



Turn No Prisoner Away Upon Arrival, Smash All Upon Departure

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By Spencer Cryder, Legal Intern with the Documentation Center of Cambodia and Candidate for J.D. 2010, Tulane University Law School

Civil Party Lawyer Silke Studzinsky began the morning by claiming that the forty minutes allotted to the civil parties to question the witness was insufficient. She requested that the Trial Chamber grant the civil parties an additional twenty minutes. The Trial Chamber rejected the request and maintained the time allocations previously established before the witness took the stand. The President noted that civil parties must allocate the forty minutes amongst the four groups and should avoid repetitive or irrelevant questions that waste time. President Nil Nonn then proceeded to continue the questioning of Mr. Sous Thy, a former mid-level cadre who served as general staff under the Accused Person, Kaing Guek Eav (alias Duch). Sous had begun testifying on July 27. At S-21, Sous kept lists of incoming and outgoing prisoners, documented prisoner biographies, and managed cell assignments.

Daily Operations of S-21 – Turn No Prisoner Away, Smash All Upon Departure

The morning's questioning of Sous by the President, Judge Cartwright, and Judge Lavergne, provided a great deal of information on the daily functioning of S-21, notwithstanding Sous's consistent claims that he focused only on his assigned duties and therefore had limited knowledge of S-21 in general. In terms of incoming prisoners, Sous testified that the number and frequency of the prisoners received at S-21 varied daily. However, S-21 never turned away an incoming truck; room could always be made at S-21 for more prisoners. Upon arrival, S-21 personnel, dressed entirely in black which was the required dress code for S-21 staff and guards, stripped prisoners to their underpants. Sous stated that he never directly received the incoming prisoner documents, but instead received them from his superior, Comrade Hor.

For outgoing prisoners, after Sous received a list of names from a superior, guards would remove the selected prisoners to the gate of S-21. At the exit, Sous would verify the prisoners' names over the course of an hour, have them loaded onto a truck around 4 p.m., and then have the prisoners "smashed" at Choeung Ek. Children were not taken to be smashed alongside adults. The time and place of the disposal of children was outside of Sous's knowledge; he knew only that children came to S-21 and were not documented upon arrival. When asked, Sous would not even proffer an estimate as to how many people were killed at Choeung Ek. Sous claimed that he worked "24 hours a day," and that his substantial workload precluded him from calculating seemingly simple figures, such as the total number of deaths in a year or a month, even though he had the lists of those executed.

Sous claimed that the staff at S-21 "lived in the dark." Because of this, they did not know in advance that the Vietnamese were approaching in early January 1979. No

plan to destroy documents existed. When asked about prisoners left at S-21 on January 6 or 7, 1979, Sous stated that all detainees were ordered smashed except for those at the special prison or those detainees working at S-21. However, he added the caveat that those decisions and that level of knowledge were beyond his responsibility. Sous gave a similar response when asked about the condition of detainees at S-21. He stated bluntly that medics were responsible for the health of detainees, it was not his business, and that he focused only on his work. Even when Sous verified the names of the prisoners as they waited at the exit of S-21 – blindfolded and hands bound – he testified that he noticed little about their physical appearance other than that they appeared “weak.” Instead of observing the prisoners, he listened only for a confirmation as he called out names. He added that no prisoner waiting for transport was ever too ill to vocally verify his or her name.

Sous stated that Duch authorized the movement of everyone that came in or out of S-21. The Office of the Co-Prosecutors (OCP) explored the issue of authorization further, inquiring about the drawing of prisoners’ blood. Sous stated that the medic would first make a request to Comrade Hor. Then Hor would seek authorization from Duch. Only after receiving Duch’s authorization could the medic draw blood from a prisoner. Sous also testified that Duch sometimes visited the workshop at S-21 housing the painter and sculptor. On occasion Duch visited S-21 staff in their offices.

Contradictory Testimony, Fragmented Questioning

The OCP spent the latter half of the morning trying to elicit responses that matched Sous’s previous statements taken by the Office of the Co-Investigating Judges (OCIJ). Sous neither confirmed nor denied the majority of statements, but instead he answered ambiguously, adding that it was either not his responsibility or that he was not assigned to know such things.

The four civil party groups followed a similar approach, consistently attempting to have Sous confirm or deny statements given to the OCIJ. More notably, the civil parties resorted to their previous strategy of questioning the witness as individual groups, with each group being allotted ten minutes. Overall, this led to forty minutes of fragmented questioning focusing on specific victims, resulting in Sous repeatedly answering that he could not remember specific names or faces. When Civil Party Lawyer Silke Studzinsky ran out of time, she requested that the Trial Chamber receive documents that had yet to be addressed and have the judges subsequently question the witness about the document. While the Chamber noted that it would not put unasked questions by the parties before the witness, it would allow this document to be “put before” the Chamber. Judge Cartwright then proceeded to ask questions about this document, but nothing of relevance appeared to materialize. By questioning a witness on a document submitted by a civil party after their allotted time expired, the Chamber essentially allowed the civil party additional time, something the Chamber had expressly rejected at the beginning of the day. Only the questioning by Civil Party Group One appeared to elicit additional testimony of the witness. However, Group One’s questions merely established that Sous operated under a high level of fear, something that the Defense openly welcomed and had Sous reiterate during its own line of questioning.

“Did You Enjoy Working at S-21?”

Questioning of the witness by Defense counsel Kar Savuth garnered the greatest response of the day from the ECCC gallery. Some of the questions were borderline comical, resulting in smiles and laughter from both the Cambodians and foreigners in attendance. Sous responded to the first such question, “Did you like your work?” in the negative, stating that he did not like it one bit, but that he had to do it because staff could not object. The following question, “If you didn’t like your work why didn’t you leave?” left everyone in attendance grinning, and Sous responding, “Where would I go? If I was absent for five minutes it would be noticed!” Finally, Savuth finished the line of questioning with, “Did all of the staff at S-21 hate their job, but have no where to go?” Sous responded that all of the S-21 staff disliked the regime, but had little, if any, recourse. In hindsight, the questioning appeared to serve Duch’s case quite well. Because Sous was frightened to death of his superior at S-21, and his superior was frightened to death of his superior, Duch, it might follow that Duch was frightened to death of his superiors, the upper echelon. Sous stated that all actions occurred due to the upper echelon and whatever the order, people followed through. If one disobeyed, he or she knew that the punishment would be swift and severe.