



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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25 April 2016

Trial Day 402

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ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 15-Jun-2016, 14:21

CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding
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YA Sokhan
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. LACH Mean (2-TCW-898)	Khmer
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. TAY Teng (2-TCW-865)	Khmer

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue hearing the testimony of Tay

6 Teng, and then <will> proceed to hear 2-TCW-898 in relation to

7 S-21 Security Centre.

8 Mr. Greffier Em Hoy, please report the attendance of the parties

9 and other individuals to today's proceedings.

10 [09.01.52]

11 THE GREFFIER:

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

13 are present.

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

15 waived his rights to be present in the courtroom. The waiver has

16 been delivered to the greffier already, Mr. President.

17 Tay Teng will be -- will conclude his testimony today, and this

18 witness has duty counsel Moeurn Sovann with him. The witness,

19 together with the duty counsel, are already here.

20 Today, there is a reserve witness as well -- that is, 2-TCW-898.

21 The witness confirms that, to the best of his knowledge, he has

22 no relationship, by blood or by law, to any of the two accused,

23 Nuon Chea and Khieu Samphan, or to any of the civil parties

24 admitted in this case.

25 The witness will take an oath before the Iron Club Statue this

2

1 morning, and the witness will have the duty counsel, Duch Phary,
2 with him.

3 Thank you, Mr. President.

4 [09.03.04]

5 MR. PRESIDENT:

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

8 The Chamber has received a waiver from Nuon Chea, dated 25th
9 April 2016, which states that, due to his health, headache, <and>
10 back pain, he cannot sit or concentrate for long. And in order to
11 effectively participate in future hearings, he requests to waive
12 his right to participate in and be present at the 25th April 2016
13 hearing.

14 His counsel has advised him about the consequences of this
15 waiver, that it cannot in any account be construed as a waiver of
16 his rights to be tried fairly or to challenge evidence presented
17 or admitted by this Court at any time during this trial.

18 [09.03.58]

19 Having seen the medical report of Nuon Chea by the duty doctor
20 for the Accused at the ECCC, dated 25h April 2016, who notes that
21 Nuon Chea has chronic back pain when he sits for long and
22 recommends that the Chamber grant him his request so that he can
23 follow the proceedings remotely from the holding cell downstairs.
24 Based on the above information and pursuant to Rule 81.5 of the
25 ECCC Internal Rules, the Chamber grants Nuon Chea his request to

3

1 follow today's proceedings remotely from the holding cell
2 downstairs via audio-visual means.
3 AV Unit personnel are instructed to link the proceedings to the
4 room downstairs so that he can follow the proceedings. This
5 applies to the whole day.

6 And the floor is now given to the Lead Co-Lawyers for civil
7 parties to put questions to this witness.

8 You may proceed now.

9 [09.05.12]

10 MR. PICH ANG:

11 Good morning, Mr. President, Your Honours. I am now seeking <your
12 permission to give> the floor for <Counsel> Lor Chunthy to put
13 questions to this witness.

14 MR. PRESIDENT:

15 Please proceed, <Counsel> Lor Chunthy.

16 QUESTIONING BY MR. LOR CHUNTHY:

17 Thank you, Mr. President. First of all, very good morning, Your
18 Honours, everyone in and around the courtroom. My name is Lor
19 Chunthy. I am a lawyer for civil parties. I am from Legal Aid of
20 Cambodia.

21 Q. Today is a good opportunity for me to put questions to you,
22 Mr. Witness, Tay Teng.

23 Good morning, Mr. Tay Teng. I am now asking you about your
24 background before moving to the work that you do in -- that you
25 did <at> S-21.

1 What level of education did you have?

2 MR. TAY TENG:

3 A. I went to Grade 11 in the old school education system.

4 [09.07.10]

5 Q. Thank you.

6 When did you join the army? In which year did you join the army?

7 A. I joined the army in 1973.

8 Q. Thank you.

9 You stated that you joined the army in 1973. What was the reason
10 that made you join the army?

11 A. I did not know the reason I joined the army. My elder sibling
12 or relative asked me to join the army with him, so I just
13 followed his advice.

14 Q. How old were you when you joined the army?

15 A. I was more than 10 years old when I joined the army. I cannot
16 recall how old I was.

17 [09.08.38]

18 Q. Thank you. I am now asking you about S-21 when you worked
19 there.

20 My first question to you is: After you worked in S-21 -- rather,
21 who introduced you into S-21 or who assigned you to work in S-21?

22 A. The 50-man unit assigned me to work S -- to work at S-21. And
23 at the time, I did not know where I would go or which unit I
24 would be part of.

25 Q. Thank you.

5

1 What division did that 50-man unit belong to?

2 A. It was in Division 12.

3 Q. Thank you.

4 Upon your arrival at S-21 -- immediately upon your arrival, how
5 many of you went to S-21 after you left that Division 12?

6 A. It was only me who went to S-21. I cannot recall how many of
7 us left Division 12 and went to S-21.

8 [09.10.52]

9 MR. PRESIDENT:

10 Mr. Lawyer, you do not have much time to ask questions to this
11 witness, and the additional time provided to you is perhaps
12 around 10 to 15 minutes. And I observe that you <are> not
13 <putting> fundamental questions to this witness.

14 BY MR. LOR CHUNTHY:

15 Thank you, Mr. President, for reminding me. <I thought I had 20
16 minutes. So now I will proceed as fast as I can.>

17 Q. So which location did you stand guard after you entered S-21?

18 MR. TAY TENG:

19 A. I was posted to the east of the main building. It was -- the
20 distance of my location that I worked to the main building was
21 about 200 or 300 <metres> apart.

22 [09.11.50]

23 Q. From the posts or the place where you stood guard, <were> you
24 <stationed> at the main entrance of S-21?

25 A. I was guarding the main gate leading to the main building.

1 Q. Thank you.

2 During the time that you stood guard, what type of vehicles went
3 into S-21?

4 A. I saw the Chinese-made vehicles transporting prisoners into
5 the office.

6 Q. Could you clarify for the Court, was it -- were those vehicles
7 -- were those vehicles a small truck or big trucks?

8 A. They were big trucks with six wheels.

9 Q. Thank you.

10 Were prisoners transported in small vehicles?

11 A. I did not notice that. <>

12 [09.13.41]

13 Q. How many people were there on one vehicle?

14 A. I did not know how many people were on each vehicle since the
15 vehicle was fully covered.

16 Q. After those people left <the> vehicles, what condition <were
17 they in>?

18 A. I did not see people getting off the vehicles, and the vehicle
19 usually arrived inside the compound of that office, so I -- and I
20 did not know how many people in one vehicle.

21 Q. Thank you.

22 During the time that you worked at S-21, did you happen to know
23 that prisoners could escape <from> S-21?

24 A. I never <witnessed nor> heard that prisoners made -- could
25 escape <from> S-21.

1 Q. Did you also happen to know that the prisoners or the inmates
2 of S-21 were sent away to be interrogated and tortured?

3 A. In relation to the fact that the prisoners were called out to
4 be interrogated, I told the Court already that prisoners were
5 taken out for interrogation. And I, myself, did not know where,
6 exactly, they were sent to.

7 [09.16.04]

8 Q. Thank you.

9 In relation to the surrounding area of S-21, and you stated that
10 there were houses surrounding S-21 as well, were those houses
11 transformed into holding cells or prisons?

12 A. In fact, those houses were former residential houses, and
13 <some of> those houses were normally the houses of the security
14 guards in the regime.

15 Q. Did you know that -- what happened inside those houses? Did
16 you have any information?

17 A. I do not know what was happening inside those houses. And as I
18 said, those houses were former residential houses.

19 Q. Thank you.

20 During the time that you were working in S-21, did you happen to
21 see children and women within the S-21?

22 A. I have never heard the <sounds> or the <cries> of children,
23 but <I heard> the <cries> or <sounds> of women.

24 [09.18.03]

25 Q. Thank you.

1 Did you have -- did you happen to hear the moaning <sounds> or
2 the <cries> of people from S-21 since you were stationed close to
3 the compound?

4 A. I heard the <sounds> of torture and interrogation. That is
5 true that I could hear the kind of - <those> <sounds>.

6 Q. What was the sound like? Was the sound of -- was that sound
7 of <insults>, moaning sound, or what type of <cries> or <sounds>
8 you could hear?

9 A. <They were> the <sounds> or the <cries> of pain <from the
10 torture>. It was not the sound of people cursing or insulting one
11 another.

12 [09.19.23]

13 Q. Thank you. I am now moving to another part of the topic.
14 You stated that you left S-21 and then were reassigned to Choeung
15 Ek. Who assigned you to work at Choeung Ek later on?

16 A. I went to live and work at Choeung Ek. Him Huy was the one who
17 assigned me to go and -- to go work at Choeung Ek.

18 Q. Thank you.

19 Upon your arrival at Choeung Ek, where, exactly, did you live?

20 In Choeung Ek, there is a stupa within the compound of Choeung
21 Ek, so where, exactly, was your house? Was it to the south, to
22 the north of that stupa?

23 A. The house -- the wooden house had already been built when I
24 was sent to Choeung Ek. And I was asked -- I was told to live in
25 that house to the west of the stupa.

1 [09.20.54]

2 Q. Thank you.

3 Upon your arrival there, were there houses of residents?

4 A. Yes, there were houses where people lived, but those houses
5 were located far away from <the> small hills. The houses were
6 located to the west and south of Choeung Ek.

7 Q. Thank you.

8 How many days did they keep the prisoners <in the house> before
9 they were sent to be killed?

10 A. Usually, if those people arrived at nighttime, they would be
11 sent away to be killed on the same night.

12 Q. Thank you.

13 During the execution, did they broadcast music over the
14 loudspeaker?

15 A. No, no music was broadcasted on the loud -- over the
16 loudspeaker, but usually they started the generator.

17 [09.22.28]

18 Q. Thank you.

19 What was the method of execution during the time? Do you know?

20 A. They used <> iron bars to <beat> people <to death>.

21 Q. What kind of iron bar or what kind of iron did they use?

22 A. Those irons, they were the iron axles <the width of a knife
23 handle and about half a metre long>.

24 Q. Thank you.

25 Regarding the location of the -- regarding the execution site,

10

1 how far was it from the house where you stayed?

2 A. It depended. Some execution sites were about 50, 20 or 100
3 metres away from the house where I worked.

4 MR. PRESIDENT:

5 Mr. Lawyer, you are running out of time.

6 And now the floor is handed over to the defence team for the
7 Accused, starting first from the defence team for Mr. Nuon Chea.
8 You can now put question to this witness.

9 [09.24.19]

10 MR. KOPPE:

11 Thank you, Mr. President. Good morning, Your Honours. Good
12 morning, counsel.

13 Good morning, Mr. Witness. I have a few questions, Mr. Witness,
14 that I would like to put to you.

15 Mr. President, I understand the measures, but if it's possible, I
16 would like to see the face of the witness. Can he move a bit to
17 the front?

18 Thursday I was able to see his face. Thursday --

19 JUDGE FENZ:

20 Will you change place with the other lawyer, or --

21 [09.25.08]

22 MR. KOPPE:

23 I have all my --

24 JUDGE FENZ:

25 --or is this too complicated?

11

1 MR. KOPPE:

2 Yes, I have all my notes here.

3 Thursday, it wasn't a problem, so it's just a matter of
4 readjusting, I suppose.

5 MR. PRESIDENT:

6 Yes, you can see his face.

7 Court officers, please readjust the curtain or the partition so
8 that the counsel could see his face.

9 (Short pause)

10 (Pause)

11 [09.25.45]

12 MR. KOPPE:

13 Yes, thank you very much, Mr. President.

14 MR. PRESIDENT:

15 Please also move the microphone westward. Court officer,
16 microphone of the witness, move it a little bit westward.

17 QUESTIONING BY MR. KOPPE:

18 Q. Once again, good morning, Mr. Witness. I would like to ask you
19 some questions this morning.

20 You gave testimony that you were a member of Division 703, and
21 before this division was named Division 703, you were a member of
22 Division 12. Is that correct?

23 MR. TAY TENG:

24 A. Could you repeat your question? I could not get it.

25 [09.27.08]

12

1 Q. Let me rephrase my question and make it more simple.

2 When you joined the revolution in 1973, did you become a member
3 of Division 12?

4 A. I was part of Division 12.

5 Q. And when you joined Division 12 in 1973, were you, at that
6 time, 15 years old?

7 A. I cannot recall <><my> age <well>. I was perhaps <more than
8 10> years old at the time.

9 Q. Just to be sure, Mr. Witness, you were born in 1958; is that
10 correct?

11 A. The actual year that I was born is 1959.

12 Q. Can you clarify why your WRIs you give as a year of birth
13 1958?

14 A. During the time that the written record of the interview, I
15 may have told the investigator that I was born in 1959. <Maybe
16 the person could not get my answer clearly, that's why it was
17 noted down like that.> I did not tell lie to them.

18 Q. When you joined Division 12, did you first become a member of
19 a group of so-called 12-year-old combatants?

20 A. I joined the group which was assigned to carry the <packages
21 of> rice to the battlefields.

22 [09.30.23]

23 Q. Were you still a member of Division 12 in April '75 when Phnom
24 Penh was liberated?

25 A. I remained part of that division until the fall of Phnom Penh.

13

1 Q. Am I to understand your answer that even when you were sent to
2 do guard duties at S-21, you were still a member of Division 703?

3 A. I'm not sure about that.

4 Q. Can you explain, if you can, why you're not sure about this?

5 You just said that you were a member <of 703> until the fall of
6 Phnom Penh. When you were assigned to work as a guard, did nobody
7 tell you you had moved to another regiment?

8 A. I would like to <apologize> because my memory does not serve
9 me well. I cannot recall about my transfer from one place to
10 another <clearly>.

11 [09.32.42]

12 Q. Can you recall what you did between April '75 and the moment
13 you were sent to start guard duties at S-21? What did you do in
14 those years, exactly?

15 A. Before I was sent to S-21, I remember that I did farming, but
16 I could not recall the exact place where I did rice farming.

17 Q. Let me see if I can refresh your memory in this respect, Mr.
18 Witness.

19 Mr. President, E3/7663. That's the witness' first WRI at Khmer,
20 00163776; French, 00401841; and English, 00401836.

21 Mr. Witness, let me read to you what you told the investigators:

22 "After 17 April '75, they had me do the rice farming near Ou Baek
23 K'am. At that time, I was in Battalion 31 of Division 12. After
24 that, they had me stay at Chak Angrae and do the rice farming at
25 Preaek Samraong at Boeng Tumpun, and later at Stueng Preaek

14

1 Tnaot. Around the beginning of '78, they sent me to work at S-21,
2 and the chairman of the unit of 100 (company), Nang, was the
3 person who sent me there." End of quote.

4 Is that correct, what you told the investigators?

5 [09.35.30]

6 A. My statements given to the investigators were clear, and that
7 statement were clear for what I just mentioned to you, that I
8 could not recall thing well a little earlier. I would like to
9 <apologize> for my losing of some memory.

10 Q. That's no problem at all, Mr. Witness. It's a long time ago.

11 Did you do anything else <beside> rice farming in those years?

12 A. I did not do anything else.

13 Q. Before you were sent to guard at S-21, did you have a
14 commanding function? Were you -- did you ever become a chief of
15 a unit, for instance, or <have> any ranking function?

16 A. At S-21, I was not <in> any commanding position. I was simply
17 <part of a team or a group that was> under the supervision of
18 Huy.

19 [09.37.30]

20 Q. You said in your WRI that you were sent to S-21 around the
21 beginning of 1978.

22 Now, I would like you to think really very well if it is, indeed,
23 early '78 that you were sent to S-21. Can you please take a
24 moment and try to recollect if it was, indeed, early '78 that you
25 were sent to S-21?

15

1 A. I cannot recall it well, but I would like to tell you that my
2 statement that I gave during the interview <was> clear. But I
3 could not recall it now.

4 Q. I understand. Let me rephrase my question, and maybe if I
5 formulate it like this, you'll be able to answer that question.

6 Were you sent to S-21 before or after your cousins, Uk Tem and Uk
7 Saroeun, were arrested?

8 A. I remember that I was sent to S-21 before the arrest of my
9 <cousins>.

10 Q. Do you recall how many months before their arrest you were
11 sent to S-21?

12 A. I cannot recall how many months or how many days. I cannot
13 recall the exact months it happened.

14 [09.40.12]

15 Q. Last Thursday, Mr. Witness, the Prosecutor showed you a
16 prisoner's list with two names on them. One was document --
17 document E3/2274. And on that list, we see under numbers 37 Uk
18 Saroeun, a member of Hospital P-98.

19 And the other cousin, who is on a list of prisoners from general
20 -- from the general staff, number 17 on document E3/2026, is Uk
21 Tem, the chairman of Office 66.

22 If I understood you correctly, you confirmed that these two
23 people appearing on those lists were, indeed, most likely your
24 cousins. Both of them, according to this list, were arrested in
25 September 1977, more specifically, the 25th of September 1977.

16

1 Now, if you said you entered -- or rather, you started working
2 for S-21 before they were arrested, then you would agree with me
3 you were working at S-21 or you started working before 25th
4 September 1977. Correct?

5 [09.42.10]

6 A. I would like to <apologize> again that I cannot recall the
7 exact date or time when I started my work <or when my cousins
8 were arrested>.

9 Q. Now, let me go back to something you said last Thursday in
10 your testimony before the Chamber, but was something that you
11 also said in your WRI.

12 Mr. President, E3/7663; Khmer, ERN 00163777; English, 00401837;
13 and French, 00401843. It says:

14 "Were you ever reassigned to work in other units?"

15 And then you answer as follows: "I was transferred to farm rice
16 at Prey Sar because I was implicated as my cousin, Uk Tem, who
17 was the chairman of a regiment in 703rd Division, was arrested.
18 Uk Savan and Uk Saroeun both were his siblings and were medics at
19 Hospital Number 98, and were subsequently arrested." End of
20 quote.

21 Is that a correct statement, Mr. Witness, you were sent to Prey
22 Sar because you were implicated by Uk Tem, Uk Savan and Uk
23 Saroeun?

24 [09.44.12]

25 A. I was sent to Prey Sar. It does -- it was not my two brothers

17

1 who implicated me. They sent me to Prey Sar because they were
2 aware of my biography that <I was> related to my cousins. I do
3 not think that the two of them implicated me in their confession.

4 Q. But would it be fair to say that that is speculation because
5 you do not know what they stated in their confessions or
6 statements?

7 A. I was not told that Uk Tem or Uk Savan implicated me. I only
8 knew that when I was removed from my unit, I thought that I -- it
9 was because of my relationship with my two cousins.

10 [09.46.00]

11 Q. I'll get back to that shortly, Mr. Witness.

12 In that same WRI, in the next page, you describe what you had to
13 do at Prey Sar.

14 That is just the next page in that same document, Mr. President.

15 You said: "At Prey Sar, they had us farm rice, build dike and dig
16 canal. People who lived there were people who had been involved
17 with immorality and had political tendencies since their
18 relatives were Lon Nol soldiers, for instance. That place was a
19 tempering site."

20 And then you go on to describe you would work from dawn till
21 12.00, etc. You talk about how many meals you had at Prey Sar.

22 Is that statement correct, Mr. Witness?

23 A. The work at the site was for tempering the people. They gave
24 us rice to eat during lunch and gruel to eat in the evening. And
25 we were assigned to work all day long.

18

1 Q. So you were tempered at Prey Sar, possibly because of the
2 implications of -- in the confessions of your cousins, but you
3 don't know for sure now.

4 But is it correct that you were at Prey Sar until Phnom Penh was
5 liberated in 1979?

6 A. I remained at Prey Sar until the liberation.

7 [09.48.25]

8 Q. Now let me discuss a document, and let me show you this
9 document. But before I show you this document, Mr. Witness, it's
10 a bit difficult question, but do you know whether there were any
11 other guards or S-21 workers who were 19 years old like you and
12 who were called not Tay Teng, but Tuy Teng?

13 A. I did not pay my attention to this at that time.

14 MR. KOPPE:

15 Mr. President, I'm going to be using document E3/844. It seems to
16 be a prisoner list, and under paragraph (f), which is called
17 "Offices surrounding the general staff headquarters" under number
18 15, an arrest is mentioned of a former S-21 combatant, Tuy Teng.
19 If you have a look at the OCIJ list, Mr. President, under entry
20 number 6586, you see that same name appearing again, Tuy Teng,
21 arrested on the 14th of October 1977, which is about three weeks
22 after the arrest of his cousins.

23 [09.50.42]

24 Now, for the benefit of the parties, we have tried to establish
25 the basis of the OCIJ document, or the entry, and we found on the

19

1 shared materials drive a list of names, only in Khmer, which
2 seems to correspond with the ERN document referred to in the
3 entry of the OCIJ list.

4 Now, as I said in the beginning, Mr. President, I would like to
5 show the Khmer version of document E3/844 to the witness and ask
6 him if that is, indeed, his name.

7 MR. PRESIDENT:

8 Your request is granted.

9 BY MR. KOPPE:

10 Q. Mr. Witness, is that your name?

11 MR. TAY TENG:

12 A. It is not my name. I agree that the given name is Teng, just
13 like my name, but the difference is the surname.

14 [09.52.55]

15 Q. I understand there is a difficulty with pronunciation
16 sometimes. Duch was asked about you as well, and in the English
17 version of the transcript, he refers to you as Tuy Teng, and not
18 Tay Teng.

19 Tuy Teng and Tay Teng, is that something that sounds very
20 similar?

21 JUDGE FENZ:

22 Sorry, counsel. How does pronunciation come in if he reads it?
23 I understand he's reading the name, so how does pronunciation
24 come in?

25 MR. KOPPE:

20

1 Well, what we have is an S-21 list of someone called Tuy Teng.
2 What I have -- I was looking for it right now, but I just
3 couldn't find it that quickly -- is Duch's statement in Court in
4 the English version calling him Tuy Teng, but in-

5 [09.54.15]

6 JUDGE FENZ:

7 Well, we will need the reference for that.

8 MR. KOPPE:

9 Yes. I will get that to you right away.

10 MS. GUIRAUD:

11 <While our colleague is looking, we> would like to have the
12 reference in Khmer as well because we'd like to be able to
13 cross-check the manner in which Duch spoke <about these people>
14 in Khmer as well.

15 BY MR. KOPPE:

16 <The document> that I was referring to where Duch calls him Tuy
17 Ten -- Teng, sorry, is E3/5805 at 10.15.52 in the morning.

18 Let me maybe rephrase my question.

19 Q. Mr. Witness, we all know you as Tay Teng. Was your name
20 sometimes mispronounced as Tuy Teng in those days?

21 [09.55.48]

22 MR. TAY TENG:

23 A. I do not accept this name as my name because during those
24 days, I used my name Dy Teng. And later on, during the State of
25 Kampuchea, I changed my name from Dy Teng to Tay Teng.

21

1 MR. PRESIDENT:

2 The floor is given to the Lead Lawyer for civil party.

3 MR. PICH ANG:

4 President, I look at this transcript that Duch gave the
5 testimony. In Khmer version, his testimony -- the name in the
6 testimony was like what the witness said, but in the English
7 version, the pronunciation of the name was like what counsel
8 Victor Koppe just mentioned.

9 [09.56.56]

10 MR. PRESIDENT:

11 Now, Counsel Victor Koppe, you can proceed, but I would like to
12 tell you that in the Duch testimony in the Khmer version, he used
13 the name Tay Teng, but in the English version it was pronounced
14 as Tuy Teng.

15 BY MR. KOPPE:

16 I understand.

17 Q. I understand also your answer, Mr. Witness, that you do not
18 accept that person to be you, hence my previous question, whether
19 you knew any person with almost exactly the same name as you,
20 also 19 years old, also working as an S-21 combatant or guard or
21 whatever you like to call it.

22 Did you know anyone of that name?

23 MR. TAY TENG:

24 A. I haven't heard about it.

25 [09.58.30]

1 MR. PRESIDENT:

2 Counsel, in the document that we receive, it's <E3/844> -- in
3 document that we received at number 15, the name of the
4 combatant, Tuy Teng, was in S-21, Unit D.

5 BY MR. KOPPE:

6 That could very well be, but it says -- the general chapter or
7 paragraph, if you want to call it, I guess, is called "Offices
8 surrounding the general staff headquarters", which is the same --
9 more or less the same name as used in E3/2026 in relation to Uk
10 Tem, which is on the list of prisoners from the general staff.

11 Q. Now, let's leave -- let's leave aside whether you are, indeed,
12 the same person. But is it -- it is still correct, isn't it, Mr.
13 Witness, that after the arrest of your cousins, you were sent to
14 Prey Sar to be tempered and you were at Prey Sar when the
15 Vietnamese arrived?

16 MR. TAY TENG:

17 A. Yes, that is correct.

18 [10.00.42]

19 Q. Now, can you explain to the Chamber how it came about that,
20 while you were tempered at Prey Sar doing hard work, you were
21 then presumably taken away from Prey Sar and then started working
22 even as chief of the killing unit at Choeung Ek?

23 A. I worked at Choeung Ek first before my transfer, but at
24 Choeung Ek, I was not involved in the killing. I was simply
25 <standing guard and> involved in the digging of pits.

1 Q. But when was it, then, that you worked at Choeung Ek?

2 A. I cannot recall it. I do not remember the month and the year

3 that I worked at Choeung Ek. I cannot recall it, Mr. Counsel.

4 My memory is not good since I have mental -- memory problems

5 because <a wooden piece was> dropped onto my head. And sometime I

6 have dizziness.

7 [10.02.40]

8 Q. Now, you'll recall, Mr. Witness, that in the case against

9 Duch, there was a re-enactment at Choeung Ek. Duch was there and

10 Him Huy was there, and you were there as well. Do you remember?

11 A. I can recall that I also joined the re-enactment and gave <a>

12 description together with others at that location.

13 Q. Now, one of the things that the Investigating Judges wrote in

14 the report - and that is, Mr. President, document E3/5764, the

15 same paragraph for all languages in 4.2, it says: "Witness Teng

16 Tay was somewhat disoriented by the changed surroundings."

17 Do you remember being disoriented when you arrived at this

18 Choeung Ek re-enactment?

19 A. I do not recall whether <I was disoriented> at the time.

20 [10.04.38]

21 Q. In that same document, Mr. Witness, under 5.3, the Judges

22 wrote down that, "Witness Teng Tung" -- Teng Tay, excuse me --

23 "stated that he was having difficulty identifying exact locations

24 because the trees have since grown much taller."

25 Now, let's leave aside the reason, but did you have difficulty,

1 Mr. Witness, identifying exact locations?

2 A. You mean the exact location when it was at Choeung Ek?

3 I can recall the location, the exact location, the wooden house
4 where I was stationed at the time. There was no such
5 disorientation.

6 Q. Do you have any explanation to offer as to why the Judge
7 thought you were not only disoriented, but that you also had
8 difficulty identifying exact location?

9 Was it something -- I know it's asking for speculation, but--
10 [10.06.29]

11 JUDGE FENZ:

12 Convincing why -- convince us why this is not asking for
13 speculation.

14 BY MR. KOPPE:

15 Q. Was there anything -- maybe in your head at the time when you
16 were there, Mr. Witness, that -- from which others would -- no.
17 Let me -- was there anything happening to you while you were
18 there, Mr. Witness?

19 MR. FARR:

20 Mr. President, I just think this need to be put in context.
21 I mean, the Judge did make the observations that counsel has
22 quoted, but after saying he was somewhat disoriented, he said he
23 did identify the area where the wooden shack stood then. He
24 stated that the generator was near the booth, which is still in
25 place.

25

1 So we shouldn't have a picture of someone who, just didn't
2 recognize the scene at all. I think, in context, it shows a
3 hesitation rather than a complete confusion.

4 [10.07.35]

5 MR. KOPPE:

6 I would certainly agree with this observation, Mr. President,
7 were it not for the fact that this is a re-enactment with about
8 five or six witnesses being present who were all saying -- who
9 were all pointing to the locations in such a way that the witness
10 could hear what they were saying and what they were identifying.
11 Had he been here alone with the Judge, then that would be a
12 different situation, but he was there -- you can look at the
13 footage. He was there with a big group. And I'm not sure -- at
14 least this document doesn't say it -- when he offered his
15 evidence as to locations.

16 Did he offer this spontaneously at first, or did he offer this
17 after the others?

18 JUDGE FENZ:

19 Counsel, instead of pleading, in case there are still questions
20 he can answer, why don't you ask them?

21 But frankly, I didn't understand your last question; "Did
22 anything happen to you while you were there?" I mean, did you
23 let a glass drop or was the sun hot? I think you should be more
24 specific.

25 [10.08.42]

1 BY MR. KOPPE:

2 I tried to ask -- but then, of course, that would be speculation,
3 so I tried to ask the witness why he believes that why it is that
4 the Judge wrote this.

5 Q. So Mr. Witness, were you having troubles because it was hot
6 that day? Were you having troubles because you didn't bring your
7 glasses, as the Judge suggested? Were you having troubles
8 because you hadn't eaten in the morning, because you slept bad in
9 the night before?

10 Was there any reason that you were disoriented?

11 [10.09.22]

12 MR. TAY TENG:

13 A. My <apologies>, counsel. During the time, I perhaps did not
14 make myself clear. However, I stand by what I said in that
15 document. However, I -- and I can say that sometimes my memory is
16 not good, and I did not make it clear for some particular points.

17 MR. PRESIDENT:

18 Now it is time for the break. The Court will take a short break
19 from now until 10.30.

20 Court officer, please assist the witness during the break time in
21 the waiting room and please invite him back into the courtroom,
22 together with the duty counsel, at 10.30.

23 And please ensure that you, Court officers, are implementing the
24 protective measure that the witness should -- the curtains should
25 be drawn closed first before the witness leave the courtroom.

1 You can take the break now.

2 (Court recesses from 1010H to 1029H)

3 MR. PRESIDENT:

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

5 And I would like to give the floor to the defence counsel for

6 Nuon Chea to continue putting questions to the civil -- to the

7 witness.

8 BY MR. KOPPE

9 Thank you, Mr. President.

10 Q. Mr. Witness, let me go back to a topic that we were discussing

11 before the break.

12 Before the break, you said you were sent to Prey Sar to be

13 re-educated, probably because you were implicated by your

14 cousins.

15 My question to you is the following.

16 JUDGE FENZ:

17 Sorry. This is not what the witness said. The witness said--

18 MR. KOPPE:

19 Well, I said--

20 JUDGE FENZ:

21 --he doesn't know why he was sent.

22 [10.30.19]

23 MR. KOPPE:

24 --"probably"; well, I say probably, but at the same time, in his

25 WRI, he says very clearly that that was the reason. That's why I

1 say "probably".

2 JUDGE FENZ:

3 Today, he said he doesn't know.

4 Okay. Let's go ahead.

5 BY MR. KOPPE:

6 No problem. I will reformulate my question.

7 Q. Mr. Witness, in your WRI, you said you were sent to Prey Sar

8 because your cousins had implicated you. Today, you say that you

9 don't remember. That's all fine.

10 My question to you is the following. Do you know how long after

11 the arrest of your cousins it was that you were sent to Prey Sar?

12 [10.31.19]

13 MR. TAY TENG:

14 A. I cannot recall the exact day, month when I was sent to Prey

15 Sar. I couldn't <> recall the date when <my cousins were>

16 arrested.

17 Q. I understand that it's very difficult, but my question was not

18 when you were sent to Prey Sar. It's an implied question. But my

19 question to you is: Do you know how long after your cousins were

20 arrested were you sent to Prey Sar?

21 Was it a few weeks afterwards, was it a few months afterwards? I

22 don't want you to give dates. I just want you to tell the Chamber

23 if you can remember how long it was after the arrests of your

24 cousins that you were sent to Prey Sar.

25 [10.32.32]

1 A. I was aware of the arrests, but I could not recall the exact
2 date when the arrests took place. Later on, I was removed and
3 transferred to Prey Sar, <I was there until the liberation>, but
4 I cannot recall the time.

5 Q. I can perfectly -- I can understand perfectly well that you do
6 not know the time, but can you roughly estimate how long after
7 the arrests of your cousins you were sent to Prey Sar?

8 Was it a few weeks later, was it a few months later, was it a
9 year later?

10 A. I received the information about <the> arrest <quite a while
11 later, but I cannot recall how long exactly. They kind of knew
12 that I was related to the individuals>.

13 Q. And what do you mean when you say "long"?

14 A. When I <say> that it was <a long time>, but I cannot say how
15 many months it was or when -- exact months or year it happened.
16 But I just know that it -- it was <a long time>.

17 Q. Now, you said that you were arrested. Can you describe to the
18 Chamber how -- how that went?

19 You woke up a certain day and then, at that day, you were
20 arrested. What, exactly, happened that day?

21 A. I did not say that I was arrested. I only said that I
22 speculated that I was removed and transferred probably because I
23 was related <to>, <my cousins' relative>.

24 [10.35.38]

25 Q. But let's see if we can get some details on that -- on that

1 day.

2 Were you guarding S-21 when you heard the news that you were sent
3 to Prey Sar?

4 A. At S-21, <I was there, but --> I was simply informed that I
5 would be sent to do rice farming.

6 Q. At Prey Sar; correct?

7 A. Yes, that correct, at Prey Sar.

8 Q. And who told you that day, "Comrade, you don't work anymore at
9 S-21. You have to start farming rice at Prey Sar"? Who was it
10 that told you that?

11 A. No one told me. And through Huy, I was informed I would be
12 sent to do rice farming at the place.

13 [10.37.31]

14 Q. And is it fair to say that, in the morning of a certain day,
15 you were guarding at S-21 and, the same day or the next day, you
16 found yourself rice farming at Prey Sar? Correct?

17 MR. FARR:

18 Mr. President, I think that the question needs to be a bit more
19 detailed.

20 As we know, S-21 comprised multiple facilities in multiple
21 locations, so if he's interested in where the witness was, then
22 he should either just ask the witness where the witness was or,
23 if he's going to suggest, he should suggest clearly all the
24 options.

25 BY MR. KOPPE:

31

1 I understand the objection, Mr. President, but I'm trying to be a
2 little bit more general and broad with this witness because his
3 memory is not always helping him now.

4 Q. But Mr. Witness, you were guarding at S-21 and then, at one
5 point in time, you were rice farming in Prey Sar. Was that--

6 [10.38.46]

7 MR. PRESIDENT:

8 Mister -- Counsel Victor Koppe, please hold on.

9 And the floor is given to Judge Lavergne.

10 JUDGE LAVERGNE:

11 Counsel Koppe, I don't know whether we are in the same debate. I
12 thought I heard this witness say this morning, say clearly, that
13 he was not in S-21 in Phnom Penh, but that he was in Choeung Ek
14 <when he was sent to Prey Sar>.

15 I do not know whether it was an error on my part, but perhaps you
16 should ask him whether he was at S-21. This is an important
17 question for you to put to him.

18 BY MR. KOPPE:

19 I believe his testimony to be that he was sent to Prey Sar and
20 stayed there all the time, but I'll be very precise, Judge
21 Lavergne.

22 Q. Were you guarding the perimeters at S-21 when you heard or
23 when you were sent subsequently to Prey Sar?

24 [10.40.02]

25 MR. TAY TENG:

1 A. I guarded S-21 in front of a building that I told you earlier.
2 It was in front of the main entrance, <about 200 or 300 metres
3 from> the building<>.

4 Q. I understand, Mr. Witness. You also testified this morning
5 that you were sent to Prey Sar to be tempered, re-educated. You
6 didn't know the exact day.

7 I asked you do you remember how long it was after the arrest of
8 your cousins. You said long, but you don't really know.

9 My question to you is: Do you remember where you were when it
10 became clear to you that you had to rice -- to farm rice at Prey
11 Sar?

12 A. I cannot recall it well. My memory does not serve me well
13 right now. A piece of wood fell on my head and, as a result, my
14 memory since that time has not been good.

15 [10.41.42]

16 Q. Let me -- let me try and explain to you why I'm asking you
17 this question.

18 If you were sent to Prey Sar while working at S-21 to be
19 re-educated, it doesn't necessarily be -- seem to be likely that
20 you were subsequently sent from Prey Sar to Choeung Ek. Do you
21 understand what I mean?

22 MR. FARR:

23 Mr. President, the premise of the question is inconsistent with
24 the witness' statement and with his testimony. The witness still
25 hasn't said that he was guarding in Tuol Sleng -- that's Tuol

1 Sleng compound -- at the time he was sent to Prey Sar. He said
2 that it happened long after his cousins were arrested. They were
3 arrested in September of '77, according to all his testimony.
4 Long after that point, he certainly would already have been at
5 Choeung Ek.

6 So the question is premised on counsel's wishes for what his
7 testimony would be rather than what his testimony actually is.

8 [10.43.04]

9 BY MR. KOPPE:

10 No problem. Well argued, Prosecution, but we believe it's,
11 indeed, different. But let me ask a factual question.

12 Q. Mr. Witness, when you were sent to work at Choeung Ek -- where
13 were you when you heard that you were going to be sent to work at
14 Choeung Ek?

15 MR. TAY TENG:

16 A. Before I was sent to Choeung Ek, I worked in S-21 in Phnom
17 Penh.

18 Q. Then is my question: were you sent to Prey Sar after you had
19 worked at Choeung Ek?

20 A. I cannot recall it clearly. I am not sure. I cannot <remember>
21 well from where I was transferred to and to where. At this point,
22 I become confused.

23 [10.44.35]

24 Q. Now, let me bring you back to Choeung Ek during the
25 re-enactment. The Judge said you were disoriented, you didn't

1 recognize all places, at least in the beginning.

2 What made you conclude, during the re-enactment, that it was,
3 indeed, Choeung Ek that you had been digging graves, and not
4 someplace else?

5 A. I tell the truth. I was at Choeung Ek, and when I was assigned
6 to dig the pit at a particular spot, I dug the pit at that exact
7 spot. I did not dig the pit somewhere else.

8 Q. Can you tell us, what was it, specifically, that you saw
9 during the re-enactment that jogged your memory that it was,
10 indeed, this very place that you had been digging graves 30 years
11 earlier?

12 A. When I arrived at that place, I could not recall -- I could
13 recall many aspects that related to that place, the place where
14 people were killed.

15 [10.46.37]

16 Q. But can you tell us in your own words, what was it that you
17 recognized?

18 A. My memory is not good, as I told you earlier, so I would like
19 you to elaborate in details so that it may jog my memory.

20 Q. Well, I'm not going to help you, Mr. Witness. It's your
21 memory.

22 But I would like you to go back to that day of re-enactment. You
23 were there with a big group, and you saw this place.

24 What was it, exactly, before you said anything, that jogged your
25 memory and that you concluded this was the place that I dug pits

1 at 30 years earlier?

2 A. I can recall many aspects related to that place when I <did
3 the re-enactment>, and I showed people who went to that place
4 with me about the place where people were detained, so I could
5 recall many aspects about that place when I visited it.

6 Q. Well, I'm sure the Prosecution and I'm sure also the Trial
7 Chamber will agree with me that Choeung Ek is not the only place
8 in Cambodia where people were executed and where pits were dug,
9 so my question, again, to you is: What was it specifically that
10 reminded you, "Ah, this is the place that I worked before"?

11 [10.48.17]

12 MR. FARR:

13 Mr. President, given that it's been eight years since the
14 reconstruction and 40 years since the event -- at the time of the
15 reconstruction, there was actually a photo book prepared. I have
16 a version in Khmer and in English. It contains colour pictures of
17 the locations that were discussed.

18 If counsel wants to go in detail about what he saw there and what
19 reminded him that this was, indeed, the place he was, it might be
20 helpful to use these documents.

21 The reference is D86/15, for the record.

22 JUDGE FENZ:

23 And I note that the witness has been specific at least in one
24 respect when he said, "I showed them during the -- this
25 enterprise where the prisoners were kept."

1 [10.50.06]

2 MR. KOPPE:

3 But -- that's correct. But that's just a wooden building. I'm
4 sure there are many more wooden buildings, and I'm sure there are
5 many execution sites where prisoners were collected.

6 MR. FARR:

7 That's the benefit of using these pictures. This--

8 MR. KOPPE:

9 Well--

10 MR. FARR:

11 --has a picture of the very shed that the witness refers to--

12 MR. KOPPE:

13 Yes, but--

14 MR. FARR:

15 --as the location of the generator.

16 [10.50.32]

17 MR. KOPPE:

18 But that -- that's a misunderstanding of the way the human brain
19 functions because if you show him something, he will say, "Yes,
20 that's the building". But if you ask him to paint the Chamber a
21 picture of -- coming from his own memory, then he will offer
22 details. Otherwise, we're leading him.

23 And I'm trying to establish whether he was, in fact, at Choeung
24 Ek, as he says.

25 We're all -- I can see from your reaction that you're assuming he

1 was, but I have doubts. And I think I should be able to explore
2 them without leading this witness into a desirable answer.

3 JUDGE FENZ:

4 Well, then, ask clear questions.

5 [10.51.15]

6 BY MR. KOPPE:

7 I tried.

8 Q. Mr. Witness, again, what was it at the re-enactment that
9 jogged specifically your memory as to the place that you had been
10 working 30 years before? What was it?

11 MR. TAY TENG:

12 A. When I <did the re-enactment> to refresh my recollection, the
13 investigators came to interview me and took me to the place and
14 asked me whether the place was the one where I used to work. And
15 I told them that yes, it was the place where I stationed and
16 worked, and it was the place where I used to live.

17 MR. PRESIDENT:

18 Mr. Witness, when you was re-enacted to the place, what were the
19 exact landmarks or physical features of the place that could
20 refresh your memory? When you said that it was the place where
21 people were killed or people were buried, what were the exact
22 physical features or landmarks that could refresh your memory
23 that it was Choeung Ek, it was the place where you worked?
24 So do you understand this question?

25 [10.53.18]

1 MR. TAY TENG:

2 Yes, I understand the question.

3 I knew the place clearly because there was a <stupa,> there was a

4 <"Ta Paen"> tree <and a wooden house> to the west near the fence.

5 And I could recognize clearly that it was the place where people

6 were executed.

7 MR. PRESIDENT:

8 Thank you.

9 [10.53.58]

10 BY MR. KOPPE:

11 Q. Mr. Witness, a completely different topic.

12 Were you ever arrested after 1979 for your involvement in the

13 killings at Choeung Ek?

14 Were you ever sentenced to a prison sentence by the authorities

15 which took over after 1979?

16 MR. TAY TENG:

17 A. No, it did not happen.

18 Q. Do you know that Him Huy was prosecuted and convicted and, I

19 believe, served a sentence of about 10 months for his

20 involvement? Have you ever heard that?

21 A. No, I did not hear about that.

22 Q. Have the authorities ever tried to speak to you in '79 or

23 subsequent years -- speak to you about what happened at Choeung

24 Ek?

25 A. No, the local authority <and> authorities in general never

1 talked to me about that.

2 Q. Have you ever maybe heard a reason as to why Him Huy was
3 arrested and sentenced, and you were not?

4 [10.56.05]

5 MR. FARR:

6 Mr. President, I think the witness said he wasn't aware that this
7 had happened, so if he didn't know that Him Huy was arrested and
8 tried, it would be hard for him to know why that happened.

9 JUDGE FENZ:

10 Again, convince us why this is not speculation.

11 BY MR. KOPPE:

12 Agreed. Let me formulate the question broader.

13 Q. Mr. Witness, have you ever heard whether anybody working at
14 Choeung Ek was ever arrested, prosecuted or sentenced?

15 MR. TAY TENG:

16 A. No one who worked at Choeung Ek was later arrested or
17 prosecuted.

18 [10.56.56]

19 Q. How do you know?

20 A. No one told me, but I was not aware of any arrests. If any
21 arrests took place, I would be aware of <it>.

22 Q. Now, let me turn to the people that you said worked with you
23 at Choeung Ek.

24 Which names do you remember? Who were in your unit?

25 A. In my unit, I could not recall all the names. I remember the

40

1 name of <one> person, but now I cannot recall that name. And I do
2 not know where that person <lives> right now.

3 Q. I believe, in one of your WRIs, you refer to a person named
4 Chhuon - Chhon (phonetic). Does that sound familiar?

5 JUDGE FENZ:

6 Reference, counsel, please.

7 (Short pause)

8 [10.59.05]

9 BY MR. KOPPE:

10 Q. E3/7617; English, ERN 00401878; Khmer, 00164402; and French,
11 00401885. I think I got the wrong -- oh, no, it's the next page.

12 There it is.

13 It's the very last answer. It's -- so one page further down. It
14 says, "I can only remember one, Chhuon." It is, to be very
15 precise, on Khmer page 00164403. It's the answer before the very
16 last one -- or the one before that. "Aside from him, I've
17 forgotten them all."

18 So hopefully, I pronounced the name well, Mr. Witness, Chhuon.

19 Does that ring a bell? Chhuon.

20 MR. TAY TENG:

21 A. Yes, Chhuon.

22 Q. Who was he?

23 A. Chhuon was in my unit. We knew each other for long time.

24 [11.01.16]

25 Q. And what was Chhuon's function in your unit? What did he do?

41

1 A. He was a combatant, just like me.

2 Q. I understand, but what did he do? Did he do the same -- did
3 he do the same thing as you, digging pits? Can you describe a
4 little bit?

5 A. Yes. Chhuon also was in charge of digging pits, just like me.
6 And after people were executed, he went to cover the pits.

7 Q. And he was in your unit of how many men, exactly?

8 A. My unit, there were seven or eight men who were based at that
9 place.

10 Q. And were you in charge of Chhuon?

11 A. In the team or group, there was me, and Huy had overall
12 supervision on the team or group.

13 Q. I understand. But were you the superior to Chhuon? Were you
14 the boss of Chhuon?

15 A. I was in charge. That is true. Whenever Huy told me to perform
16 tasks, I then relayed the information to the others <in the
17 group> to perform those tasks.

18 [11.03.49]

19 Q. Was it only with this group of seven or eight people that you
20 were at Choeung Ek; is that correct?

21 A. Yes, that is true. Those were the people that I was in charge
22 of.

23 Q. Now, Duch, in E3/5764, says that a company of 100 combatants
24 was in charge of Choeung Ek.

25 Can you give a reaction to that?

1 MR. FARR:

2 Could we just have a page reference, please?

3 MR. KOPPE:

4 Yes. One moment.

5 (Short pause)

6 [11.05.17]

7 BY MR. KOPPE:

8 It's the site visit, E3/564 (sic), ERN 00197997. Sorry for the
9 delay, Mr. President.

10 Q. Mr. Witness, is Duch correct -- or rather, can you give a
11 reaction to Duch's testimony that it was a company of 100 people
12 that was in charge of Choeung Ek?

13 MR. TAY TENG:

14 A. I refute this particular point. I was in charge of just <one>
15 group. I did not hold any high-ranking position. And I would like
16 to swear to this Court that I am here telling the truth. And I
17 already took an oath before I appeared in front of this Chamber.
18 I did not hold a high-ranking position<, nor> I was in charge of
19 a group <of hundreds of> combatants.

20 Q. My question wasn't implying that. My question was for you to
21 give a reaction to Duch's statement saying that it was a company
22 of 100 combatants that was in charge of Choeung Ek.

23 Is Duch correct, or is Duch wrong?

24 A. His statement is not correct since I was not in charge of a
25 team with 50 or 100 members. I was simply in charge of a team of

1 seven or eight, as I said earlier.

2 [11.07.37]

3 Q. Is it correct that both Prey Sar and Choeung Ek were very
4 large rice fields and that Division 703 was responsible for, I
5 suppose, everything in Choeung Ek and Prey Sar? Is that correct?

6 A. The <combined rice fields> at Prey Sar and Choeung Ek is huge.

7 Q. How huge are the rice fields of Choeung Ek and Prey Sar and
8 Takhmau all together?

9 A. I cannot tell you how huge it was. I cannot recall the size of
10 <the> rice field.

11 The rice fields combined together were wide, and I do not know
12 how large they were together.

13 Q. Was Choeung Ek -- were the rice fields of Choeung Ek just as
14 large as the rice fields at Prey Sar?

15 A. I cannot recall it now. I cannot tell you how large the two
16 rice fields were. I cannot tell you the size of those rice
17 fields.

18 Q. I understand. But were they roughly the same size, Choeung Ek
19 and Prey Sar?

20 A. I can say that rice field at Prey Sar was larger than <the
21 one> at Choeung Ek.

22 [11.10.20]

23 Q. I read somewhere in the evidence, and let me get back to the
24 exact place where I found this, Mr. President, that Prey Sar was
25 about 100 times 100 hectares.

1 Does that sound about right?

2 JUDGE FENZ:

3 Counsel, it's the other way around. If you want to confront him
4 with so specific dates, I think you should give us the now -- the
5 reference now. Not later.

6 BY MR. KOPPE:

7 Well, I agree, but this is not information that necessarily has
8 to come only from a statement. He can recall -- let me ask it
9 differently to avoid discussion.

10 Q. Mr. Witness, Prey Sar, was that about 100 times 100 hectares?

11 [11.11.08]

12 MR. FARR:

13 Mr. President, I object to the question. The answer is going to
14 be unreliable. The witness has already told us that he's -- that
15 he's not able to help with the size, so agreeing to this number
16 is not going to be helpful to the Chamber.

17 BY MR. KOPPE:

18 Fine. I will drop this.

19 Q. Mr. Witness, who was in charge of all the rice fields of

20 Choeung Ek?

21 MR. TAY TENG:

22 A. I am telling you about the rice field at Choeung Ek,
23 particularly the rice fields where my group was working. The rice
24 field that I was in charge was quite small, and Him Huy assigned
25 my group to work the field close to a worksite at Choeung Ek.

1 [11.12.18]

2 Q. You have been shown during the re-enactment a relatively small
3 area which is believed to be the execution site.

4 My question to you is: Who was in charge of all the surrounding
5 rice fields in Choeung Ek?

6 A. Regarding the rice fields surrounding the area, <it was the
7 place where seven or eight of us did the rice farming and> grew
8 vegetables.

9 Q. I understand. But do you know which division -- which military
10 were in charge of all the combined rice fields of Choeung Ek,
11 Prey Sar and Takhmau together?

12 MR. FARR:

13 Mr. President, I'm not sure where the assumption that it was a --
14 the military that was in charge of those fields came from. I
15 didn't hear it from the witness.

16 [11.13.44]

17 BY MR. KOPPE:

18 There's abundant evidence that Prey Sar and Choeung Ek were under
19 the control of Division 703. I'm happy to cite that all for me.
20 It's mainly in document E3/2117. A lot of Division 703 cadres
21 have been interviewed, and they all refer to the rice fields of
22 Choeung Ek and Prey Sar, and the rice fields being under control
23 of Division 703.
24 He, being a member of Division 703, would be in a position to
25 confirm, yes or no, that Choeung Ek was under the control of

1 Division 703.

2 Q. Mr. Witness, was -- were the rice fields of Choeung Ek and
3 Prey Sar under the control of Division 703?

4 MR. TAY TENG:

5 A. I have no idea about this particular point. And back then --
6 back then, I did not know whether there was another division in
7 charge of the rice fields. In fact, <different> areas <in Prey
8 Sar> were in <under> different groups at the time, and I was in
9 charge of a plot of land where I -- my group was working.

10 [11.15.37]

11 Q. Now, when you worked at this place that you believed was
12 Choeung Ek, who was your superior in the hierarchy? Was that Him
13 Huy or was that a member of Division 703?

14 A. My superior was Him Huy at Choeung Ek. No other divisions were
15 in charge of me.

16 Divisions usually were involved in military, and S-21 -- at S-21,
17 there were other people in charge of that security centre. And
18 they did not come to get involved in the tasks performed at
19 Choeung Ek. <It was a restricted area.>

20 Q. Do you know whether there have ever been issues of competence,
21 problems in competence between Division 703 and Regiment 21? Do
22 you know if that ever happened?

23 A. No, I don't. My <apologies>.

24 My <apologies>. I do not know about that particular event.

25 [11.17.25]

1 Q. Now, let me turn to something else that you said, Mr. Witness,
2 in your WRI, E3/7617; English, 00401879; Khmer, ERN 00164403;
3 French, 00401886.

4 The question was asked, when you first arrived at Choeung Ek,
5 whether you recognized any freshly dug pits there. And then you
6 said: "I never saw any fresh grave pits from before."

7 Is that correct, when you first arrived at Choeung Ek, you didn't
8 see any fresh grave pits from before?

9 A. I can recall that I did not see them upon my arrival at that
10 location.

11 Q. Can you explain to the Chamber how you came to that
12 conclusion?

13 Did you search -- did you do a search with your team? Did you
14 see whether the earth was still untouched?

15 How was it that you reached this conclusion?

16 A. I did not pay close attention or do any research <as to>
17 whether they were old or newly-dug grave pits. I did not really
18 pay attention <to> this -- <to> those particular pits. And at the
19 time, I <did> not <think that I was assigned> to do <such tasks>.
20 <I was told only after it was done.>

21 [11.19.46]

22 Q. Let me ask it differently, Mr. Witness.

23 When you arrived at Choeung Ek and started working there, were
24 you taking over a running operation? Were there any predecessors
25 of you who had been working there as well who gave you tips or

1 advice or whatever, or were you and your group the first ones to
2 arrive?

3 A. I did not pay close attention whether I was the first group
4 there. In fact, the location was there, and I was assigned to go
5 to that <previously->established location to work.

6 Q. So there was no one that told you, "Don't bury pits over there
7 because that ground has already been used"?

8 A. No one went there to tell me how to dig <or> how to bury or
9 cover the pits.

10 [11.21.42]

11 Q. You said there were no fresh pits or fresh graves. You also
12 stated in your WRI, E3/7617 at ERN 00401879 -- I will give you
13 the Khmer and French ERNs a bit later, Mr. President.

14 In this statement, in this WRI, you stated there were only about
15 20 to 30 pits at Choeung Ek.

16 Is that your testimony? Do you remember saying that, there were
17 only 20 to 30 pits at Choeung Ek?

18 MR. FARR:

19 Mr. President, the question's been asked already, but our
20 practice has been to ask an open question before putting the
21 witness' prior statement to him.

22 BY MR. KOPPE:

23 Well, if the question has been asked already, I think I can ask
24 for confirmation.

25 Q. Is it correct, Mr. Witness, that you said that there were 20

1 or 30 pits at Choeung Ek?

2 MR. TAY TENG:

3 A. <From> the beginning <I talked> about how many grave pits
4 there were at the location, and I stand by what I said. Perhaps
5 the numbers of pits may be more than that or lower than that. I
6 cannot recall it well since I did not take <notes> at the time.

7 [11.23.37]

8 Q. For the record, Mr. President, it is English ERN just
9 mentioned; Khmer, 00164403; French, 00401885. You say, "I'd
10 estimate" -- question is first, "Can you estimate the total
11 number of grave pits at Choeung Ek?"
12 And then you answer, "I'd estimate there were only about 20 to 30
13 pits. I cannot remember clearly."
14 Now, my question is, were you involved in the digging of those 20
15 to 30 pits?

16 A. I was involved in the digging. My group of seven or eight was
17 in charge of digging the pits, and I agree that I dug the pits.

18 Q. But just to be sure, you said that when you arrived, there
19 weren't any pits, or at least you didn't see any fresh grave
20 pits, be precise.

21 JUDGE FENZ:

22 But that's the big difference. Is the question does he know if
23 there were other pits before or did he see pits?
24 There's a big difference between those two.

25 [11.25.02]

1 BY MR. KOPPE:

2 Correct.

3 Q. Mr. Witness, let me go back to the original question. You said
4 that you didn't see any fresh grave pits. But do you know whether
5 there were, when you arrived, any grave pits at all?

6 MR. TAY TENG:

7 A. In fact, I cannot <understand> the question <very> well
8 regarding the grave pits. Actually, there were no grave pits --
9 fresh grave pits at the location when I arrived, but I saw <> old
10 graves, a few of them, close to the place I walked past.

11 [11.26.05]

12 Q. Are these the two or three Chinese graves that you referred to
13 in your statement?

14 A. Yes, that is the statement that I gave in the written record
15 of the interview.

16 Q. And when, exactly, were those 20 or 30 pits dug? Was that
17 after your arrival?

18 A. When I was required to dig the pits, I did the job. Whenever
19 they <told> me that the <pits> should be dug for the arrival of
20 people, then I would do the job.

21 Q. So just to be sure, those 20 to 30 pits that you refer to,
22 that you mention, you and your unit were involved in digging;
23 correct?

24 A. Correct.

25 Q. And when you dug those 20 to 30 pits, did you ever stumble

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1 upon older pits that were already there?

2 A. I did not pay close attention at the time. I cannot recall. I
3 cannot recall it.

4 Q. Is it possible, Mr. Witness, that you may have worked at
5 Choeung Ek before you were assigned to be guard at S-21?

6 A. It was after S-21. First I went to S-21 in Phnom Penh, and
7 then I left to work at Choeung Ek.

8 [11.28.56]

9 Q. But Duch is saying Choeung Ek was used already, at least in
10 the beginning of 1977, maybe even at the end of 1976, so--

11 MR. FARR:

12 Mr. President, could we get a citation for that evidence?

13 And can we not have a sign for following the rules of the
14 Chamber?

15 MR. KOPPE:

16 I know, but it's everywhere.

17 MR. FARR:

18 Well, there's also situations where Duch has said the opposite.

19 He said that the decision was made in 1976 because there were too
20 many corpses at S-21 and operations began in 1977. So if counsel
21 is relying on a particular quote--

22 [11.29.41]

23 MR. KOPPE:

24 I'll--

25 MR. FARR:

1 --it's not unreasonable to ask for it.

2 MR. KOPPE:

3 I'll get it for the Prosecution. No problem.

4 It's also 12.30 -- or 11.30, rather, Mr. President. Maybe it's a
5 good time to break.

6 [11.29.58]

7 MR. PRESIDENT:

8 Thank you.

9 It is now lunch break. The Chamber will take lunch break now, and
10 the Chamber will continue its hearing in the afternoon at 1.30.

11 Court officers -- Court officer, please find a proper waiting
12 room for this witness during the break time, and please invite
13 him back, together with his duty counsel, back to the courtroom
14 at 1.30.

15 And Court officer together with the supporting staff, please
16 adhere to the ruling of protective measure -- that is, to draw
17 the curtain closed before the witness leaves the courtroom.

18 Security personnel are instructed to bring Mr. Khieu Samphan back
19 to the waiting room downstairs and have him returned into the
20 courtroom in the afternoon at -- before 1.30.

21 The Court is now in recess.

22 (Court recesses from 1131H to 1332H)

23 MR. PRESIDENT:

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

25 And the floor is given to the -- defence for the Accused to

1 resume the questioning and I do not know how the times together
2 <are arranged> -- the combined time for the defence of the
3 Accused. <You only have about 20 minutes left.>

4 Could you tell the -- inform the Chamber of this matter.

5 [13.33.43]

6 MS. GUISSÉ:

7 Yes, good afternoon, Mr. President. I would like to inform you
8 that the Khieu Samphan defence team will not have any questions
9 for this witness.

10 MR. PRESIDENT:

11 Thank you for the clear information and now the floor is given to
12 the defence team for the Accused, Koppe.

13 [13.34.03]

14 BY MR. KOPPE:

15 Thank you, Mr. President. We will use the remaining 20 minutes
16 that we still have.

17 Q. Good afternoon, Mr. Witness. Before the lunch break, I was
18 asking you when exactly you went to Choeung Ek and then I
19 confronted you with what Duch's position was in relation to time
20 of establishment of Choeung Ek and I said early '77, I believe.
21 And then the Prosecution stood up and asked me to give my
22 sources, which I will now, Mr. President.

23 As a matter of fact, I have the position of Duch, in relation to
24 the establishment of Choeung Ek, from your decision in Case 001.

25 In paragraphs 184 and 185, Duch agrees with the paragraph in the

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1 amended Closing Order which says that at some time between 1976
2 and mid-1977, partly in order to avoid the risk of epidemic, Duch
3 decided to relocate the execution site to Choeung Ek.

4 So Mr. Witness, is it -- let me ask you first, is it correct that
5 Choeung Ek was established between 1976 and mid-1977?

6 MR. TAY TENG:

7 (Technical problem)

8 [13.36.33]

9 MR. PRESIDENT:

10 There -- is there any issue with the interpretation system? I
11 cannot hear the voice.

12 (Technical problem)

13 [13.37.11]

14 MR. PRESIDENT:

15 Mr. Witness, could you speak through the microphone and do you
16 recall the question?

17 MR. TAY TENG:

18 A. Regarding the relocation of that place, I cannot recall the
19 year when that place was relocated.

20 BY MR. KOPPE:

21 Q. Let's -- let's assume for a second that Duch was right. For
22 the completeness of the record, Mr. President, also Chandler is
23 saying that Choeung Ek was established, as he says, at one point
24 in 1977. Assuming Duch is right, Mr. Witness, and you are right
25 when you said you never saw any fresh grave pits, only two or

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1 three Chinese graves, would it be possible that you went to

2 Choeung Ek maybe, at the latest, mid-'77?

3 [13.38.36]

4 MR. TAY TENG:

5 A. I cannot give you a guess whether it is correct or not since I

6 cannot recall the relocation of that place.

7 Q. I believe I asked the question, but just to be very sure, are

8 you certain that you worked at Choeung Ek after you had worked as

9 a guard at S-21?

10 A. My apology, could you repeat your question?

11 Q. Certainly, Mr. Witness, are you certain that you worked at

12 S-21 before you worked at Choeung Ek?

13 A. That is correct.

14 [13.39.55]

15 Q. Let me move on to my last questions, Mr. Witness. In your WRI

16 E3/7617; Khmer, 00164402; English, 00401878; French, 00401884;

17 you were asked a question:

18 "Were there children and women among the prisoners killed at

19 Choeung Ek?"

20 And then you answer: "There were no children, just men and

21 women."

22 And then a question -- the next question is: "Can you explain how

23 in one pit were just the skulls of children?"

24 Answer: "I do not know. I never saw child prisoners come."

25 Is that, indeed, your statement to the investigators?

1 A. I answered the question that was asked to -- that was put to
2 me. I have never seen children at that location.

3 Q. How can you be certain -- how can you be certain thereof?

4 A. I never saw those children; that is why I'm sure that there
5 were no children.

6 [13.42.05]

7 Q. So just following up this -- this question and that will be my
8 last question.

9 Can you describe the location of the former Chinese cemetery in
10 relation to those 20 or 30 pits that you described before the
11 lunch break?

12 A. I am disoriented. I am not sure where, exactly, the cemetery
13 is located.

14 Q. When you were at this place that you describe at Choeung Ek,
15 were there any signs of a former graveyard?

16 A. When I was there, I did not focus <on> whether there were
17 signs of former graveyards and I was not an expert on graveyards,
18 so I did not pay attention to them.

19 Q. Let me read to you what David Chandler wrote in his book,
20 E3/1684, on page 139; ERN 00192832; French, 00357415; and Khmer,
21 00191997. He said: "At some point in '77, a Chinese graveyard
22 near the hamlet of Choeung Ek, 15 kilometres southwest of the
23 capital, was put into service as a killing field, although
24 important prisoners continued to be executed on the prison
25 grounds."

1 And it says, "Located near a dormitory for Chinese economic
2 experts, the site was equipped with electric power," etc.

3 "A hamlet of Choeung Ek", does that ring a bell?

4 [13.45.17]

5 A. I did not see <that.> I <only> saw <> the stupa <built> at
6 that location.

7 Q. And what stupa was it that you saw?

8 A. It looked like a coffin at that location. I am not quite sure;
9 I am confused and I cannot tell you where exactly that -- the
10 stuff <that> looked like coffin was located.

11 Q. Was it far away from those 20 to 30 pits that you said you
12 were involved in digging; was it close by?

13 A. It was not far from one another, to my estimate, and I cannot
14 remember the exact location of that <>.

15 [13.46.44]

16 Q. And did the dormitory for Chinese economic expert -- experts,
17 do you know whether close by was a dormitory for Chinese economic
18 experts?

19 A. All I know is that there was a <kiosk there>.

20 Q. I'm not sure what you said. Maybe there's something wrong in
21 the translation. What did you say, "kiosk"?

22 JUDGE FENZ:

23 Question should go to the translator, I guess. What did you
24 interpret?

25 THE INTERPRETER:

1 Correction from the interpreter; that location was full with
2 kiosks.

3 JUDGE FENZ:

4 What's a kiok (phonetic)?

5 THE TRANSLATOR:

6 K-I-O-S-K-S -- that is, kiosks.

7 [13.48.20]

8 BY MR. KOPPE:

9 Q. Kiosk as in little stands selling newspapers, is that what you
10 mean?

11 MR. TAY TENG:

12 A. That were -- they look like the stands -- the stands and
13 <those> stands or kiosks were reserved for people to go there and
14 relax.

15 Q. Are you talking about maybe something that you saw during the
16 re-enactment or are you talking about something you saw while at
17 Choeung Ek in '77 or '78?

18 A. <When I went there,> I did not recall whether <it was> the
19 same location <or not>. <There was a kiosk and a long wooden
20 house next to it.> And the place with the kiosk was also used to
21 keep a generator. And when I was there, during the
22 reconstruction, I cannot -- I did not know for sure whether the
23 location <was still> in the same <shape as before or not>.

24 [13.50.12]

25 Q. I think you gave the response, Mr. Witness, to my question

1 whether you know of a dormitory for Chinese economic experts that
2 was located near Choeung Ek. Do you know anything about a
3 building where Chinese advisors or Chinese people were living
4 close to Choeung Ek?

5 A. On this particular point, I did not see, at the time, the
6 exact location. You stated and you made mention about the
7 dormitory for the economic experts -- the Chinese economic
8 experts, <I did not see it,> and what I am -- what I was talking
9 earlier was about the location with the kiosks.

10 MR. KOPPE:

11 I'm not sure if I understand, but I'm finished with my
12 questions.

13 Thank you, Mr. President.

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 You have the floor now, Judge Lavergne.

17 [13.51.37]

18 JUDGE LAVERGNE:

19 Yes, thank you, Mr. President. I would like some clarifications
20 made regarding paragraphs 184 and 185 of the Judgment rendered in
21 Case 002/01 <(sic)> by this Chamber. Counsel Koppe referred to
22 <those paragraphs>in questioning the witness.

23 Let me point out that these paragraphs are, indeed, copies of
24 paragraph 29 of the Closing Order which state specifically that
25 Duch decided that the prisoners would be executed at Choeung Ek,

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1 <which places it> sometime between 1976 and <mid->1977.

2 And the same paragraph points out that, even after Choeung Ek had
3 become the principal execution site, some prisoners were still
4 continually being executed and buried within the premises of S-21
5 and in the vicinity<.>

6 <And paragraph 185 simply states that the defendant agrees with
7 these statements>.

8 [13.53.10]

9 MS. GUISSÉ:

10 Perhaps, for the record, I heard in French that you talked of
11 <Case> 002/01 (sic) whereas you are talking <about Case 001.>

12 JUDGE LAVERGNE:

13 I am sorry, I meant Case 001.

14 MR. PRESIDENT:

15 I am grateful to you, Mr. Tay Teng. The hearing of your testimony
16 as a witness has now come to a conclusion. Your testimony will
17 contribute to the ascertainment of the truth. You are no longer
18 required before the Chamber. You may be excused and you may
19 return to your residence or to any place you wish to go.

20 Thank you, Mr. Moeurn Sovann. The hearing of the testimony of Tay
21 Teng has now come to an end and you may also relax.

22 [13.54.20]

23 Court officers, please work with the WESU to send witness Tay
24 Teng to the residence, to his residence or to any place he wishes
25 to go. And I order the Court officers and support staff to draw

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1 the curtain closed first before inviting the witness out of the
2 room, and please also remove the partition or -- the partition
3 out of the courtroom as well.

4 Next, the Chamber will start to hear <2-TCW-889>, and this
5 witness will have the duty counsel Duch Phary with him.

6 You may now be excused, witness.

7 (Witness excused)

8 [13.55.32]

9 MR. PRESIDENT:

10 Mr. Tay Teng, you may leave the room now.

11 (Witness exits courtroom)

12 [13.55.45]

13 MR. PRESIDENT:

14 And please, Court officer and support staff, draw the curtains
15 open.

16 And AV Unit, please link or broadcast the videos and voice as
17 usual.

18 The witness and the duty counsel are required to come into the
19 courtroom.

20 (Short pause)

21 [13.57.07]

22 MR. PRESIDENT:

23 And please also draw the curtains open.

24 Support staff, please draw the curtains open which <are> now
25 blocking the public gallery, blocking the views of the public.

1 MR. PRESIDENT:

2 Court officer, please usher the witness and duty counsel into the
3 courtroom.

4 (Witness enters courtroom)

5 [13.59.58]

6 QUESTIONING BY THE PRESIDENT:

7 Q. Good afternoon, Mr. Witness. What is your name?

8 MR. LACH MEAN:

9 A. My name is Lach Mean.

10 Q. Thank you, Mr. Lach Mean. Do you recall when you were born?

11 A. I was born in 1957 and I cannot recall the full date of birth.

12 Q. And <where> were you born?

13 A. I was born in Spean Daek, Spean Daek village, Thlok Vien
14 commune, <Sameakki Mean Chey> district, Kampong Chhnang province.

15 [14.00.48]

16 Q. And where is your current residence?

17 A. Presently, I live <in> the same native village.

18 Q. And what is your current occupation?

19 A. I am a rice farmer.

20 Q. What are the names of your parents?

21 A. My father is Lach Long and my mother is Morm Sun.

22 Q. And what is your wife's name and how many children do you have
23 together?

24 A. My <mother (sic)> is Thu Khom. We have seven children.

25 Q. I refer to your wife. What is your wife's name again?

1 A. My wife is Thu Khom. We have seven children.

2 Q. Thank you, Mr. Lach Mean. The greffier made an oral report
3 that to your best knowledge you are not related by blood or by
4 law to any of the two accused -- that is, Nuon Chea and Khieu
5 Samphan, or to any of the civil parties admitted in this case. Is
6 this information accurate?

7 A. Yes, the report is correct. I am not related to any of the
8 two.

9 [14.02.32]

10 Q. Have you taken an oath before the Iron Club Statute situated
11 to the east of this Chamber?

12 A. Yes, I took an oath before the Iron Club Statute.

13 Q. Thank you. And the Chamber would like to inform you now of
14 your rights and obligations as a witness.

15 Regarding your rights, as a witness in the proceeding before the
16 Chamber, you may refuse to respond to any question or to any
17 comment which may incriminate you. That is your right against
18 self-incrimination.

19 [14.03.19]

20 Now, for your obligations: as a witness in the proceedings before
21 the Chamber, you must respond to any questions by the Bench or
22 relevant parties except where your response or comments to those
23 questions may incriminate you as the Chamber has just informed
24 you of your right as a witness.

25 And Mr. Lach Mean, you must tell the truth that you have known,

1 heard, seen, remembered, experienced or observed directly about
2 an event or occurrence relevant to the questions that the Bench
3 or parties pose to you.

4 And Mr. Lach Mean, have you been interviewed by the investigators
5 of the Office of the Co-Investigating Judges? If so, how many
6 times, when and where if you can recall?

7 A. I have provided my statements about two or three times <at
8 this place>.

9 Q. And before you appear before us, have you read <them> or <had>
10 them read out <to you,> or reviewed the written records of
11 interviews of your previous statements with OCIJ investigators,
12 in order to refresh your memory?

13 A. Yes, I re-read the written records of my interview.

14 [14.05.10]

15 Q. And after you read them, to your best recollection, do those
16 written records of your interview reflect what you said during
17 the interviews you provided to the investigators?

18 A. From what I read, they are consistent with my statements that
19 I provided.

20 Q. Thank you.

21 And Mr. Lach Mean, you have been assisted by duty counsel through
22 WESU per your request, and that is Counsel Duch Phary.

23 And pursuant to Rule 91bis of the ECCC Internal Rules, the
24 Chamber will give the floor first to the Co-Prosecutors to put
25 the questions to this witness. The combined time for the

1 prosecutors and the Lead Co-Lawyers is two sessions.

2 You may proceed.

3 [14.06.27]

4 QUESTIONING BY MR. BOYLE:

5 Thank you, Mr. President. Good afternoon, Your Honours. Good
6 afternoon, counsel. Good afternoon to everyone in and around the
7 courtroom.

8 Q. Good afternoon to you, Mr. Witness. My name is Andrew Boyle. I
9 am here to ask you some questions on behalf of the Co-Prosecutors
10 today.

11 I'd like to start off by asking you if at some point you joined
12 the Khmer Rouge and, if so, when was that?

13 MR. LACH MEAN:

14 A. I joined the Khmer Rouge movement in late 1974.

15 Q. And later on during the period of Democratic Kampuchea, were
16 you assigned to work at S-21, also known as the Tuol Sleng
17 prison, at some point?

18 A. Later on, I was appointed to work at S-21 or Tuol Sleng
19 prison.

20 Q. Do you recall the year and the month that you were assigned to
21 work at the S-21 prison?

22 A. I cannot recall that clearly. However, it was in late 1975 or
23 early 1976 when I was assigned to work at S-21.

24 [14.08.34]

25 Q. I'm going to be focusing most of my questions today on the

1 period that you were at S-21. But before I arrive at that, can
2 you briefly tell the Chamber what positions you held or what you
3 were doing between 1974 when you joined the Khmer Rouge and when
4 you went and were assigned to S-21?

5 A. In 1974 I joined the Khmer Rouge movement and I was simply a
6 soldier.

7 Q. And after you were a soldier when you joined the Khmer Rouge
8 movement, where were you first assigned to?

9 A. Initially I was appointed as a commune militiaman in Thlok
10 Vien commune, and later on I was reassigned to be a soldier at
11 <Kampong Tralach Leu district or> District 12.

12 [14.10.10]

13 Q. Were you ever assigned to work in Takhmau?

14 A. I was assigned to <guard prisoners> at Takhmau for about one
15 to two months.

16 Q. Prior to -- immediately prior to your assignment at S-21, did
17 you work at another prison within Phnom Penh and, if so, what was
18 the name of that prison?

19 A. I was later on reassigned from Takhmau to a former PS prison
20 <called National Police Department near Phsar Thmei> and later on
21 I was reassigned to Tuol Svay Prey prison -- that is, Tuol Sleng
22 prison.

23 Q. Do you know the reason why you were reassigned from the prison
24 that you just referred to near Phsar Thmei to the S-21 prison?

25 A. To my understanding, because the old prison was small and

1 crowded and that's why they moved <me> to Tuol Svay Prey.

2 Q. When you say it was small and crowded, are you referring to
3 the fact that it could not hold or was too small or crowded for
4 the number of prisoners that were at that prison?

5 A. That is my personal conclusion. I do not know the real reason
6 for the relocation of the prison.

7 [14.12.52]

8 Q. Once you were transferred to work at S-21, did you ever see
9 arrival of new prisoners at the S-21 prison?

10 A. Yes, I did. I saw prisoners coming in through the prison
11 almost on a daily basis <once> I <started working> as a guard at
12 S-21.

13 Q. And can you provide us with a more detailed description of
14 what you would typically see when prisoners would arrive at the
15 S-21 prison? How would they arrive? What happen to them once they
16 arrived, etc.?

17 A. They were transported to S-21 by fully covered vehicles and
18 some of those prisoners <were only wearing> shorts, and Thy
19 (phonetic) was the one who worked and maintained the list of
20 incoming prisoners with another person, Lain (phonetic).

21 [14.14.32]

22 Q. Were the prisoners bound or tied up in any way when they would
23 be taken off of the truck?

24 A. As for prisoners, their hands were cuffed and they were
25 blindfolded. All of them were handcuffed -- that is, their hands

1 were cuffed behind their backs.

2 Q. And would you ever see prisoners being taken away from the
3 S-21 prison centre?

4 A. I saw prisoners that were taken out in the same fully-covered
5 vehicles and they were subsequently driven out in those vehicles.

6 So let me say this: <When I was still a guard,> I saw both the
7 incoming and the outgoing prisoners in those fully covered
8 vehicles.

9 Q. When they were taken away, do you know where they were taken?

10 A. I did not know where they were taken to as my main duty was to
11 stand guard at the compound. So I did not know where they were
12 taken to.

13 Q. Did you know any of the drivers of the trucks that would take
14 them away?

15 A. I did not know those drivers that well, although we belonged
16 to the same unit. I heard a name, <Srim> (phonetic). He was one
17 of the drivers who actually transported prisoners in and out.

18 [14.16.43]

19 Q. And did you ever speak with this Sry (phonetic) or any of the
20 other drivers about where they would go when they were driving
21 prisoners away?

22 A. I did not have a full conversation with Srim (phonetic) nor
23 other drivers since we belonged to a separate subunit within the
24 same compound. I only saw them driving those vehicles.

25 Q. The prisoners who were taken away, did you ever see them

1 returned?

2 A. No, I never met or saw those prisoners who were taken out or
3 who were transported out since I never left the compound. And as
4 I said, my duty was to guard the compound and not to go outside.

5 Q. Perhaps I didn't phrase my question clearly. I was asking if
6 you ever saw the prisoners who were taken away; did you ever see
7 them return to the S-21 prison?

8 A. Prisoners who were transported out never returned. They fully
9 disappeared.

10 [14.18.32]

11 Q. Were there both female and male prisoners at S-21?

12 A. Yes, it was a combination of men and women.

13 Q. Did you see any pregnant female prisoners while you were at
14 S-21?

15 A. There were some pregnant prisoners.

16 Q. Were you ever aware of any of these pregnant prisoners giving
17 birth while they were at S-21?

18 A. No. I never saw any of those pregnant women who gave birth
19 there.

20 Q. Were there women who had babies with them or other children
21 with them at S-21?

22 A. I did not see any women with young babies or children.

23 Q. Mr. Witness, I'd like to read to you from a statement that you
24 gave to DC-Cam to see if I can refresh your memory on that point.

25 This is document E3/7660; English, ERN 00335292; Khmer, 00057072;

1 and French, 00338010. And you were asked: "How about the
2 children?" And you responded - quote: "The children were kept
3 with other female prisoners when their mothers were brought to be
4 interrogated. There were other female prisoners in the big room.
5 They weren't put in the room alone."

6 [14.20.56]

7 Does that refresh your memory that in fact you saw children at
8 S-21 that were left with other women when their mothers would be
9 brought to be interrogated?

10 A. The quote that you just read, in fact, I never said that
11 children were left with other women when the mothers were
12 interrogated. I was not aware of that fact.

13 MR. PRESIDENT:

14 Counsel Koppe, you have the floor.

15 MR. KOPPE:

16 Yes, I apologize for being a bit late, but in fairness to the
17 witness, on the previous page -- at least the English page -- he
18 confirms -- also in his DC-Cam statement -- that there were no
19 children, only women. You can see that on English page 00335291;
20 Khmer, 00057072; French, 00338010.

21 So also in his DC-Cam statement he is not saying - what he is
22 saying that there aren't any children at S-21.

23 [14.22.32]

24 MR. BOYLE:

25 Nonetheless, Mr. President, the quote that I read--

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1 MR. PRESIDENT:

2 Deputy Co-Prosecutor, please hold on, and Counsel Anta Guissé,
3 you have the floor.

4 MS. GUISSÉ:

5 Yes, thank you, simply to say that in French there was a mistake
6 in the translation of this page. This page does not correspond to
7 the English and to the Khmer. I simply want this to be on the
8 record.

9 [14.23.04]

10 BY MR. BOYLE:

11 Nonetheless, the quote that I read to him from his DC-Cam
12 statement which he says he did not say is in his DC-Cam
13 statement.

14 Counsel for Nuon Chea will obviously have an opportunity to place
15 any other quotes from any of his statements that he would like
16 to, to the witness.

17 Q. Mr. Witness, were the persons that were detained at S-21
18 assigned lawyers?

19 MR. LACH MEAN:

20 A. All prisoners who were detained there, they did not have any
21 lawyer or anyone who came to defend them. Those prisoners were
22 brought in by their own group without any legal representation.

23 Q. And despite not having any counsel, did they have an
24 opportunity to defend themselves before a judge?

25 A. During the regime, prisoners did not have any means to defend

1 themselves.

2 For me, it is rather difficult to respond to such a question.

3 They did not have any means to defend themselves; that's what I
4 can say.

5 [14.24.42]

6 Q. Thank you, Mr. Witness.

7 How many buildings in the S-21 compound were used to detain
8 prisoners?

9 A. There were three main buildings to detain prisoners and there
10 was also another small building for the detention.

11 Q. And were there different types of rooms in these buildings to
12 detain prisoners in different ways or they were all the same?

13 A. There were small cells within the rooms. Prisoners who were
14 brought in at the beginning would be put in separate cells and
15 only after they had been interrogated<,> or <if they> were not
16 required to be interrogated, they would be placed in a common
17 room where their ankles were shackled.

18 [14.26.19]

19 Q. Was there a special group of prisoners that were held apart
20 from the other prisoners?

21 A. I was not really aware of that. Sometimes there were important
22 prisoners who could be a minister or somebody of that position
23 and they might be held somewhere else, although personally I did
24 not know about that or where they would be detained.

25 Q. I'd like to read you a quote from your statement given to the

1 Co-Prosecutors. This was E3/7602; English, ERN 00146788; French,
2 00147730; and Khmer, 00145585.

3 And this is what you said, Mr. Witness - quote: "The prisoners,
4 especially those confined to cells on the third floor, were
5 differently treated from other prisoners."

6 Can you tell us anything else about these prisoners that were
7 detained on the third floor and why they were treated
8 differently?

9 A. For important prisoners, they did not want staff or guards at
10 S-21 to see them being detained at S-21.

11 [14.28.30]

12 Q. And what sort of people would be regarded as important
13 prisoners?

14 A. Important prisoners, including those former officials or civil
15 servants or former S-21 staff, they would be regarded as
16 important prisoners.

17 Q. And when you said they were treated differently, how were they
18 treated differently?

19 A. They were treated differently from other prisoners since
20 guards or interrogators were not allowed to approach their
21 location. In fact they did not want us -- the guards -- to know
22 about important prisoners or <for> those important prisoners <to>
23 get to know the <guards>.

24 Q. And you mentioned that prisoners would be shackled in the
25 prison rooms before. Can you describe how they were shackled?

1 A. They were shackled -- that is, their ankles would be placed
2 into a ring and then they would use a long metal <bar> to go
3 through those rings in a row and then they would lock the end
4 part of that metal.

5 Q. And were these shackles on at all times that the prisoners
6 were in the rooms or were they removed at some points?

7 A. Prisoners who were shackled would be -- they would remain in
8 the shackles until the time that they had to be transported out.

9 [14.31.00]

10 Q. Is it therefore correct to say that while the prisoners were
11 in the rooms they were unable to move about within the rooms?

12 A. For the prisoners, mostly they <remained> in one place unless
13 they were transported out.

14 Q. Were prisoners allowed to bathe?

15 A. For prisoners who were allowed to bathe, they did not allow
16 prisoners to have baths individually. They used a water hose to
17 bathe the prisoners collectively at the same time.

18 Q. I believe what you are describing is that they would hose them
19 down in the cell; is that correct?

20 A. Yes. In the detention room, prisoners were bathed -- bathed at
21 the same time and the rooms were <> cleaned <> at the same time.

22 [14.32.38]

23 Q. How about the prisoners in the individual cells? Would they be
24 hosed down in a similar fashion?

25 A. For individual prisoners who were detained in small cells,

1 they had no chance to have a bath. They never allowed to have
2 baths.

3 Q. Were the prisoners given anything to sleep on or did they
4 sleep on the floor?

5 A. Prisoners slept directly on the <floor>. <They only had
6 shorts, no shirts, no krama.> They did not sleep on the mat and
7 they were not given any mat or pillow.

8 Q. Did you ever learn of anyone dying at S-21?

9 A. When I was in the defence unit, I witnessed <prisoners> dying
10 probably <because of> diarrhoea or other <illnesses>. <They were
11 also treated, but did not recover.> I witnessed that when I was
12 in the defence unit.

13 Q. Did you ever witness or hear about any guards beating
14 prisoners?

15 A. The guards never <beat> the prisoners because guards <did not
16 have the right> to beat prisoners. When prisoners insulted the
17 guards, the guards <only had> the right to advise and reprimand
18 them<,> but not the right to beat them.

19 [14.35.25]

20 Q. Did you ever see or hear prisoners crying or yelling out in
21 pain?

22 A. For prisoners who <were> yelling out or scream as a result of
23 pain after interrogation, yes, there <were> cases and I witnessed
24 them when I was in the defence unit.

25 Q. Do you know of any prisoners who stopped eating while they

1 were at S-21?

2 A. I never witnessed any prisoner who refused to eat. I only
3 witnessed the prisoners who ate <because they were hungry>.

4 Q. I would like to read to you from the written record of
5 interview you gave to the Office of the Co-Investigating Judges.

6 This is E3/7641; English, ERN 00363555; French, 00363677; Khmer,
7 00162775 - quote:

8 Question: "You were regularly on guard duty. Did you routinely
9 hear prisoners scream and cry out?"

10 Answer: "I did. Some prisoners cried or did not eat."

11 Does that refresh your memory that you were aware of prisoners
12 who did not eat?

13 [14.37.23]

14 A. For those prisoners who refused to eat, there were probably
15 such cases. Initially -- when the prisoners -- some of them who
16 were initially brought in, some of them refused to eat. So I can
17 say that such cases <did> happen.

18 Q. And do you know why they would refuse to eat?

19 A. I don't know the reason why they did so. It was their
20 individual reason and I could not understand or know why.

21 MR. BOYLE:

22 Thank you.

23 Mr. President, I'm about to move to another subject matter, if
24 you would like to take a break.

25 [14.38.49]

1 MR. PRESIDENT:

2 Thank you, the Co-Prosecutors.

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

5 Court officer, please assist the witness at the waiting room
6 reserved for the witness and please invite him back along with
7 the duty counsel into the courtroom at 3 o'clock.

8 The Court is now in recess.

9 (Court recesses from 1439H to 1457H)

10 MR. PRESIDENT:

11 Please be seated.

12 The Court is back in session and before I give the floor to the
13 Deputy Co-Prosecutor, the Chamber wishes to inform the witness of
14 your rights and obligations that you must tell the truth that you
15 have heard, experienced, observed or seen directly in relation to
16 any event or occurrence in the question.

17 [14.59.06]

18 So please respond precisely to that limit and try not to
19 speculate or provide your own conclusion which is not -- which
20 would not be considered by the Bench<, and in which case> your
21 statement <would> not be contributing to the ascertainment of the
22 truth.

23 So please limit your response to what you have known, heard,
24 seen, etc., directly. And in particular, you should respond
25 precisely to the question in particular in relation to your

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1 previous statements that you made, that is which one is a correct
2 version and try not to speculate or just say maybe this or maybe
3 that.

4 With this reminder, I give the floor again now to the Deputy
5 Co-Prosecutor.

6 [15.00.06]

7 BY MR. BOYLE:

8 Thank you, Mr. President.

9 Q. Mr. Witness, did you go by the name Lach Mean when you were
10 working at S-21?

11 MR. LACH MEAN:

12 A. Yes, I used the alias Lach Mean at S-21.

13 Q. In the translation I heard, "I used the alias Lach Mean". Did
14 you have another name that was not an alias?

15 A. I do not have any other names. That is the only name that I
16 used.

17 Q. And while you were at S-21, were you aware of anyone else
18 named Lach Mean or Comrade Mean that worked there?

19 A. No, I did not know if there was another Lach Mean working
20 there. To my knowledge, I was the only Lach Mean who worked
21 there.

22 Q. You have already mentioned that you were a guard at S-21. Did
23 you -- was that your first position that you held when you
24 arrived at S-21?

25 A. My initial position was a guard at S-21.

1 [15.02.14]

2 Q. And did you guard inside the detention buildings or outside or
3 both?

4 A. I stood guard within the compound of the building -- that is,
5 I stood guard inside the detention building.

6 Q. And can you please tell the Court what your work consisted of
7 when you were a guard inside the detention buildings?

8 A. While I worked as a guard at S-21, my role was to make sure
9 that I was vigilant about the prisoners<,> that the prisoners did
10 not break the <lock> or <try> to hang themselves in the cell of
11 the room. So usually I would be constantly moving, monitoring
12 those prisoners.

13 Q. Was it a big concern that prisoners might try to commit
14 suicide by hanging themselves?

15 A. That was the order from the leader in the centre that we had
16 to be constantly on the move to monitor the prisoners and to make
17 sure that the prisoners did not break the shackles or try to
18 commit suicide by hanging themselves. And these were the main
19 responsibilities of guards.

20 [15.04.26]

21 Q. Do you know why it was thought prisoners might commit suicide?

22 A. Prisoners might attempt to commit suicide because they felt
23 hopeless or they were scared, so they might commit that suicide.

24 Q. Do you know why they would feel hopeless or feel scared?

25 A. I did not understand the nature of those prisoners who might

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1 feel scared or hopeless. They might feel that they would be
2 interrogated and tortured. That could be their primary concern
3 that they would be tortured and interrogated.

4 Q. Did you ever learn of any prisoners actually committing
5 suicide?

6 A. I did not see that; however, the instructions from the <upper
7 echelon> <were> that there had been cases where prisoners
8 committed suicide and that a prisoner grabbed a gun from a guard
9 and shot himself to death. So these were the instructions from
10 the upper echelon that we had to be vigilant regarding these
11 matters. And <this> information <was> relayed to us in the guard
12 unit.

13 [15.06.58]

14 Q. When you say these were the instructions from the upper
15 echelon, who are you referring to?

16 A. Upper echelon refers to -- especially to Duch and Hor <who
17 were in charge of the prison> and <Phal> and <Pho> (phonetic)
18 <who> were my unit chiefs and they were the ones who relayed
19 those instructions to us.

20 Q. While you were a guard, did you ever see any signs of torture
21 on any of the prisoners?

22 A. I saw bleeding, scars<,> and wounds on the backs, hands and
23 feet of prisoners and a medic would treat them there in the room
24 -- that is, they would clean it and bandage the wound. Yes, I saw
25 all these.

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1 Q. Do you know what type of torture caused these wounds?

2 A. They were tortured. They were beaten. That's why they had
3 wounds on their backs and the wounds -- scars remained there.

4 [15.08.53]

5 Q. You mentioned that medics would treat the prisoners who had
6 been tortured. Do you know how well trained these medics were?

7 A. I did not know well about the medic as to what kind of
8 medicinal education they received. They came to distribute pills
9 to prisoners or to clean the wounds of prisoners.

10 Q. Were the medics young or old?

11 A. They were not that young. They could be around 20.

12 Q. Mr. Witness, when you testified in Case 001, and this is
13 document E3/7467 at 15.50.59, you stated - quote: "There were
14 teenagers who were medics."

15 Does that refresh your memory that there were teenagers who were
16 medics?

17 A. I said the medics were around <> 18, 19 or 20 <or 21 or 22>
18 years old, and that was around my age at the time that I worked
19 there.

20 [15.11.09]

21 Q. What position did you hold at S-21 after you were a guard?

22 A. After my guarding duty, I was assigned to train <in> how to
23 use a typewriter and in order to type the <prisoners'
24 confessions>, and later on I was included in the interrogation
25 unit.

1 Q. I will ask you some questions shortly about your inclusion in
2 the interrogation unit but can you explain a bit more about your
3 work as a typist? What type of -- what did that entail when you
4 were a typist?

5 A. When I worked as a typist, my duty was to <type> the
6 <prisoners'> confessions and watch all of the prisoners who were
7 being interrogated. And in fact, my direct supervisor was the one
8 who interrogated the prisoners and I was instructed to observe
9 the process and to use the typewriter to type the confession
10 <after prisoners wrote it down>.

11 Q. So do I understand correctly that you would be in the same
12 room as the person confessing when you were a typist?

13 A. Yes, that is correct. I was in the same room as the
14 interrogator. So I was assigned there in order to learn how to
15 interrogate as well as to type the confession.

16 [15.13.34]

17 Q. Once you had typed the confession, who would you pass the
18 confession to, the typed version?

19 A. After I typed the confession, then I hand it over to the squad
20 chief and the squad chief would deliver them to Duch.

21 Q. Would you ever pass the confessions that you typed to Duch
22 yourself?

23 A. I never handed the typed confessions to Duch <myself> but I
24 used to deliver or hand those confessions to Hor, <who was Duch's
25 deputy>.

1 Q. And you just mentioned that after being a typist you became an
2 interrogator. Do you recall approximately when you became an
3 interrogator?

4 [15.15.11]

5 A. I worked as an interrogator in around September or October
6 1978 -- that is, for about two or three months during the last
7 part of the regime. And I interrogated about only six or seven or
8 eight prisoners or maybe 10 at the most. Then the Vietnamese
9 arrived. Then I left Phnom Penh.

10 MR. BOYLE:

11 Mr. President, with your leave, I would like to hand to the
12 witness an S-21 prisoner list to see if I can refresh his memory
13 about when he became an interrogator. And this is Document
14 E3/8671.

15 MR. PRESIDENT:

16 Yes, you may do that.

17 (Short pause)

18 [15.16.33]

19 BY MR. BOYLE:

20 Q. Mr. Witness, first I'd just like to ask, do you recall seeing
21 documents like this when you were at S-21?

22 MR. LACH MEAN:

23 A. I did not see this kind of a document at S-21, so I don't
24 understand the nature -- about the nature of this document.

25 Q. Mr. Witness, you will see if you look across the top of the

1 document, it has various column names. There is, first, columns
2 for the individuals who were being interrogated, an alias if any,
3 the position that they held and then a column for the
4 interrogator that questioned them. If you could turn to the page
5 that I have tabbed that's the fifth page, the ERN in English are
6 012131194 (sic); and Khmer, 00214288. I don't believe there is a
7 French ERN. You will see there a list of 13 names of persons that
8 were interrogated that continues onto the following page.

9 And in the interrogator column for the first and the last of
10 those names, it says, "Comrade Mean", an indication that the
11 interrogator for the persons in between is the same name. Do you
12 see where that's indicated?

13 [15.18.45]

14 A. I don't understand about this document. I do not understand
15 this document at all.

16 Q. At present, I am just asking you if you see where it says
17 "Comrade Mean" in the column marked interrogator on the page, the
18 page that I have tabbed and the subsequent page.

19 MR. PRESIDENT:

20 Counsel Duch Phary, could you assist the witness and indicate the
21 relevant part on that page?

22 MR. LACH MEAN:

23 A. On this document I saw a name -- that is, Comrade Mean, who
24 <was> the interrogator.

25 BY MR. BOYLE:

1 Q. And do you believe that the Comrade Mean referred to is you?

2 MR. LACH MEAN:

3 A. Yes, it is me who conducted the interrogation.

4 [15.21.18]

5 Q. Thank you. Can I now ask you to turn to the final page of that
6 document?

7 You'll see written at the bottom a date and the date is 2

8 February 1978 in the English and French versions, Your Honours.

9 And counsel, I believe there is a date February 1978 at the top
10 right-hand corner of the translated version but it doesn't appear
11 in the same position on the Khmer version.

12 Mr. Witness, do you see that date 2 February 1978?

13 A. Yes, I see it.

14 Q. Does that refresh your memory that you were an interrogator at
15 least as early as February 1978?

16 A. I cannot recall clearly the month that I engaged in the
17 interrogation. However, I worked as an interrogator for a short
18 period of time. Regardless of that, you might be right that I
19 might have started working as an interrogator during that month.

20 [15.23.06]

21 Q. Thank you. Through your various positions at S-21, did you
22 know or do you recall periods while you were at S-21 where there
23 would be a large influx of prisoners from certain zones or
24 regions of Democratic Kampuchea?

25 A. Yes, I can recall the large influx of prisoners to the centre.

1 They were brought in; sometimes, two truckloads or sometimes,
2 three truckloads per day.

3 Q. I was asking, specifically, if you were aware that, at certain
4 periods, a majority, perhaps, of the prisoners came from certain
5 zones or regions of Democratic Kampuchea, such as the Northwest
6 Zone, the East Zone, the Central Zone, any of those?

7 A. As for prisoners who were brought in, I could not know from
8 which zones they were brought from. Only those who worked with
9 the list of prisoners would know from which zone or from which
10 direction those prisoners came. For me, as a guard, <as an
11 interrogator,> I <could> not know about that. However, there was
12 a large influx of prisoners to the centre in 1978.

13 [15.25.11]

14 Q. Do you recall if this large influx of prisoners in 1978
15 included a large number of individuals from the East Zone?

16 A. I did not know from which zone they came. We were not allowed
17 to know about that and only those who worked with the list knew.

18 MR. BOYLE:

19 Mr. President, with your leave, I would like to provide to the
20 witness document E3/2469. This is an S-21 confession -- to see if
21 I can refresh his memory.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 (Short pause)

25 [15.26.25]

1 BY MR. BOYLE:

2 Q. Mr. Witness, this is an S-21 confession of Keo San alias Sok,
3 and can you please turn to the page that I have tabbed on your
4 version.

5 For counsel and Your Honours, this is English, ERN 00796229;
6 French, 00950485; and Khmer, 00303157.

7 Mr. Witness, do you recognize the signature under the word
8 "interrogator" on that page?

9 (Short pause)

10 [15.27.37]

11 MR. LACH MEAN:

12 A. Regarding my signature, I cannot <recall> clearly whether I
13 actually provided my signature on such document. I can say that
14 the name is mine, although I'm not sure about the signature.

15 Q. I just want to clarify, are you saying that the name is yours
16 that is on there, although you're not sure about the signature?

17 A. Yes, the name is mine.

18 MR. BOYLE:

19 And Your Honours, just for the record, in the English and the
20 French versions of this confession, the name has been
21 mistranslated as Teach Mien. I believe the record will show that
22 the witness just confirmed that it is, indeed, Lach Mean.

23 [15.28.39]

24 BY MR. BOYLE:

25 Q. Mr. Witness, this, as it states on the cover of the

1 confession, is a confession of an individual from Sector 22 of
2 the East Zone and it's from -- and he was arrested in June of
3 1978; does that refresh your memory that around the time of June
4 1978, there was a large influx of prisoners from the East Zone?

5 MR. LACH MEAN:

6 A. I saw influx of prisoners to the centre, but I could not say
7 whether they were brought in from the East Zone. However, the
8 instructions from the upper echelon is that most of those from
9 the East Zones betrayed the nation and, for that reason, they had
10 been arrested and brought to the centre. They were accused of
11 being traitors and that they collaborated or colluded with the
12 "Yuon" and, for that reason, they were treated as traitors.

13 [15.30.12]

14 Q. And when you say you received these instructions from the
15 upper echelon, who are you referring to?

16 A. The instructions came from the upper echelon -- that is, from
17 Duch.

18 Q. And how would he convey these instructions to you?

19 A. When I was in the interrogation unit, his instruction was to
20 strictly interrogate prisoners and that the prisoners shall
21 answer the truth only. That was the instruction from the upper
22 echelon to me.

23 Q. Would he convey these instructions to you in meetings or in
24 personal conversations or in written instructions; how would he
25 convey the instructions to you?

1 A. The instructions to units were conveyed through the study
2 sessions which the units' members were invited for the
3 <political> study sessions <once a week or once every two weeks
4 every month>.

5 [15.31.45]

6 Q. Were all of the interrogators present at these meetings or
7 study sessions?

8 A. Yes. In the study sessions, all interrogators attended it, so
9 all the interrogators attended and received the instructions and
10 explanation during that study session.

11 Q. Did he specifically mention any prisoners from other -- any
12 other zones or any other types of prisoners in the same way that
13 he mentioned East Zone prisoners?

14 A. Yes. Yes, he <talked> about prisoners from the East Zone and
15 the chief of the zone was So Phim who was considered the -- as
16 the traitor, the chief traitor.

17 Q. My question was directed at finding out if he also mentioned
18 prisoners from other zones other than the East Zone; do you
19 recall if he mentioned, specifically, instructions in regards to
20 prisoners from other zones or other types of prisoners?

21 A. In his instruction, he also touched on people from the
22 Northwest Zone. There were also traitors from the Northwest Zone
23 <who> were included in his instruction.

24 [15.33.53]

25 Q. Did you see any Vietnamese prisoners arriving at S-21 or being

1 held at S-21?

2 A. I saw the <Vietnamese people come>, many Vietnamese, who were
3 loaded and brought in by trucks, especially in 1978. <There were
4 about two to three truckloads of them.>

5 Q. Were there a lot of Vietnamese prisoners or just a few; are
6 you able to estimate how many you saw?

7 A. Based on my estimate, there were more than 50; it was less
8 than 100. They were transported by truck; one truck in a day and
9 then some days later, another truck came in. <And then another
10 truck came in.>

11 [15.35.08]

12 Q. When you testified in Case 001 at E3/7467, transcript time
13 14.14.33, you stated this, Mr. Witness - quote: "For Vietnamese
14 people, yes, I saw them in large number. There were truckloads of
15 them. That was towards the end of 1978. There were two or three
16 truckloads of them."

17 A little later on, "I can provide -- I can provide any
18 appropriate -- any estimate. It's roughly 100 or 100 plus or up
19 to 200 or even more, but I cannot say for sure, but I saw them in
20 large numbers."

21 Does that refresh -- does that refresh your recollection that,
22 perhaps, it was a number greater and, perhaps, significantly
23 greater than 50 that you saw of Vietnamese prisoners arriving at
24 S-21?

25 A. It was my previous statement. It was probably as close to that

1 number. During my previous in -- during my previous statement, I
2 thought that my memory was better than now, so it was probably
3 more than 100 Vietnamese.

4 Q. Were the interrogators at S-21 divided into teams or units?

5 A. For interrogators, they were divided into teams. There were
6 three teams of interrogators. In each team, there were between
7 seven and eight men.

8 [15.37.17]

9 Q. And can you describe any differences between these units?

10 A. I do not remember what types <there were> of each team; I only
11 remember my own team. My own team was an -- was a team that was
12 responsible for interrogating ordinary prisoners. <The three
13 teams were just for normal interrogation.> For other <special>
14 teams, <I do not know; for instance, Ta Pon, Ta Huy, Ta Hor
15 etc.,> they were responsible for interrogating senior prisoners.
16 <They were not an interrogation team. They were the cadres who
17 were in charge of the interrogation unit.>

18 Q. Do you recall a unit referred to as the strict unit?

19 A. For the so-called strict unit, they were experienced
20 interrogators. They had a lot of experience in interrogation.

21 Q. And why were they referred to as the strict unit?

22 A. I am not sure why it was called so. What I knew was that the
23 interrogators in that team had a lot of experience and were very
24 good at interrogating, so they were very good at their work and
25 they were very firm with their assigned task.

1 [15.39.35]

2 Q. And you say they were firm with their assigned task; what does
3 that mean?

4 A. That mean they had worked in that team for a long time; that's
5 why they had built their experiences and skills in interrogation.
6 They knew how to extract confessions in their interrogation.

7 Q. Were prisoners who did not confess to ordinary units sometimes
8 transferred to the strict unit for further interrogation?

9 A. For prisoners who refused to give <a> confession or <from whom
10 they could not extract a> confession, that prisoner <was> placed
11 aside for <one or> two <> months and that person <was> brought
12 back in for interrogation by another interrogator. So, that
13 person, if <they> refused to give the confession, <was> kept
14 aside for one <month> or <a half a month> and then later on, that
15 person <was> brought in back and interrogated by another<,>
16 different interrogator.

17 [15.41.32]

18 Q. I'd like to read to you from a transcript of an interview you
19 had with the Office of the Co-Prosecutors. This is E3/9059. The
20 ERN in both Khmer and English is 00180988. There is no French.
21 "So for example, the prisoners who were easy to get the answers
22 from, they were interrogated in the normal unit and then the ones
23 who refused to give the answers, they were sent to the strict
24 unit. So I gave the example of when I interrogated the prisoner
25 and then he or she did not answer, I reported that to the

1 superior and the superior told me that 'You take that person to
2 the other group.' "

3 Is that correct what you stated, Mr. Witness, that prisoners who
4 did not confess when they were interrogated by the normal unit
5 would sometimes be sent to the strict unit?

6 A. <If> prisoners refused to answer to normal interrogators,
7 <they> were reported to the upper echelon and the upper echelon
8 assigned other team to handle the interrogation. For example, if
9 I interrogated <the prisoner> and <he/she> refused to answer, I
10 reported to the -- to the upper echelon and then <it was up to>
11 the upper echelon <to assign> another interrogator to do the
12 work. <Ta Hor was the one who was in charge of the interrogation
13 unit.>

14 [15.43.22]

15 Q. Who decided which prisoners would be interrogated and when?

16 A. I do not know who was in charge of deciding on this matter. As
17 for me, it was my team leader who gave me <information about> the
18 name, <the building, the room number> of the prisoner to be
19 interrogated and then I would go and bring that person for the
20 interrogation.

21 Q. When you were learning to become an interrogator, did Duch
22 provide any instructions about how to be an interrogator?

23 A. For my interrogation study, I observed and was with the
24 interrogators and learned the skill, <through> on-job training.

25 Ta Duch also took the opportunity during the study <sessions> to

1 instruct us in some aspects about the techniques used in
2 interrogation.

3 [15.45.15]

4 Q. In what aspects would Duch instruct you on; do you recall what
5 are some of the instructions he gave you?

6 A. For Duch's <instructions>, I could not recall <them> well, but
7 he instructed us to be loyal and to know how to extract the
8 confession quickly from the prisoners <and how to get them to
9 tell us only the truth>, so these were the aspects in Duch's
10 <instructions>.

11 Q. How often would he provide you instructions?

12 A. The instruction took place frequently; <sometimes>, weekly,
13 sometimes, monthly; it <depended> on when he <called> us for that
14 study session. So it <depended> on him. If there were any new
15 <plans>, he would call us for the session.

16 [15.46.44]

17 Q. You also described receiving what you stated was on-the-job
18 training regarding interrogation; what did you mean by -- that
19 you received on-the-job training regarding interrogation?

20 A. Regarding the study, for example, today there was an
21 interrogation study; I would be called to observe <and I would be
22 off work for that session>. <For instance, if I went to work at 6
23 o'clock until 10 pm, I would take that time off from work to
24 attend the study session.>

25 Q. Do I understand correctly that you would attend interrogation

1 sessions that were being conducted by other interrogators and you
2 were supposed to observe what the other interrogator was doing;
3 is that correct?

4 A. Yes, there were such sessions. I brought in the prisoners for
5 others to interrogate and then I sat down and observed the
6 techniques that they used to interrogate the prisoners. I
7 observed how they questioned the prisoners, so this was what I
8 observed.

9 [15.48.32]

10 Q. And do you recall the name of any individual, in particular,
11 that you learned this method from?

12 A. Initially, I learned from Kak, who was my team supervisor, and
13 then from Norn, <then from Nan>.

14 Q. And can you tell the Court, what were some of the main
15 subjects that you were trained to ask about during interrogations
16 or to find out about?

17 A. They simply required us to sit down and observe how they used
18 the questions to extract <confessions> from the prisoners. They
19 did not teach us; they simply required us to <bring in the
20 prisoners and> sit down and observe, and we <watched> how they
21 <put> questions to the prisoners.

22 Q. And from these observations, did you observe that you were
23 supposed to ask about certain subject areas when you were
24 interrogating prisoners and if so, what are they?

25 A. For the observations of how questions were put to the

1 prisoners, I learned and followed these steps, so when the
2 prisoners were handed to me to interrogate, I followed the steps
3 that I had learned from my observation.

4 [15.50.50]

5 Q. Did you ever observe that you were supposed to interrogate
6 regarding strings and networks of traitors?

7 A. When I was in the interrogation unit, there were confessions
8 from prisoners which linked to other people or networks <of
9 traitors>. Yes, there were such cases happened.

10 Q. Mr. Witness, I'd like to read to you from something you said
11 to the Office of the Co-Prosecutors. This is E3/9059; ERN in
12 Khmer and English is 00180994; there's no French.

13 And this is what you said, Mr. Witness - quote: "We interrogated
14 because we wanted to find the string or the network of the
15 traitors."

16 Does that refresh your memory that part of the reason that you
17 were interrogating was to discover strings or networks of
18 traitors?

19 A. Yes, that is correct. We were assigned to interrogate because
20 they want to find out the strings or network <of traitors>, so we
21 were instructed to interrogate to find out the strings or network
22 related to the prisoners.

23 [15.52.39]

24 Q. Were you ever trained to interrogate regarding connections to
25 CIA, KGB, or Vietnamese?

1 A. Yes, it was the instruction that directed to the interrogators
2 trying to discover the connections of the prisoners and their
3 network to <the> CIA, <Vietnam's Labour Party,> <the> KGB;
4 especially the <Vietnam's Labour Party,> <the> CIA and KGB
5 <networks>.

6 Q. By the time an individual was brought to be interrogated, was
7 it your understanding that someone had already determined that
8 this individual was an enemy of some sort or was it still
9 possible that they would be found innocent?

10 A. Some of the prisoners refused to answer or gave answers
11 without reflecting any truth, so there were such cases happened.
12 Some of the prisoners, when interrogated, gave their confessions
13 and we concluded that prisoners were really <traitors>, but there
14 <were> also some prisoners who gave answers without any truthful
15 reflection <because they were in pain because of the torture>.
16 [15.54.52]

17 Q. I'd like to read to you something you said when you testified
18 in Case 001. This is E3/7467 at 15.05.52 and I quote:

19 Question: "Did you know who actually determined if a person is an
20 enemy?"

21 And you answer: "Regarding this role, I did not know who would
22 make such a decision, but we were taught that whoever was
23 arrested and brought to that location, they were the enemy; they
24 were either the CIA, KGB, or Vietnamese spies."

25 Mr. Witness, does that refresh your recollection that you were

1 told that once an individual was brought to S-21, they were
2 inherently an enemy?

3 A. Yes, that is correct. We received such <instructions> that
4 anyone brought into S-21 were considered as traitor of the
5 nation. That was the clear instruction from the upper echelon.
6 [15.56.09]

7 Q. And were you also instructed that they inherently had a
8 network of some sort?

9 A. Because the instruction given to us was like that, that the
10 people who were brought into the prison were <enemies> or spies
11 of the regime, <including the CIA, KGB, or Vietnam's Labour
12 Party,> we considered those who were brought in as such.

13 Q. Was it, therefore, your understanding that your job as an
14 interrogator was to obtain a confession of this enemy activity
15 that someone else had already determined took place?

16 A. Yes, that is true. We were instructed to interrogate until we
17 obtained the confession <that they were traitors of the nation,>
18 because those who were brought into the prison were <considered>
19 enemy.

20 Q. Did you know what the Khmer Rouge policy was regarding
21 enemies?

22 A. It was their policy -- it was their policy that enemy needed
23 to be smashed. Every enemy needed to be smashed.

24 [15.58.17]

25 Q. And what would happen if an individual you were interrogating

1 would not confess?

2 A. For those prisoners who refused to confess, those prisoners
3 would be tortured.

4 MR. BOYLE:

5 Mr. President, I see that it's 4 o'clock. This might be an
6 appropriate time for a break.

7 MR. PRESIDENT:

8 Thank you. It is now convenient time for the adjournment. The
9 Chamber will resume its hearing tomorrow on Tuesday, 26 April
10 2016 from 9 o'clock.

11 The testimony tomorrow -- the <Chamber> will continue to hear the
12 testimony of this witness and we will have a reserve witness --
13 that is, 2-TCW-931, so parties, please be informed about this.

14 Thank you, Mr. Witness. The hearing of your testimony as a
15 witness has not yet concluded. You are, therefore, invited to
16 come back tomorrow at 9.00.

17 Court officer, in collaboration with WESU, please make
18 arrangement for accommodation for this witness.

19 Security personnel are instructed to bring Khieu Samphan and Nuon
20 Chea back to the detention facility and have them returned to the
21 courtroom tomorrow morning before 9.00.

22 The Court is now adjourned.

23 (Court adjourns at 1600H)

24

25