instruction from the upper echelon. Whatever I was  
5 ordered, then I would need to perform it. If I did not do it I  
6 would be punished.

7 [15.30.37]

8 Q.Thank you. So even at present do you regret of your  
9 participation in taking the innocent people to be smashed?

10 A.At present I am really regretful and pitiful for those people  
11 who were arrested and killed -- the fact that I also worked in  
12 that office.

13 MR. KAR SAVUTH:

14 Thank you, Mr. President. I do not have any further questions  
15 for this witness.

16 MR. PRESIDENT:

17 Now the Chamber would like to give the opportunity to the accused  
18 to make observations regarding the testimony of this witness.

19 You are granted an opportunity to make your observation if you  
20 choose to do so.

21 THE ACCUSED:

22 Mr. President, first I would like to make a minor observation  
23 which is useful for the sake of the investigation for the  
24 Chamber.

25 The questions by Ty Srinna asking about the name Hor and Har

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1 whether it referred to the same person, and I know this. Hor is  
2 the name of Comrade Hor and his original name was Keum Wa  
3 (phonetic).

4 One day, he got a travel authorization from my superior and Son  
5 Sen, instead of writing Hor, he wrote Har on that travel  
6 authorization. Therefore, in order to honour the superior, then  
7 Comrade Hor maintains the word How and actually these two names  
8 referred to just one person. So this is to shed light for the  
9 Chamber to understand and to avoid any further confusion.

10 Now, I would like to give my observations regarding the testimony  
11 made by Comrade Thy, or Suos Thy. Thy is actually a member of  
12 staff of S-21. I do not demand any other documents to prove that  
13 he is a member; I know him. I already told the Co-Investigating  
14 Judges that this person was a member of the S-21.

15 [15.34.23]

16 Also, in the organizational chart, the two pages, I also provided  
17 the name of this person, Thy, as administrating the lists of  
18 prisoners at S-21. I do not have that statement with me. So  
19 this is my clarification on the status of this witness.

20 Secondly, I would like to make observations regarding his  
21 observation, and I would like just to fill-in in addition to the  
22 testimony made by Comrade Thy.

23 First, regarding the escaping prisoner. The escapee from  
24 prisoner (sic), I knew the matter. It was the combatant of  
25 Division 170. At the time Hor and I went out. It was not long

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1 after I became the Chairman of S-21. So we went to visit a  
2 comrade's house in order to inquire to get some facts to rest at  
3 S-21.

4 The prisoner was from Division 170 and he ran back to his  
5 division. And at his division, he was arrested and then they  
6 made a call to the general staff and the general staff ordered  
7 S-21 to bring him back. So this is a matter on the escaping  
8 prisoner. I actually told the Co-Investigating Judges already  
9 regarding the escaping prisoner.

10 Also regarding Choy (phonetic), who was a former S-21 staff who  
11 successfully escaped, I did not know that, and I was surprised  
12 when I heard this during the testimony of this witness. I also  
13 would like to add to this testimony that after the prisoner who  
14 escaped to his respective unit, I did not arrest anybody for this  
15 fault.

16 Only later on, Hor noticed the irregular activity of Poch who was  
17 linked to the network of another person, and then he reported to  
18 me and I reported to my superior and Son Sen allowed me to arrest  
19 Comrade Poch. And his name was in the common list of S-21.

20 [15.37.14]

21 Therefore, the operation of making the arrest of S-21 staff, who  
22 was originally from 170 or from the city force, were made in my  
23 reports to the Co-Investigating Judges, as well as to the Chamber  
24 continuously, so there is no need for me to add any further  
25 information.



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1 So these are my two points regarding my observations on the  
2 testimony, and now I would like to add my observations as a  
3 general observation regarding the testimony.  
4 His testimony reflects the truth, the foundation of the truth.  
5 There were several events that I did not know and after he  
6 reiterated it, I believed it did happen through his daily work  
7 and operation. So that would complement and add to what I knew  
8 of what happened at S-21, so that the Chamber as well as the  
9 Cambodian people in the country would understand better by the  
10 addition of his testimony to the case.  
11 Secondly, I appreciate the spirit of Comrade Thy who believed in  
12 the fair judgement of the Chamber by speaking out the truth. His  
13 belief that ECCC is the only mechanism to seek out justice for  
14 the Cambodian people as a whole as to find justice for the  
15 victims who died at S-21. I really appreciate his spirit of  
16 honesty to the Chamber.  
17 Of course, I understand the psychological impact on him and the  
18 feeling of fear that he had to suffer during the time; I believe  
19 that. Also, at the same time, I appreciate his testimony that he  
20 in his role as a middle cadre within S-21, although he did not  
21 work and contact me directly as I also did not want many middle  
22 cadres to have any direct contact with me, as I was and I am the  
23 top criminal responsible for all the acts committed at S-21,  
24 responsible for all the lives lost at S-21.  
25 [15.40.16]

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1 I am responsible emotionally and legally, so I do not want any  
2 middle cadres or any subordinates to suffer in my place. If  
3 anybody who are linked or complicated within the S-21 network,  
4 please remove yourself away. Don't come to me because S-21 is a  
5 criminal mechanism, and I am committing myself firmly to be  
6 responsible solely before the law; also to be emotionally  
7 responsible for all the crimes that were committed.

8 With my respects, Your Honour.

9 MR. PRESIDENT:

10 Mr. Suos Thy, the Chamber would like to thank you for providing  
11 your testimony, and your patience during the proceedings as you  
12 have faced several questions and that it has occupied one and a  
13 half days. We have seen your effort and willingness to provide  
14 your true testimony through the accounts, and as reiterated by  
15 the observation of the accused to the truthfulness of your  
16 testimony, the Chamber really appreciates your time here.

17 You can now return to your residence.

18 Court officer, please make necessary arrangement to have the  
19 witness returned safely to his residence by working in  
20 cooperation with the WESU unit.

21 Another witness, KW-15, who is on standby for today's hearing,  
22 please make necessary arrangements for him to return to his  
23 residence as well, and he shall be invited to the Chamber again  
24 on Monday next week at 9 a.m. in order for him to provide his  
25 testimony to the Chamber.

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1 (Witness exits courtroom)

2 MR. PRESIDENT:

3 Next, the Chamber will continue the proceeding. We will have the  
4 statements read out, the statements which were made by the  
5 witnesses. The first testimony to be read out is from the  
6 witness -- D28/7 in Khmer. The ERN is 00163696, and in English  
7 it's 00163704; in French 00165078.

8 The Greffier, Ke Solvuthy, you are instructed to read out the  
9 testimony of this witness, Meas Pengkry.

10 [15.44.46]

11 THE GREFFIER:

12 "Office of the Co-Investigating Judges, Criminal Case File 002,  
13 Investigation Number 0011807-2007, written record of interview of  
14 witness. The year 2007, the month of November, the 29th day at  
15 2.30 p.m. at Chrey Thom village, Sampeou Loun subdistrict, Koh  
16 Thum district, Kandal province. I, Nguon Im, an investigator of  
17 the Extraordinary Chambers, having been assigned by the rogatory  
18 letter of the Co-Investigating Judges dated 21 November 2007,  
19 having seen the Law on the Establishment of the Extraordinary  
20 Chambers dated 27 October 2004, having seen Rules 24, 28 and 60  
21 of the Internal Rules of the Extraordinary Chambers, have  
22 recorded the statement of Meas Pengkry, a witness, who provided  
23 the following information regarding his personal identity.  
24 Last name Meas, first name Pengkry, revolutionary name Meas Kry,  
25 born in 1955. This person declared that he could read, write and

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1 understand the Khmer language. The person also declares that he  
2 could not read and write any other languages. Therefore, the  
3 original of this written record is written in the Khmer language.  
4 We advised this person that taking of this statement is being  
5 audio or video recorded.

6 This person told us that he had no relationship with the charged  
7 persons and civil parties. This person also took an oath in  
8 accordance with the provisions of Rule 24 of the Internal Rules  
9 of the Extraordinary Chambers. We notified this person of the  
10 right against self-incrimination in accordance with the  
11 provisions of Rule 28 of the Internal Rules of the Extraordinary  
12 Chambers.

13 [15.47.08]

14 Question - answer. Nguon Im:

15 Q.First, can you please describe your personal history from the  
16 beginning?

17 A.I studied up to grade 11 at Wat Kampong Sambuor. At the time  
18 of the coup there were no more teachers so I quit school and  
19 farmed until 1973 when I joined the District 18 Koh Thum army. I  
20 had been a soldier in the district army for nearly one year when  
21 they sent me to the 12th Division or the Special Zone army which  
22 had Ta Nat and Ta Pin as the Division chairmen. I was a  
23 combatant then.

24 Q.After 17 April 1975 where did you work?

25 A.After the attack and fall of Phnom Penh I went to Ta Khmau for

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1 about three or four months. After that they selected me to study  
2 driving the 703rd Division's vehicles in Phnom Penh in the  
3 vicinity of Wat Koh.

4 Q.How many months did you study driving?

5 A.Two to three months because the studies were not regular.

6 There were 12 of us studying. At first I studied driving small  
7 vehicles and when I had learned that they had me study driving  
8 large vehicles.

9 [15.48.37]

10 Q.Did you study engine repair?

11 A.No, I just knew how to patch tyres and do little things.

12 Q.After you studied where did they send you?

13 A.After I learned how to drive they sent me to drive for the  
14 General Staff at the former Lon Nol General Staff. My work  
15 driving then was driving to gather up and transport the documents  
16 that remained from the Lon Nol regime and take them to be  
17 disposed of.

18 Q.What year did you join S-21?

19 A.It was approximately 1976 when they selected me to go to Tuol  
20 Sleng. I was still a driver.

21 Q.Who assigned you to S-21?

22 A.A unit of the General Staff assigned me to go to S-21. When I  
23 went to work with Him Huy he was a team chairman.

24 Q.What did you transport when you drove at S-21?

25 A.While I was there I drove and transported mixed cargo,

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1 prisoners, wood to make buildings and vegetables. I only drove a  
2 few prisoners, not many.

3 [15.49.55]

4 Q.Did you drive prisoners in or out?

5 A.Once I drove two prisoners from the Independent monument to  
6 Tuol Sleng and I drove one prisoner from Battambang to Tuol  
7 Sleng. I only drove prisoners in two times. I was with Him Huy  
8 at that time. All those prisoners had already been arrested. I  
9 only transported them to Tuol Sleng.

10 Q.What was the condition of the prisoners you transported?

11 A.Their arms were tied behind their backs and they were  
12 blindfolded.

13 Q.When you went to get the prisoners were there written orders  
14 to go?

15 A.I did not know, I just knew about the driving.

16 Q.When you arrived with the prisoners did you drive them  
17 straight inside Tuol Sleng?

18 A.I drove them to the entrance and the guards took the prisoners  
19 inside the prison.

20 [15.50.56]

21 Q.Did you ever drive prisoners out of Tuol Sleng?

22 A.I drove prisoners out once or twice as well. I drove them to  
23 Boeng Choueng Ek. When I drove them it was at night.

24 Q.What vehicle did you use then to transport the prisoners?

25 A.I used a Land Rover. That vehicle had a covered cabin. The

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1 prisoners I transported out were from four to six in number.

2 Q.When you transported prisoners out what condition were they  
3 in?

4 A.All the prisoners were blindfolded and they had their arms  
5 tied behind their backs. Upon arrival at Choeung Ek they had a  
6 team of their own there waiting to receive those prisoners.

7 After they dragged the prisoners down from the vehicle and put  
8 them in a wooden house there I returned.

9 Q.Did you wait until they had killed the prisoners before you  
10 returned?

11 A.No. When all the prisoners were unloaded from the vehicle we,  
12 the guard who came with the vehicle and I, returned to Tuol  
13 Sleng.

14 [15.52.12]

15 Q.Did you know the team chairman at Choeung Ek?

16 A.I never knew him. In that era we worked separately. Even  
17 when we ate, we ate separately.

18 Q.Aside from prisoners, what else did you transport?

19 A.Two or three times I transported wood to build houses at  
20 Choeung Ek. That was before the prisoners were taken to be  
21 killed there.

22 Q.When you transported prisoners out, what instructions did they  
23 give you?

24 A.They never gave any instructions. They just told me,  
25 'Transport the prisoners to Boeung Choueng Ek and be vigilant,

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1 Comrade.'

2 Q.Did you ever drive Duch anywhere?

3 A.No.

4 [15.53.07]

5 Q.Did you ever meet Duch?

6 A.I met him when Duch called us to studies or to meetings south  
7 of his house.

8 Q.When you took prisoners to Choeung Ek did you ever hear the  
9 prisoners scream or cry?

10 A.I never heard anything. The prisoners were all emaciated and,  
11 on the other hand, there was a guard who rode along in the  
12 vehicle with the prisoners.

13 Q.Did you do anything else other than transport?

14 A.I grew vegetables and raised pigs near the sewer ditch.

15 Q.When did they send you to Prey Sar?

16 A.Later on, probably during 1977. I overturned a vehicle. They  
17 sent me to stay with Ta Huy at Prey Sar.

18 Q.What did they have you do at Prey Sar?

19 A.They had me make paddy dykes, dig canals, transplant the rice.  
20 After I had been there a long time they trusted me and they had  
21 me drive a GMC vehicle.

22 [15.54.19]

23 Q.Was working in the rice field at Prey Sar easy?

24 A.Working in the rice fields there was done according to very  
25 strict plans. They had me get up at four and work until 11



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1 before eating a little lunch, and then work on until six in the  
2 afternoon. We ate at seven in the evening. Working in the rice  
3 fields was done following a set plan, so we had to keep up with  
4 the plan. At times I did additional work at night.

5 Q.How was the food?

6 A.They provided two meals at Prey Sar, one at noon and one in  
7 the evening, but it was insufficient because I did a lot of  
8 labour.

9 Q.As far as you knew, were there many sick people at Prey Sar?

10 A.There were, but they had medics to provide treatment.

11 Q.Did Duch ever go to Prey Sar?

12 A.I never saw him. There were just Nun Huy at the rice fields.  
13 He was in charge there.

14 Q.How long were you at Prey Sar?

15 A.I was there until Phnom Penh fell in 1979.

16 [15.55.38]

17 Q.Do you have anything you'd like to add?

18 A.No.

19 If the ECCC has the need to question you again, please  
20 co-operate. This task was completed at 4 p.m. on the same date.  
21 One copy of the written statement was provided to this witness.  
22 After it was read aloud, the witness had no objections and agreed  
23 to sign or impress thumbprint."

24 MR. PRESIDENT:

25 Please finish the last bits of the statement, the name and the

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1 signature.

2 THE GREFFIER:

3 "Witness, Meas Pengkry; investigator, Nguon Im".

4 MR. PRESIDENT:

5 The accused, regarding the testimony of the witness, Meas  
6 Pengkry, as read out by the Greffier Se Kolvuthy, do you have any  
7 observation to make regarding this statement?

8 I notice the presence of the defence counsel. You may proceed.

9 MR. KAR SAVUTH:

10 Mr. President, with your leave would you allow the Greffier to  
11 read the declaration made by Meas Pengkry at the re-enactment at  
12 Tuol Sleng, and after that I would like the accused to make his  
13 observations.

14 [15.57.42]

15 MR. PRESIDENT:

16 The Greffier, do you have that statement?

17 Which document are you referring to, defence counsel? Can you  
18 provide the ERN number of the document?

19 MR. KAR SAVUTH:

20 It's D48/1.

21 MR. PRESIDENT:

22 Can you check the Document D48/1? The Greffier, can you read the  
23 document on screen or you need to have it printed out?

24 The Greffier, you may start to read that statement.

25 THE GREFFIER:

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1 "Office of the Co-Investigating Judges, Criminal Case File Number  
2 002 14/08/2006, Investigation Number 0011807 to 007. Report of  
3 Reconstruction in the year 2008, 26 February at 8 a.m. Noting  
4 the investigation opened against Kaing Guek Eav, alias Duch,  
5 charged with crimes against humanity and grave breaches of the  
6 Geneva Conventions of 12 August 1949; crimes defined and  
7 punishable under Rules 5, 6, 29 (new) and 39 (new) of the Law on  
8 the Establishment of the Extraordinary Chambers dated 27 October  
9 2004.

10 [16.00.25]

11 Noting Rule 55(8) of the Internal Rules of the Extraordinary  
12 Chambers, noting the ordonnance de transport dated 21 February  
13 2008, we, You Bunleng and Marcel Lemonde, Co-Investigating Judges  
14 of the Extraordinary Chambers in the Courts of Cambodia, assisted  
15 by Mr. Ham Hel and Mr. Ly Chantola, the Greffiers, and by Mr.  
16 Tanheang Davann and Mr. Ouch Channora, who are sworn interpreters  
17 of the Extraordinary Chambers, made an on-site visit to the  
18 Choeung Ek memorial 15 kilometres to the southwest of Phnom Penh  
19 in Kandal province.

20 At Choeung Ek we were joined by Ms. Chea Leang and Mr. Robert  
21 Petit, Co-Prosecutors of the Extraordinary Chambers; Kaing Guek  
22 Eav, alias Duch, assisted by his lawyers, Mr. Kar Savuth and Mr.  
23 François Roux; witnesses Meas Pengkry, Him Huy, [REDACTED] and  
24 [REDACTED]. Expert Zoran Lesic, designated by means of the  
25 Ordonnance dated 12 February, was also in attendance for the

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1 purpose of his report."

2 MR. PRESIDENT:

3 What's wrong with you? Could you please proceed further?

4 Please hold on.

5 [16.07.30]

6 The Chamber would like to inform the parties to the proceedings  
7 and the public that the document which was being read out by our  
8 Greffier is related to the other witnesses to testify or the  
9 witnesses that are protected before they are testifying before  
10 the Chamber. Therefore, the document as requested by the defence  
11 counsel to be read out by the Greffier of the Chamber, will have  
12 to be stopped now.

13 Because, as scheduled, the Chamber has been planned to only read  
14 the testimony of three witnesses, and in relation to the ground  
15 of the protective measures and the concealment of the identities  
16 of the yet to be testifying witnesses and that their names have  
17 not been distorted or deducted, the Chamber would like to  
18 postpone the reading of the testimony of this witness now. The  
19 reading of the testimonies of other witnesses will be scheduled  
20 to a later date.

21 So today the Chamber will take the adjournment by now. The  
22 session will be resumed on the 3rd of August 2009 from 9 a.m.  
23 The security personnel are now instructed to take the accused to  
24 the detention facility and call him into the courtroom by 9 a.m.  
25 on the 3rd of August 2009.

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1 The Court is adjourned.

2 THE GREFFIER:

3 All rise.

4 (Judges exit courtroom)

5 (Court adjourns at 1610H)

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