



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS  
PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

20 April 2016  
Trial Day 400

<b>ឯកសារដើម</b>
<b>ORIGINAL/ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ (Date): 15-Jun-2016, 14:19
CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
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YA Sokhan  
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I N D E X

Mr. NHEM En (2-TCW-919)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. NHEM En (2-TCW-919)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SAM Sokong	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 continues to hear testimony of witness Nhem En

6 and begins hearing testimony of another witness -- that is,

7 2-TCW-868. We also have a reserve witness -- that is, 2-TCW-919.

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

9 individuals to today's proceedings.

10 [09.02.04]

11 THE GREFFIER:

12 Mr. President, all parties to this case are present.

13 And Mr. Nuon Chea is present in the holding cell downstairs. He

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

15 has been delivered to the greffier.

16 The witness who is to conclude his testimony today -- that is,

17 Mr. Nhem En, is present in the courtroom.

18 We also have a reserve witness today -- that is, 2-TCW-865 (sic).

19 The witness confirms that, to his best knowledge, he has no

20 relationship, by blood or by law, to any of the two accused --

21 that is, Nuon Chea and Khieu Samphan, or any of the civil parties

22 admitted in this case. The witness took an oath before the Iron

23 Club Statue, and the witness has Mr. Mam Rithea as the duty

24 counsel.

25 [09.03.16]

1 MR. PRESIDENT:

2 Thank you.

3 The Chamber is informed that you, Mr. Nhem En, need to visit the  
4 bathroom rather frequently. If that is the case, please signal to  
5 the Bench, and you may leave the courtroom to go to the bathroom.  
6 We also received a book authored by the witness from WESU, and  
7 Mr. Son Arun (sic), the Court officer, please distribute <copies>  
8 of the books to the relevant parties as well as to the Judges of  
9 the Bench so that everyone can review the contents of the book,  
10 and we will make a decision on it later on.

11 (Short pause)

12 [09.05.00]

13 MR. PRESIDENT:

14 The Chamber now rules on the request by Nuon Chea.

15 The Chamber has received a waiver from Nuon Chea, dated 20 April  
16 2016, which states that due to his health, headache, <and> back  
17 pain, he cannot sit or concentrate for long. And in order to  
18 effectively participate in future hearings, he requests to waive  
19 his rights to be present at the 20 April 2016 hearing.

20 Having seen the medical report of Nuon Chea by the duty doctor  
21 for the Accused at ECCC, dated 20 April 2016, which notes that  
22 Nuon Chea has chronic back pain and cannot sit for long and  
23 recommends that the Chamber shall grant him his request so that  
24 he can follow the proceedings remotely from the holding cell  
25 downstairs.

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

5 [09.06.17]

6 The Chamber instructs the AV Unit personnel to link the  
7 proceedings to the room downstairs so that Nuon Chea can follow.  
8 This applies for the whole day.

9 The Chamber now gives the floor to the defence team for Nuon Chea  
10 to continue putting further questions to the witness, and the  
11 remaining allotted time for the two defence teams is one session  
12 only this morning.

13 You may proceed, counsel.

14 And the defence teams, could you please inform the Court how you  
15 manage your allotted time? In principle, the defence team for  
16 Khieu Samphan uses less time than the defence team for Nuon Chea,  
17 so please tell us how you arranged your remaining time. And the  
18 Khieu Samphan defence can use their time last, if they wish to do  
19 so.

20 [09.07.35]

21 MR. KOPPE:

22 Thank you, Mr. President. I'm not quite sure if it is correct  
23 that we only have one session left because yesterday, I started  
24 at 3.16, giving us 44 minutes and not the entire session after  
25 the break, so I believe we do not only have this first session,

4

1 but also the remainder of the fourth session yesterday, so I  
2 would suggest that we finish this first session and then have  
3 another 30 minutes after the first break.

4 MR. PRESIDENT:

5 You may discuss among yourself so that the defence team for Khieu  
6 Samphan may also have time to question the witness, and I do not  
7 know whether the Khieu Samphan defence would like to use -- would  
8 like to question the witness last.

9 We may grant minimal additional time to you if they wish to  
10 question the witness last. Please inform the Chamber.

11 [09.09.05]

12 MS. GUISSÉ:

13 Yes, indeed. Good morning.

14 First of all, I confirm that, indeed, we want to put questions to  
15 the witness. And I confirm that we also see that the Defence has  
16 not used up the totality of the session given to it yesterday.

17 According to the record, my colleague, Victor Koppe, started  
18 putting questions to the witness at 3.15, so he should be given a  
19 few extra minutes to complete his cross-examination. That's what  
20 I can tell you at this point, but yes, indeed, we<, the Khieu  
21 Samphan team, would like also to put questions to the witness  
22 <last,> as usual.

23 MR. PRESIDENT:

24 Judge Lavergne, you have the floor.

25 JUDGE LAVERGNE:

5

1 Yes, unless I'm mistaken, this witness <is> scheduled <to be  
2 heard> for one full day, which means that the defence teams are  
3 given two sessions. What I don't understand is: how are you  
4 sharing your time between both of your teams? When will <Counsel  
5 Koppe's> team stop and when <will> you <> begin?

6 [09.10.30]

7 MS. GUISSÉ:

8 As far as we have calculated it, we agreed that we will be given  
9 between 40 to 45 minutes in the Khieu Samphan defence team, which  
10 means that my colleague can use the rest of the time. But aside  
11 from this issue of the breakdown <of time>, I was speaking about  
12 the issue of the first -- of the session yesterday, which was not  
13 complete because my colleague, Koppe, started at 3.15, not at  
14 3.00 as normal. That's what I wanted to add.

15 JUDGE LAVERGNE:

16 In any case, I think two sessions will be given to you, so it's  
17 up to you to share the time.

18 [09.11.14]

19 QUESTIONING BY MR. KOPPE RESUMES:

20 Well, we have wasted 10 precious minutes already, so I will start  
21 soon.

22 Q. Good morning, Mr. Witness. Let me skip a few subjects, and let  
23 me go straight to the important matters.

24 Yesterday, you said that you arrived at S-21. There was some  
25 confusion about when, exactly.



6

1 Let me confront you with what the head of the photography unit,  
2 Kim Sreang, said in his WRI -- that is, E3/7618; English, ERN  
3 00164441; Khmer, 00164438; and French, 00164441. He said the  
4 following:

5 "The photography team later got four additional people, including  
6 Nhem En. Nhem En came to work with Kim, with me, around mid-1978,  
7 about six months before Phnom Penh fell. Before that, Nhem En was  
8 in a children's team living with Duch."

9 Another witness, another person that worked in S-21, said -- Suos  
10 Thy, has said that he never even heard of your name, and Duch, in  
11 his testimony before the Trial Chamber, E3/7468, his testimony of  
12 the 4th of August, said that you were the son of an S-21 staff  
13 member and you were never allowed to take photographs outside.  
14 Now, there seems to be confusion from members of the S-21 staff  
15 about when you came and what your role was. Could you please  
16 react to what I just read to you?

17 [09.13.36]

18 MR. NHEM EN:

19 A. Good morning, counsel. Good morning, Mr. President. Allow me  
20 to clarify the matter with Sreang.

21 I came to work at Tuol Sleng prison in late July 1976. As for  
22 Suos Thy, I knew him very well, and he worked in the  
23 administrative part -- that is, <maintaining> the lists of the  
24 <deceased or> incoming and outgoing prisoners.

25 I -- as a photographer, I went to the six zones throughout the

7

1 country, and sometimes Angkar invited <their people, sometimes  
2 Angkar invited> me to go on those photography missions. <> So I  
3 knew all the staff, <including Suos Thy, Ta Meng, To Huy,>  
4 working at Tuol Sleng prison <very well>.

5 [09.14.40]

6 As for Duch, who denied knowing me, that <is his> right because  
7 during the Democratic Kampuchea regime, it was not only Duch who  
8 worked, but everybody worked. And <I was 18, 19 years old then,>  
9 I was mature enough to know what's right and wrong. I knew all  
10 the staff, in particular Suos Thy, who <maintained> the list of  
11 the <deceased or> incoming and outgoing prisoners during the DK  
12 period.

13 Q. So summarizing quickly, the suggestion of these witnesses  
14 implied in their statements that you had a minimum role in the  
15 photography unit is incorrect.

16 A. In relation to the work, there were six photographers, and we  
17 were assigned <to different> photography sessions. Even at Tuol  
18 Sleng, sometimes we were assigned to take photos during the  
19 daytime, while others <were> assigned to take photos during the  
20 nighttime. And sometimes we <worked together>. <For instance, in  
21 1977, many prisoners were brought in. It was the year with the  
22 highest numbers of prisoners brought in.>

23 My main task was to take <photos> and to draw <maps>. I started  
24 drawing <maps> at the end point of the Northeast Zone <to the  
25 Southwest Zone, including Tay Ninh, Saigon, Long Xugen,> An Giang

1 <>. So these were parts of my main task during the regime.

2 [09.16.18]

3 Q. Thank you. And sorry for interrupting, but I only have a  
4 limited time, so I would appreciate it, Mr. Witness, if you give  
5 short answers to my question.

6 Now, before I move to the whole procedure of taking photographs  
7 of incoming prisoners, let me ask you a few questions about Prey  
8 Sar.

9 In your statement and also in your other interviews with  
10 journalists, you said that you used to go to Prey Sar and that  
11 you also used to take photos at Prey Sar location. Is that  
12 correct?

13 A. Yes, that is correct. The task was to take <photos> at Prey  
14 Sar -- that is, for the purpose of biography process making.  
15 Those at Prey Sar were the second category.

16 [09.17.24]

17 MR. PRESIDENT:

18 Mr. Nhem En, please listen to the question carefully and respond  
19 precisely to the question and do not deviate from the point. If  
20 you used to go and take photography at Prey Sar, just say so, and  
21 that's it. And if you are asked about other tasks or other  
22 matters, then you can respond appropriately.

23 You need to respond only to the point that is put to you. That is  
24 the strategy employed by various parties of the Court.

25 Do you understand this reminder?

1 MR. NHEM EN:

2 A. Yes, counsel. I went to take photography at Prey Sar, and it  
3 was a weekly trip. <I rode a bicycle there.>

4 [09.18.15]

5 BY MR. KOPPE:

6 Q. Prisoners who were sent to Prey Sar, were their photos taken  
7 in Phnom Penh or were they taken at location in Prey Sar?

8 MR. NHEM EN:

9 A. Those people were not prisoners, but they were considered the  
10 second type of categories. And if they could not be refashioned  
11 at Prey Sar, then they would be arrested and imprisoned <and  
12 killed> at Tuol Sleng. <> Prey Sar <was not a prison, it was a  
13 location for transplanting> rice <>.

14 Q. Let me read a quote to you from Nim Kim Sreang to speed up  
15 things, and then I will ask you whether you agree with him, yes  
16 or no. In his statement, E3/7639; Khmer, ERN 00162713; English,  
17 00162736; and French, 00338079; Sreang says the following -- and  
18 I quote:

19 "The majority of the prisoners who had been photographed were  
20 sent to farm rice in Prey Sar, but aside from that, I don't know.  
21 Those prisoners sent to farm rice were mostly minor people. I  
22 went along and photographed that; I saw that they farmed rice.  
23 "The reason I know is because I made some damaged photos, and  
24 then had to extract those names and then followed up and  
25 photographed them at Prey Sar." End of quote.

10

1 Do you agree with this statement of Nim Kim Sreang?

2 [09.20.33]

3 A. Part of your statement you read out is correct. His name is  
4 Kim Sreang, not Kim Sreng (phonetic).

5 From my point of view, that is correct. And in the unit, there  
6 <was> one person named Huy, but he's a different Huy. <One Huy  
7 was a security guard and another Huy was> a worker at the <rice  
8 field>. <But that Huy was also killed.>

9 Prisoners were mostly brought in from factories and they were not  
10 actually enemies, but they were those who made mistakes <like  
11 breaking tools at the factories or they were tricked by the  
12 enemies,> and the photography was <done> <mostly there>. And not  
13 many of them, <who were children,> were photographed at Tuol  
14 Sleng.

15 Q. Do you know how many were photographed in Phnom Penh and how  
16 many weren't?

17 A. I'm speaking the truth at this tribunal. As for taking  
18 <photos>, prisoners were brought in from six or seven zones  
19 throughout the country for that reason. Not every prisoner was  
20 photographed since we could not take photo of them all, and they  
21 were <mostly> taken and killed before the photographs were taken.  
22 Only a small number of prisoners <maybe 10,000 or 20,000 of them  
23 had> their photograph <taken>, and that is the truth. <I'm under  
24 oath so I wouldn't lie.>

25 [09.22.12]

11

1 Q. Well, let me read another quote, the second quote from Kim  
2 Sreang, about this situation of people who were sent to Prey Sar,  
3 whether they were photographed, yes or no. He says in that same  
4 WRI -- E3/7639 -- at Khmer, ERN 00162710; English, 00162733 to  
5 34; and French, 00338076 -- he says -- and he describes an  
6 incident -- and I quote:

7 "One day when I was developing, photos were damaged and when I  
8 requested to retake the photos, I could only find two of them and  
9 I asked Duch, 'Brother, the prisoners brought in yesterday, where  
10 have they all gone?' He said they had all gone to the rice  
11 fields, to go photograph them at the rice fields." End of quote.  
12 He seems to suggest that, also, the people who were brought in at  
13 the reception centre were photographed and then subsequently sent  
14 to Prey Sar. Is that correct?

15 [09.23.52]

16 A. That is the truth; prisoners who were photographed at Tuol  
17 Sleng, after the photo was taken, and since they were not  
18 important prisoners, <they were not taken to Prey Sar,> they were  
19 taken away and executed.

20 Previously, they would be executed in the surrounding areas  
21 around Tuol Sleng, but later on, the area was full, so they were  
22 taken away and killed elsewhere. <After they were photographed,  
23 99.5 percent, 100 percent of them were killed.> And usually, <>  
24 the <photos were> in good shape, like 99.5 per cent of them  
25 <were> in good shape.

12

1 Q. Let me turn now to that topic of you taking photos, as you  
2 said today and yesterday.

3 I just had a quick glance through your book, and I went to the  
4 pages where you describe the whole process of taking photos. And  
5 in that book, and I don't believe anywhere else, you refer to the  
6 darkroom because, obviously, in those years, you will agree with  
7 me, there was no such thing as digital photography. Every photo  
8 that was taken at one point in time had to be developed in a  
9 darkroom, in a special darkroom using special kind of chemicals.

10 That is the case?

11 [09.25.45]

12 JUDGE FENZ:

13 Will you just wait a second, counsel? Just because you're using  
14 the book now, I think we should make the decision to admit it.  
15 Have other parties had -- I've scanned it, and I agree it's  
16 relevant. Prima facie, it's relevant.

17 Have other parties had the opportunity just enough to give a  
18 comment on admission?

19 MR. LYSAK:

20 Yes, Judge Fenz, and we have no objection to admission.

21 JUDGE FENZ:

22 Any comment from the Co-Lead Lawyers?

23 [09.26.27]

24 MS. GUIRAUD:

25 We haven't had the time to look at the book, to be frank with

1 you.

2 MS. GUISSÉ:

3 Apparently, this resembles prior statements from the witness, so  
4 we have no problems with that.

5 (Judges deliberate)

6 [09.27.17]

7 MR. PRESIDENT:

8 Due to the urgency of questioning the witness, based on the  
9 request and from the prima facie view and since no parties object  
10 to this request, the Chamber decides to admit the book authored  
11 by Nhem En into the case file, and that is pursuant to Internal  
12 Rule 87.4. And a reasoned decision will be issued in due course.  
13 For that reason, this book can be used by Counsel Koppe and other  
14 parties during the questioning time to this witness.

15 You may continue, counsel.

16 [09.28.12]

17 BY MR. KOPPE:

18 Thank you, Mr. President.

19 Q. So I was describing to you the way photos were developed in  
20 those years.

21 You took a training course in developing photography, you  
22 testified. Can you explain to me where, exactly, it was that  
23 photos from this little roll from the camera were taken out of  
24 the camera and then, together with chemicals in a darkroom, were  
25 being developed?



14

1 Where, exactly, did that happen?

2 MR. NHEM EN:

3 A. I can recall that house very clearly. It is about 200 metres  
4 from Tuol Sleng and, actually, I asked the occupant of the house  
5 about <what was left> in that house. And I was told that when  
6 they occupied the house, the films and the negatives were knee  
7 <high>, but they disposed <of> them all.

8 <So regarding cleaning the darkroom, I have evidence in both my  
9 workplace and in the place where I kept my work.> At that time, I  
10 had <about 500> cameras, <including 16, 18, 35 mm --> and you may  
11 even see some of the <photos of the> cameras <>. Also, inside,  
12 there are photos of cameras that I used.

13 [09.29.53]

14 MR. PRESIDENT:

15 You may refer to those photos, witness.

16 BY MR. KOPPE:

17 Q. While you go through your papers, Mr. Witness, let me continue  
18 my questioning.

19 You described a house 200 metres from Tuol Sleng. Which street  
20 was this house, you still seem to know, and what's the number of  
21 that house in that street?

22 MR. NHEM EN:

23 A. You can go and see the house now, but since I am in the  
24 courtroom, I can't take you. I know that house very well. It's  
25 about 50 metres away from the sewage canal. <It takes me only two

15

1 minutes to ride a bicycle there.>

2 And that is the Rolex (phonetic), <Yashica> cameras. It's German  
3 made, and there are also cameras which were Japanese made. I  
4 still have in my possession these cameras. <I buried about 500 of  
5 them.> Some of them were sent to Australia, but I still have a  
6 number of cameras.

7 I have all these photos to prove my work <using those cameras  
8 -->.

9 [09.31.25]

10 MR. PRESIDENT:

11 Witness, please respond to the question. You have answered quite  
12 at length, but not to the point.

13 The question is to the location of the house where you developed  
14 the films and the negatives, which house number and which street.

15 If you know it, can you do that?

16 Maybe the house number changed from the previous regime, but if  
17 you know the previous number or the current number, please tell  
18 us because the road and the house numbering systems have changed.  
19 Even the national administration at the moment cannot administer  
20 all the houses and streets throughout the country and, of course,  
21 you were a former deputy governor of a district. You should know  
22 about this issue.

23 [09.32.30]

24 But please restrain yourself and limit yourself to the point in  
25 the question. As we use a legal term, answer to the point in the

16

1 legal proceedings and do not deviate from that point. And if the  
2 parties want to know other points, they will put those points to  
3 you.

4 And witness, do you recall the last question that put to you --  
5 that is, the house number and the street number of that house?

6 MR. NHEM EN:

7 A. Counsel, regarding the workplace, I cannot recall <> what it  
8 is numbered now, but I know the house, although I cannot recall  
9 the street name or the street number or the house number.

10 [09.33.25]

11 BY MR. KOPPE:

12 Q. Is it Street 360 or Street 350?

13 MR. NHEM EN:

14 A. My apology, counsel. I do not know the street number. But I  
15 can recall the location of that house. I cannot forget it.

16 Q. And in this house that you said you and the others developed  
17 the photos in a darkroom, were all the negatives subsequently  
18 kept in that house, not only the negatives that you were working  
19 in, but all the negatives of the photos that had been made --  
20 sorry, that had been made at S-21?

21 Is that the house where the photography unit kept all the  
22 negatives?

23 [09.34.26]

24 A. Counsel, in relation to negatives, there were six  
25 photographers, and individual <photographers> would develop --

17

1 would photograph and develop the films. And they were the ones  
2 who kept the negatives. <Since there were six of us, there were  
3 six respective rooms to keep the negatives as well.>  
4 So usually, respective photographers would keep the film rolls  
5 and negatives.

6 Q. So are you saying now that the negatives were not kept in that  
7 same house where the photographers developed their films?

8 A. That is true.

9 MR. KOPPE:

10 Just to be sure, Mr. President, I would like to show the witness  
11 again a still from the East German documentary, "<Die> Angkar".

12 It's from E3/3085R.

13 We were -- we have sent stills yesterday to the Senior Legal  
14 Officer. It is this still showing negatives. And I would like to  
15 show this photo to the witness and ask him whether he recognizes  
16 these negatives of the photo.

17 Not the actual people on the photo, obviously, but the negatives  
18 as such.

19 [09.36.08]

20 MR. PRESIDENT:

21 Your request is granted.

22 Court officer, please pick up the document from counsel and hand  
23 it over to the witness to examine.

24 (Short pause)

25 [09.36.48]

18

1 BY MR. KOPPE:

2 Q. Are these similar like the negatives that you had in your  
3 hands back in the time you worked at S-21?

4 MR. NHEM EN:

5 A. Mr. President and counsel, that is true. <These are> the  
6 negatives of film from a type of camera which could only shoot 12  
7 photos. <There was a type of camera that could take 36 photos as  
8 well, but the 12-photo cameras were preferable because> that type  
9 of camera was of good quality. So that camera was used at Tuol  
10 Sleng.

11 [09.37.30]

12 Q. Now let me move a bit in time, Mr. Witness.

13 Is it correct that you and Duch were one of the very last persons  
14 to leave S-21 and to escape S-21 on the 7th of January 1979 when  
15 the Vietnamese troops were arriving?

16 A. That is true, counsel. Vietnam entered Phnom Penh, and Phnom  
17 Penh was liberated at noon time, 12 p.m., on 7 January 1979. And  
18 at 3 <p.m.>, I left Tuol Sleng and I went <past the> Chinese  
19 Embassy to Chamkar Doung, <Baek Chan>.

20 Q. And did you see, indeed, Duch leaving together with you and  
21 maybe also other staff members of S-21?

22 A. That is true, counsel. On the 7 January 1979, I went past the  
23 Chinese Embassy <on> the road to Tuol Tumpung, and I was with  
24 Khmer Rouge troops at the time. But we <split up> at Baek Chan.

25 [09.39.02]

1 Q. Now, you said yourself that you left and escaped with nothing  
2 in your hands; is that correct?

3 A. Mr. Counsel, before I left Phnom Penh, I hid a lot of <things,  
4 but> I did not have any belongings <when I left S-21 on the 7  
5 January>, but I had a <platinum> pen and a watch, together with  
6 <an R-15> rifle. <I went with Ta Duch, we were separated at  
7 Amleang, Trapeang Chour.>

8 Q. Before I come to my questions in this respect, that begs, of  
9 course, the question how it's possible that you still have those  
10 cameras that you just showed to the Court.

11 If you didn't take anything with you, how did you subsequently  
12 get possession of those cameras which you said were used at S-21?

13 A. Mr. President and counsel, before I left Phnom Penh, I buried  
14 those -- the stuff in the ground. And when I returned, I could  
15 only find the stuff from one location, but there were two places  
16 that I buried the stuff in that ground. <So I have kept a lot of  
17 things including documents. However, I took only one> book <from>  
18 when I <went> to study <in China>. <I did not take anything else  
19 with me there because it was too heavy.>

20 [09.40.55]

21 Q. Now, just to be sure, you didn't see Duch or any other staff  
22 member carrying with them files from S-21, photographs from S-21  
23 or the negatives from S-21. Is that correct?

24 A. Counsel, no one could get anything at the time. <They> could  
25 <only take> with them <10 or 20> rifles or weapons while they

20

1 were leaving <on the 7 January>, and we <only> had <the clothes  
2 on our backs>.

3 Q. Now, Mr. Witness, I'm coming to my most important question to  
4 you, is -- and it's the following. Are you in a position to  
5 explain why it is that, back in '79, presumably, but especially  
6 now and also in the years before, only around 5,000 negatives  
7 were found, 5,000 negatives, 5,000 photos in negative were found?  
8 Maybe now a little bit more, but roughly that number.

9 Do you have any idea if, indeed, it is correct what the  
10 Prosecution is arguing about the Trial Chamber has decided, there  
11 were 12,000 or 15,000 prisoners, where are those other 7,000 or  
12 10,000 negatives?

13 Are you in a position at all to be able to explain that?

14 [09.43.08]

15 A. What you said is true. During the time that we took -- we shot  
16 the photographs at Tuol Sleng, the negatives of films were kept  
17 by respective photographs. Perhaps some of the films and negative  
18 may have been taken by Duch or <Duch< may have asked <for them  
19 to> be kept. And some leaders at the zone or district committees  
20 asked to have the -- those films and negatives kept by  
21 themselves.

22 Q. But is it correct that you are now speculating that you don't  
23 really know where those negatives are, if they exist -- if they  
24 have existed at all?

25 A. There are existing negatives, but the storage of those

21

1 negatives <during that time, like I said, even> at <the work>  
2 places <> -- after the 7th January 1979, I went back to the house  
3 where I worked and I asked the owner of the house, and they said  
4 that they burned all those negatives and film. But I can say that  
5 there were a lot of negatives and films rolls, <maybe 5,000 or  
6 10,000 of them>.

7 [09.44.34]

8 MR. PRESIDENT:

9 Counsel, you are running out of time, and first -- and now the  
10 floor is given to other parties and you will be granted some  
11 additional time at the end of the testimony of this witness.

12 BY MR. KOPPE:

13 Mr. President, allow me to at least finish the subject. I have a  
14 few questions, one or two questions, on this subject.

15 Q. Mr. Witness, do you agree with Kim Sreang's statement when he  
16 says, "I estimate that more than 2 to 3,000 prisoners were  
17 photographed at S-21"? He is saying about 2 to 3,000 prisoners  
18 were photographed.

19 MR. PRESIDENT:

20 Please hold on, Mr. Witness, and please give your response  
21 shortly and slowly because there is interpretation into other  
22 languages.

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

24 [09.45.43]

25 MR. LYSAK:



1 Thank you, Mr. President.

2 Can we have an ERN reference for that because my recollection of  
3 what the witness said is quite different, that he was talking  
4 about the number of photographs he took.

5 BY MR. KOPPE:

6 It's E3/7639; English, ERN 00162740; and French and Khmer ERN is  
7 - French, 00162740; and Khmer, I will be giving you soon.

8 Q. Let me -- let me ask the question differently to avoid further  
9 objection.

10 Is it correct that Sreang -- or that the photography unit,  
11 rather, took about 2 to 3,000 photos?

12 [09.47.18]

13 MR. NHEM EN:

14 A. Mr. President, counsel, that is not true. If I do the  
15 calculation in 1977, a lot of photos were taken. And they started  
16 the number with number 1 up to 500 or 600, so that can be counted  
17 how many prisoners per day entered S-21.

18 The <six photographers> did not have even time to eat. It was a  
19 hard labour for us, taking photos at the time. <It was almost 24  
20 hours of work per day.> In 1977, <ten thousand> people entered  
21 S-21, <less photographs were taken, but many were executed. It  
22 was not only 3,000 or 4,000.> And negatives or film rolls were <>  
23 in piles up to our <knees>.

24 Q. Since I don't have any more time, let me ask you the final  
25 question, then, Mr. Witness. It's very unfortunate that I'm cut

1 short.

2 But 5,000 negatives, 5,000 biographical records, 5,000 photos,  
3 about 4,000 confessions in the new OCIJ list, a number of 5,000  
4 executions. In a very important Chinese document, reference is  
5 made to 5,000 victims.

6 Is it possible, in your experience or in your memory, that only  
7 5,000 -- around 5,000 people were detained at S-21, and possibly  
8 subsequently executed?

9 [09.49.25]

10 MR. PRESIDENT:

11 Please hold on.

12 You have the floor first, International Deputy Co-Prosecutor.

13 MR. LYSAK:

14 Thank you, Mr. President. And I don't have any objection to  
15 counsel having a few additional minutes to do this properly, but  
16 if he's going to try to lead the witness with references to other  
17 evidence that he believes exists, he should cite that so we can  
18 all check it.

19 And -- I don't know, for example, where he gets the figure of the  
20 total number of confessions that were recovered at S-21 and these  
21 other references, so I think he's trying to lead the witness  
22 here. And unless he does it properly, confronting him with  
23 evidence, I would object.

24 [09.50.10]

25 MR. KOPPE:

1 I cannot believe, Mr. President, that Prosecution still doesn't  
2 know what Chandler says on the amount of confessions that were  
3 found, 4,166 --

4 JUDGE FENZ:

5 Counsel, you know how it is.

6 MR. KOPPE:

7 No, I -- yes, I know how it is.

8 JUDGE FENZ:

9 Reference.

10 BY MR. KOPPE:

11 But you cut my time short. That's why I summarized the evidence.

12 You want me now to give all the ERNs of evidence that you have  
13 been dealing with for the last eight years?

14 Q. Mr. Witness, is it correct what I just said?

15 [09.50.44]

16 MR. PRESIDENT:

17 Please provide everyone with the ERN numbers or identity of the  
18 documents that you quoted, including the document from China that  
19 this witness had.

20 Please provide the ERN numbers in three languages, if possible  
21 and, if not, in one language.

22 MR. KOPPE:

23 Fine. As I said, the quote about 4,166 confessions, I believe, is  
24 directly from Chandler, his book that you have quoted extensively  
25 in your judgment.

1 The 5,000 from the Chinese document is the Geng Biao report that  
2 was extensively discussed with expert Becker. The 5,000  
3 negatives, that number you can find literally everywhere in the  
4 case file.

5 I don't have the ERNs--

6 JUDGE FENZ:

7 Counsel, with all due respect--

8 [09.51.44]

9 MR. KOPPE:

10 --right now --

11 JUDGE FENZ:

12 --I mean, you know what ERNs are and how it is quoted.

13 MR. KOPPE:

14 I withdraw the question.

15 MR. PRESIDENT:

16 Now the floor is given to the International Deputy Co-Prosecutors  
17 to put question to the witness.

18 Court officers, please move the microphone eastward.

19 [09.52.20]

20 QUESTIONING BY MR. LYSAK:

21 Thank you, Mr. President.

22 Q. Good morning, Mr. Witness. My name is Dale Lysak. I'll be  
23 asking you some questions this morning, and possibly for a little  
24 bit this afternoon.

25 I want to go back first to some questions about your personal

1 background. You've stated in your interviews that you joined the  
2 revolution when you were about 11 years old.

3 How old were you when the Khmer Rouge provided you -- first  
4 provided you with a gun?

5 MR. NHEM EN:

6 A. Thank you, Mr. International Co-Prosecutor, Mr. President.

7 Well, after Lon Nol deposed the King from the throne, I joined  
8 the revolution in 1971 on 24 July 1971. My -- five of my siblings  
9 joined the revolution and, at the time, <the type of gun> I  
10 carried <was> a Mariette (phonetic).

11 [09.53.48]

12 MR. PRESIDENT:

13 Mr. Witness, please, I remind you again to respond to the limit  
14 of the question. <Otherwise, it is not useful and it is  
15 time-consuming> and then you will be inundated with the  
16 questions. And you will be pressed with the questions based on  
17 the strategy and procedures in this Court, and you will, at the  
18 end, be impacted by the questions. And please, once again, I  
19 remind you to respond to the question to the limit of it.

20 BY MR. LYSAK:

21 Q. You referenced a gun called a Mariette (phonetic). Can you  
22 describe for us what that gun is and can you also tell us, were  
23 you part of a children's unit when you joined the revolution, and  
24 did all the children in your revolution -- in your unit have  
25 guns?

1 MR. NHEM EN:

2 A. Mr. Lawyer, in relation to this -- the revolution that I  
3 joined, I had Mariette (phonetic). That gun was perhaps from  
4 Germany or <Romania or Cuba>. <I joined the revolution with my  
5 older siblings.>

6 At the time, I got the gun from <Viet Cong,> the North Vietnamese  
7 troops, they came through Hou Youn and Hu Nim, and they came to  
8 my house at the time.

9 [09.55.44]

10 Q. And my other question was -- and we're talking here about the  
11 period after you joined the revolution before the war ended on 17  
12 April 1975.

13 Were you part of a children's unit at any time, and did the other  
14 children also have weapons?

15 A. Mr. Co-Prosecutor, yes. There were children in the United  
16 Front of Kampuchea. <Thompson>, Mariette (phonetic), carbine  
17 rifles were provided to perhaps 30 <or 40> of them. And those  
18 guns or rifles were sent from <Krayea Dang Kda (phonetic),>  
19 Kampong Thom.

20 Q. And last question on this subject: what were the ages of the  
21 other children in your unit?

22 A. They were not much older than me, and we were the same age, I  
23 believe. And they were stationed at Kampong Leaeng <district>,  
24 Kampong Chhnang <province> battlefield. And they would also be  
25 asked to be stationed along up to <Santuk district,> Kampong

1 <Thom>. <The battlefield was tense. Weapons and food were  
2 transported there.>

3 [09.57.22]

4 Q. Thank you.

5 Counsel for Nuon Chea has asked you some questions about your  
6 trip to China, or the time you spent in China studying. I want to  
7 try to clarify something regarding what you did when you first  
8 returned from China in June 1976.

9 And in your more recent OCIJ interview, this is E3/9532, answer  
10 number 6, you stated -- I quote:

11 "Upon my return from China, I returned back to work at Office  
12 870, and then they assigned me to work as a photographer for the  
13 Tuol Sleng office and around the country." End of quote.

14 And I also want to read to you -- refresh you about your original  
15 OCIJ interview from 2007. This is document E3/68; English, ERN  
16 00401819; Khmer, 00162837 through 838; French, 00195658. And you  
17 were referring here to the period after you first returned from  
18 China, and you said -- quote:

19 "After I arrived in Phnom Penh, I didn't go yet to work at S-21.  
20 I was at the Office of the Chief of General Staff moving around  
21 to take photos."

22 Question: "What did you do after you arrived in Cambodia?"

23 "I stayed at the General Staff of Phnom Penh in Monivong  
24 Hospital", which you identified as P-98.

25 [09.59.32]

1 "At that time, I started to set up a printing shop to publish  
2 newspaper and magazine."

3 Question: "Who was your chief then?"

4 Answer: "I had two chiefs: one was Ta Pang, who was a special  
5 agent of Pol Pot, and another person was named Noeun, who was  
6 close with Son Sen.

7 "What was Noeun's role?"

8 Answer: "According to Angkar, they called him City Messenger."

9 End of quote.

10 You were then asked -- two pages later -- how long you worked  
11 near the Monivong Hospital after returning from China. Your  
12 answer was: "Maybe only 3-4 months. It was the windy [season] at  
13 that time, so it was perhaps in November and December."

14 [10.00.27]

15 I ask you this: Does that refresh your memory, Mr. Witness? Was  
16 there a period after you returned from China where you worked at  
17 an office near the Monivong Hospital before going -- being  
18 transferred to S-21?

19 A. Mr. Co-Prosecutor, that is true. After my return from China,  
20 before I joined S-21, I spent much time photographing. That is  
21 true, what you said.

22 Q. And during this period, you were working at this office near  
23 the P-98 Monivong Hospital, who were you reporting to and what  
24 were your primary assignments? What were you doing?

25 A. This is also one important fact. I had several tasks. One of



1    them was to deliver messages from Monivong Hospital, which is --  
2    which was an army hospital <called P-98, but it was another  
3    prison>. I delivered those messages or letters to the Takhmau  
4    hospital. Usually I was the one who was assigned to deliver those  
5    important messages. Some of the letters or documents were signed  
6    by Pol Pot, and I delivered them to Takhmau <where many prisoners  
7    were executed >. So I <had> many other tasks, but I don't want to  
8    describe them in details.

9    [10.02.22]

10   Q. And during that period when you first returned from China, did  
11   you begin going on trips to the provinces with the Khmer Rouge  
12   leaders to take photographs, or is that something that only  
13   happened after you went to S-21?

14   A. When I worked in Tuol Sleng, I was also involved in taking  
15   photographs, <for instance at Angkor Wat,> of Uncle Pol Pot or  
16   Chinese delegations or other delegations from the Communist bloc.  
17   Usually, I would be assigned to take <photographs> of Pol Pot and  
18   Son Sen, but I rarely saw Khieu Samphan at the time.

19   So I was so busy with taking photographs of those important  
20   people, I would need more time to describe those in details. And  
21   as I said, I have documents and <about 5,000> photos to prove  
22   that I took countless photos of leaders of the regime.

23   There was only one newspaper at the time -- that is, the  
24   "Padevat" newspaper or revolution newspaper.

25   [10.03.56]

1 Q. How often did you go on trips to the provinces, to the zones  
2 to take pictures? Was it once a month, was it more often, was it  
3 less often?

4 Can you tell us how frequently you went on these trips to the  
5 zones with Khmer Rouge leaders?

6 A. Allow me to describe the event. <> My main task was at Tuol  
7 Sleng and when I was available, I would be sent to various zones.  
8 And that varied.

9 Sometime it happened once a month, sometime it happened once  
10 every two months, depending on delegations <visiting>, mainly  
11 from the Communist bloc, namely <North Korea, Romania,> China or  
12 Yugoslavia. And I have documents to prove that.

13 [10.05.07]

14 Q. Who assigned you to go take these photographs on these trips,  
15 and what were the photographs used for?

16 A. During the regime, there was a "Padevat newspaper" or  
17 revolution newspaper, and there were also magazines, <> "Flag  
18 <1", "Flag 2", "Flag 3", "Flag 5"> -- the "Youth Flag" magazines.  
19 So the photos were used for <administrative purpose regarding the  
20 public position of the Democratic Kampuchea> and some photos  
21 <might> also be sent to various embassies stationed in  
22 <Cambodia>.

23 MR. LYSAK:

24 Mr. President, with your leave, I'd like to provide to the  
25 witness at this time document E3/9295, E3/9295, which we believe

1 to be a monthly magazine from the -- during the Democratic  
2 Kampuchea regime, to see if the witness can identify it.

3 MR. PRESIDENT:

4 Yes, you may do that.

5 [10.06.44]]

6 BY MR. LYSAK:

7 Q. What I've presented you -- presented to you, Mr. Witness, is  
8 some of the pages from a monthly publication or magazine,  
9 E3/9295.

10 Can you look at this and tell us if you remember this magazine  
11 and whether this is one of the magazines in which the photos you  
12 took were used?

13 MR. NHEM EN:

14 A. I can say that 80 per cent of the photos used in the magazine  
15 were mine. This is about the rubber product meant to export to  
16 China, and it was at <Phnom Penh port and it was sent to> the  
17 Kampong Som port. And I even knew the -- where these magazines  
18 were produced. It was near the Central Market.

19 The photo in my hand is the photo of Ta Nat, <and this is> the  
20 Chinese delegation, <this is Ta Saom etc>. <This document is  
21 real.>

22 Q. And who was it that published this magazine; do you know? Was  
23 there a specific unit or office that was responsible for doing  
24 that?

25 [10.08.28]

1 A. During the regime, I can recall that it was -- it was Hu Nim  
2 who was in charge of information and propaganda. And Madam Ieng  
3 Thirith was in charge of education. And there was also another  
4 magazine in relation to education, although it was not widely  
5 distributed to various zones, so people who were in charge were  
6 <Son> Sen, Ta Nat and Hu Nim. <I was with Hu Nim> and I knew only  
7 the sections that deal with information.

8 MR. PRESIDENT:

9 Thank you, Deputy Co-Prosecutor. It is now convenient to have a  
10 short break.

11 We'll take a break now and resume at 10.30.

12 Court officer, please assist the witness during the break time  
13 and invite him back into the courtroom at 10.30.

14 The Court is now in recess.

15 (Court recesses from 1009H to 1031H)

16 MR. PRESIDENT:

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

18 Before the floor is given to the International Deputy  
19 Co-Prosecutor to resume the questioning, I order the Court  
20 officers to get back the collection of photographs from the  
21 witness.

22 And I want to remind and tell the witness that if you want to use  
23 any document or collection of photos to be the basis for your  
24 testimony, you can ask the Chamber to provide them to you.

25 Now the floor is given to the International Deputy Co-Prosecutor

1 to resume questioning. You may proceed now.

2 BY MR. LYSAK:

3 Thank you, Mr. President.

4 Q. Mr. Witness, we were talking about photographs you took on  
5 trips to the zones during the regime. Can you tell us -- you  
6 mentioned Pol Pot and Son Sen. In addition to them, which other  
7 leaders did you go with when you went on these trips to the  
8 zones?

9 [10.32.59]

10 MR. NHEM EN:

11 A. Mr. Co-Prosecutor, I went with Pol Pot, <number 1>; <number 2>  
12 Ta Mok; number 3, Ieng Sary; and number 4, Son Sen; and as well  
13 as Nuon Chea during the time of the trip when I went to take  
14 photos of visitors at various dams, <for example, the 30  
15 September Dam worksite,> Kamping Puoy reservoir, <the> Trapeang  
16 Thma Dam worksite, <the 6> January Dam worksite. There were many  
17 other locations where I went to take <photos>.

18 Q. Do you remember which locations you went to with Nuon Chea?

19 A. I went with him two times to the west and also to the  
20 northwest. And at the time, we went to examine the activities of  
21 building the dam <and digging canal> at those locations.

22 Q. What -- do you remember the specific dam worksites you visited  
23 with Nuon Chea in the northwest?

24 A. During the trip, we went to Kamping Puoy reservoir in  
25 Battambang province. There was another dam in Sector 31 close to

1 the location named Phnum Kouk (phonetic) in Kampong Chhnang.

2 [10.34.50]

3 Q. Mr. Koppe asked you yesterday if you had photographs of Ros  
4 Nhim. Do you have photographs of Nuon Chea that you took on these  
5 trips to the zones?

6 A. I did not bring them along. They are in Siem Reap province  
7 currently.

8 Q. Do you have any approximation of how many photographs of Nuon  
9 Chea you might have in your collection?

10 A. I cannot give a full description. I went to -- I went with him  
11 <to> zone committee and district committee <meetings>. <There>  
12 are more -- not less than 300 photographs, but some of them were  
13 lost.

14 Q. Were there any occasions on which Khieu Samphan was in the  
15 group of leaders that you travelled with to the provinces?

16 A. In relation to Om Khieu Samphan, I rarely saw him out there.  
17 During the big or small meetings, I rarely -- I rarely saw him,  
18 although he was the state presidium. I rarely saw him. And some  
19 of the information was <given> to him.

20 As usual, Son Sen, Nuon Chea and Pol Pot and Ieng Sary were  
21 <given a lot of> information, and I am now telling this Court,  
22 the international Court, that I rarely saw him. He rarely went  
23 out in the field, and perhaps he - perhaps <he was not trusted>.

24 [10.37.14]

25 Q. Let me refresh your recollection, Mr. Witness. In your first

1 OCIJ interview, E3/68; English, 00401820 through 821; Khmer,  
2 00162839; French, 00195659 through 660; you gave the following  
3 testimony:

4 Question: "Did you ever meet Khieu Samphan in the provinces and  
5 take photos of him?"

6 "Yes, I did. I took photos of the leaders all over Cambodia, very  
7 many."

8 I understand that you're saying he was less frequent, but do you  
9 remember any occasions, any locations that you visited where  
10 Khieu Samphan was present?

11 A. Mr. Co-Prosecutor, I recall that there was one time I saw him  
12 on a train to Kampong Som. That was the only time.

13 I rarely saw him in various <meetings> in other locations, and  
14 for the international sphere, I have no -- I had no idea whether  
15 he was involved in international affairs.

16 <Regarding the meetings in relation to Democratic Kampuchea,> I  
17 did not see him. I rarely saw him <in other important meetings>,  
18 and there was only <one> time when I saw him <at> the <assembly>  
19 meeting and also <at meetings> of the troops.

20 [10.39.13]

21 Q. Where did you see him? When was it that you saw him at  
22 meetings of the troops?

23 A. One happened at Borei Keila, and the second one was at Sector  
24 25, <S'ang, Kaoh> Thom. And the time -- at the time, the meeting  
25 was held among the people, and also the cooperatives.

1 And these were the two times I saw him, and the other time was  
2 when he was on the train.

3 And for the international affairs, I have no idea. And perhaps he  
4 was involved in the international affairs, but I rarely saw him  
5 in the local affairs.

6 [10.40.04]

7 Q. In the same interview excerpt I just read, you referred to a  
8 trip on which Khieu Samphan and Ieng Sary were with you where  
9 they went to a special meeting in Koh Thom.

10 Is that the Sector 25 meeting that you just mentioned and, if so,  
11 can you tell us, what was the -- what was that meeting about that  
12 you went to with Khieu Samphan?

13 A. In that meeting, nothing was discussed, but the subject of  
14 cooperative and progress in the country was <mentioned> and  
15 invasion by neighbouring countries was mentioned. The modern  
16 <agriculture plan> for the 10 to 15 year <period> was also  
17 mentioned.

18 That was the subject of the discussion, and <people were also  
19 informed of> the regulation. But the subject <of> treaties was  
20 not mentioned.

21 [10.41.20]

22 Q. And who was it that spoke on these subjects at this meeting?

23 A. Om Khieu Samphan addressed the meeting, but there were other  
24 leaders behind him: Chuon Piseth (phonetic), Chuon Mom  
25 (phonetic), Ieng Sary. There were many of them, but I cannot



1 recall them all.

2 I have a photo <of> Khieu Samphan addressing the crowd. Actually,  
3 I have a collection of photos and other documents with me, but I  
4 cannot bring them all here, but I can share with you all those  
5 documents and photos.

6 Q. That was going to be my next question. Am I -- do I understand  
7 correctly, then, that at home or in Siem Reap you also have a  
8 collection of photographs of Khieu Samphan?

9 A. Yes, I have Khieu Samphan photos, or photos from the period of  
10 1979 up to 1995. However, the photos of him in the period of  
11 Democratic Kampuchea <are> not many -- <there aren't many>.

12 Q. You've mentioned that one of the sites you visited was the  
13 Trapeang Thma Dam in the northwest.

14 How many times did you go to the Trapeang Thma Dam?

15 [10.43.08]

16 A. The first time <I went to the Trapeang Thma Dam> was <> the  
17 inauguration day, and the third time was the time when I went to  
18 film. Han Sung Hour (phonetic) from China came to join the  
19 <filming> group. He taught me how to film by using the 18, 16 or  
20 35 mm cameras. And it was difficult to use those kinds of cameras  
21 at the time. <It took a month or two for the film to be ready.>

22 Q. Who were the Khmer Rouge leaders who were present on your --  
23 on the occasions that you went to the Trapeang Thma Dam?

24 A. Regarding the leadership, there were Ros Nhim, the Northwest  
25 Committee, <the Sector Committee whose name I do not know,> and

1 for the District Committee, I knew Yeay Chaem. At the time, I was  
2 young; although she perhaps did not recognize me, but I could  
3 recognize her. <She is now a commune chief of Trapeang Tav  
4 commune in Anlong Veaeng.>

5 Om Nat was with me on the trip, Son Sen and other advisor  
6 experts, and Sun Hav, the <Chinese> ambassador <to> Cambodia at  
7 the time was also present at the time.

8 [10.44.36]

9 Q. I'm not sure if this was a translation issue in English. It  
10 indicated that Hu Nim was one of the leaders. Did you mean Hu  
11 Nim, or were you referring to Ros Nhim, the leader of the  
12 Northwest Zone?

13 A. Ros Nhim was the <chief> of <the> Northwest <Zone> in charge  
14 of <Sectors> 1, 2 and 5. He was in charge of the Northwest  
15 <Zone>. I saw him once or twice, and I was not close to him.

16 Q. You mentioned just now that Im Chaem was one of the leaders  
17 who was present when you visited Trapeang Thma. I want to get  
18 your reaction to a statement she made about Trapeang Thma in a  
19 DC-Cam interview.

20 This is, Your Honours, E3/5657, E3/5657; at Khmer, 00061333;  
21 English, 00089778; French, 00347361; and this is what Im Chaem  
22 said:

23 [10.46.18]

24 Question: "During the regime, while you worked at the Trapeang  
25 Thma, have you ever welcomed any delegation or those at the

1 central level who came to visit here?"

2 Answer: "They came, letting me accompany."

3 Question: "Who were those from the upper level?"

4 Answer: "Chinese and Uncle Khieu Samphan also came and visited  
5 there."

6 Question: "Did Nuon Chea or Pol Pot come?"

7 Answer: "Pol Pot visited occasionally, but Khieu Samphan did  
8 often."

9 Question: "Did Khieu Samphan himself visit the dam?"

10 Answer: "Yes, he did."

11 Question: "What was his comment?"

12 Answer: "While seeing human forces working at the dam and at the  
13 rice field, he urged us to continue to work hard." End of quote.

14 [10.47.20]

15 Does this refresh your memory, Mr. Witness, about the leaders who  
16 visited the Trapeang Thma Dam? Do you have any memory of whether  
17 Khieu Samphan was present on either of your trips to Trapeang  
18 Thma?

19 A. Regarding the issue, I told the Court already there were six  
20 photographers. Some are -- sometimes I was engaged in the  
21 activities at Tuol Sleng. Song and Nith were on trips on some  
22 occasions. I was with Son Sen and Ta Nat at Angk Trapeang Thma,  
23 or Trapeang Thma Dam. I was there three times. There was one time  
24 that I went there to film the movie, and I never went with Khieu  
25 Samphan and <Pol Pot>.

1 Q. Let me ask you, you also mentioned the 1st January Dam. Were  
2 you referring to the dam that's on the Chinit River in Kampong  
3 Thom province?

4 Is that the dam that you visited?

5 A. The -- there was a dam named the 6 January Dam. And there was  
6 another dam, <the> 30 September Dam, at Stoung in <Krayea  
7 (phonetic), Krayea-Sangkream (phonetic)>.

8 In Kampong Thom, to my recollection, to my knowledge, there were  
9 two dams. Actually, there were many dams during <that> time. And  
10 the <Angkar's> plan of to <block> the water in Stueng Chinit, I  
11 guess the dam was <the> 6 January. But perhaps the number was  
12 altered or changed <later, that I do not understand>.

13 [10.49.30]

14 Q. I'll refer to the -- this is the dam that was on the Chinit  
15 River.

16 How many times did you go there, and do you remember which Khmer  
17 Rouge leaders were with you on the trips to the dam at the Chinit  
18 River?

19 A. Back then, I went with Om Pol Pot together with the Chinese.

20 And there were the Chinese experts or technicians who were  
21 specialized in the irrigation construction, and also the  
22 electricity construction. <I went with them to film at the Chinit  
23 River.>

24 And at the time, Pol Pot was there for a brief period of time,  
25 <it was less than 30 minutes> and he went back.

1 MR. LYSAK:

2 Mr. President, with your leave, I'd like to show to the witness  
3 photographs E3/3282 and E3/3283. That's 3282 and 3283, to see if  
4 the witness can help identify these photographs, with your leave.

5 MR. PRESIDENT:

6 You can do so.

7 [10.51.18]

8 BY MR. LYSAK:

9 Q. If you could look at these two photographs, Mr. Witness, and  
10 first of all, tell us if you recognize the location and, second,  
11 whether these are photographs you took or whether they were taken  
12 by someone else.

13 MR. NHEM EN:

14 A. <These photos were> taken by me. It was at <the> 6 January Dam  
15 worksite. And I also took a photo or photos at the 30th September  
16 Dam <and Kamping Puoy reservoir>. Everyone was in black clothes  
17 at the time, and perhaps I <am confused about> some photos that I  
18 did not take.

19 But let me confirm that <I took this photo at the 6 January Dam  
20 at the Chinit River.> There are thousands of photos <of> the dam.

21 [10.52.16]

22 Q. For the record, the photograph the witness was holding up  
23 which he indicated he took was E3/3282.

24 Do you remember accompanying a female delegation from Laos and  
25 Ieng Thirith on a trip where they visited a number of sites,

1 including the January dam -- 1st January Dam?

2 A. Let me tell you, Mr. Co-Prosecutor, I would like to backtrack  
3 a little bit.

4 As I told you, there were six photographers. Sometime I was not  
5 <present >. <For some photos, for instance, on the news, or> in  
6 some books in the world <about Democratic Kampuchea,> they do not  
7 <present the photos> correctly. <For instance, some> names are  
8 not <mentioned correctly, but that is their right to do so.  
9 Nevertheless, I did take the photos>. The digging of the dike and  
10 also the building of the dam was true, <it> was what happening at  
11 the time.

12 <The> Laotian delegation, Burmese delegation, Thai delegation  
13 were there at the sites, and <sometimes> I was not at the sites  
14 with those <delegations>, but my team members were there.

15 [10.53.54]

16 Q. Fair enough, Mr. Witness.

17 You've also mentioned that you accompanied Chinese delegations.

18 Document E3/1339 -- E3/1539 (sic), is the records of -- contains

19 various Democratic Kampuchea radio broadcasts in December 1977

20 when a delegation from China led by Chen Yonggui, Chen Yonggui,

21 travelled to a number of sites, including the 1st January Dam and

22 the Trapeang Thma.

23 Do you remember whether you were present during parts of that

24 trip when Chen Yonggui toured Democratic Kampuchea?

25 A. Mr. Co-Prosecutor, that is true. I went with His Excellency

1 Chen Younggi. He was -- he was a Minister of Agriculture in  
2 China. He specialized in growing rice plants and the <production>  
3 was up <several> to tonnes of rice.

4 I went with <Ta Mok,> Ieng Sary, Pol Pot and other troop leaders,  
5 and <the> Chinese delegation was also on the trip. I have a photo  
6 of the time, <but I did not bring it here with me.> And <at> the  
7 time, there were <more> palm trees in that location when I took  
8 the photo, but now two palm trees remain. I have that photo with  
9 me at home.

10 They, in fact, visited some locations for a brief period of time,  
11 but they spent <a lot of> time in Angkor Wat. And Chen Younggi <>  
12 wanted to visit the agricultural site at the time, <and see> how  
13 agriculture was <done> in the country.

14 [10.56.10]

15 Q. Okay. Thank you for that.

16 Did you go on trips -- did you ever go on any trips to the East  
17 Zone with either Pol Pot or Nuon Chea and, if so, where did you  
18 go?

19 A. I never went with them to the east, but I went with Pol Pot to  
20 <> Veay Chap (phonetic) mountain in the Northwest. I never went  
21 with them to the east.

22 Q. And you mentioned in your interviews that you also took  
23 photographs of Khmer Rouge leaders at leadership meetings,  
24 assemblies, military meetings where they were giving speeches.

25 Can you tell us where -- what was the location of the meetings or

1 assemblies where you took photographs of Khmer Rouge leaders?

2 [10.57.31]

3 A. The photos of leaders, namely, Nuon Chea, in charge of <the>  
4 assembly and Pol Pot, <Brother number one>, and also at the  
5 <Conference Hall> adjacent to the <riverside> and also the photos  
6 at the Phsar Daeum Kor, were the venues of the meetings, and also  
7 the discussion of the attack by Vietnam in <'76> or <> '77 and  
8 '78. <On 30 September 1977, when the CPK was in position, after  
9 Pol Pot announced the <CPK> position, I participated in <taking>  
10 the photos. He went to China, North Korea, Yugoslavia, Romania  
11 etc.>

12 In fact, I had a lot of tasks to perform, although <people say  
13 that I did not know, but because> at the time, I was <17> or 18  
14 years old, <I knew things clearly.>

15 MR. PRESIDENT:

16 Mr. Witness, please, you are reminded again to speak slower and  
17 please limit your response to the question put to you. Your --  
18 some of your answers are not -- are not consistent or are not  
19 responding to the question put by the party.

20 [10.58.58]

21 BY MR. LYSAK:

22 Q. Do you remember, Mr. Witness, whether one of the meetings or  
23 ceremonies that you took photographs at was the annual -- or the  
24 anniversary ceremony for the Revolutionary Army of Kampuchea  
25 which was held every -- each year in January?



1 Did you take photographs at that event?

2 A. Yes, I took a lot of photos, particularly <at> the special  
3 meetings, meetings of <the> assembly and senate. The meetings did  
4 not occur very frequently at the time, although there were some  
5 minutes in the document. And the meetings' subject was about  
6 mostly the situation at the border.

7 [11.00.02]

8 Q. There is a record in evidence, a record of a Democratic  
9 Kampuchea government radio broadcast, of a speech given by Nuon  
10 Chea celebrating the ninth anniversary of the Revolutionary Army  
11 of Kampuchea on 16 January 1977. This is document E3/147; Khmer,  
12 ERN 00679792 through 802; English, 00168465 through 470; French,  
13 00698444 through 450.

14 My question to you: Do you remember Nuon Chea speaking at the  
15 annual ceremony for the Revolutionary Army of Kampuchea, and do  
16 you remember whether you took any pictures of that event?

17 A. The meeting was held at Borei Keila, and there were soldiers  
18 who attended the meeting. There were soldiers from more than 10  
19 divisions gathered at the Olympic Stadium to listen to the  
20 speeches of Pol Pot, Nuon Chea and Son Sen and actually <we> had  
21 to sing <the national anthem> together.

22 Q. Before I move on to some questions -- my next subject, which  
23 is your work at S-21, when you were present at these meetings of  
24 the Khmer Rouge leaders where you took photographs, did you ever  
25 hear any discussion about purges, purges of enemies and, if so,

1 what did you hear the leaders say about purges?

2 [11.02.34]

3 A. Thank you for this important question for me and for those who  
4 died during the regime.

5 The Angkar had planned to, number one, to eliminate the  
6 <American> CIA agents; second, to eliminate the Russian KGB  
7 agents; third, the "Yuon" agents who swallow -- who intended to  
8 swallow the territory, and next in line would be the infiltrated  
9 enemy.

10 During the regime, there <was> no judiciary and no legal  
11 representation, but Angkar had to eliminate those kinds of  
12 enemies after the victory day of 17 April 1975. And Pol Pot  
13 expressly made that clear to everyone <that the plan was to  
14 eliminate the three categories of enemies>.

15 Q. Did you hear Pol Pot talk about this subject and, if so, do  
16 you remember what the occasion was when you heard Pol Pot address  
17 the subject of purges?

18 A. He spoke about this in 1977 and also in '78, and he also spoke  
19 about this at the Olympic Stadium and also his voice was  
20 broadcast rather consistently on radio.

21 [11.04.20]

22 Q. And when these purges took place of various zones, who was  
23 sent to replace the cadres who were purged, if you know?

24 A. I understand your question well.

25 After the purges had been conducted throughout the country, they

48

1 were replaced by mostly those cadres from the Southwest, and  
2 <who> happened throughout the country. The replacement cadres  
3 usually came from the Southwest to take those posts, and also  
4 members from Division 703 were <spread all over the country as  
5 well. Particularly, new cadres were sent to replace the old ones.  
6 The cadres were> replaced by those from the Southwest under the  
7 command of Ta Mok, Pol Pot, Ieng Sary and Nuon Chea. And --  
8 except <for> Khieu Samphan, those three or four people actually  
9 worked well together, in particular, Son Sen, who was in charge  
10 of security and military.

11 [11.05.47]

12 Q. I want to ask you about a statement you made in an interview  
13 you gave back in 1997. This is document <> E3/7495; Khmer, ERN  
14 00826562; English, 00078259; French, 00795353.

15 This is what you said about the purges in that interview --  
16 quote:

17 "After two years or so, I noticed everything the Khmer Rouge did  
18 was done through violence, cruelty and dictatorship.

19 "I felt different because I saw what they did was dictatorial,  
20 cruel, summary justice. They were not doing investigations before  
21 killing people. A big or small mistake was enough to be arrested.  
22 Even if they had not betrayed the country, they were still  
23 accused and arrested." End of quote.

24 You said here that things were done by "summary justice". Can you  
25 explain, what did you mean by "summary justice"?

1 A. It would <take> me more than an hour to comment on this  
2 question. However, regarding the subject of purges, let me  
3 backtrack a little bit.

4 There were only three or four who were in command, namely, Pol  
5 Pot, Nuon Chea and Son Sen. And the purges were so <unjust> for  
6 the victims, namely, those who died at Tuol Sleng. Maybe  
7 thousands of people had been killed at Tuol Sleng, and maybe only  
8 about a hundred of them who actually committed an offence. And  
9 that is unfair and unjust for the Cambodian people living under  
10 the regime.

11 [11.08.13]

12 One of my elder siblings was also killed amongst my 25 relatives  
13 who lost their lives. <They were categorized as the New People.>  
14 And my other brother was shot dead in Koh Kong. He was part of  
15 the naval force at the time.

16 I actually have a photograph of him. <Can I show it?>

17 So there were countless examples of how those people died  
18 unfairly under the regime.

19 Q. I want to turn now to your time at -- working as a  
20 photographer at S-21.

21 The first thing I want to ask you is: Where was it where you and  
22 the other photographers took the pictures, took the photographs  
23 of the arriving prisoners? Was it inside the S-21 compound, was  
24 it outside the compound before they entered?

25 Can you describe for us, as specific as you can, where it was

1 that you took the photographs?

2 [11.09.28]

3 A. There were two parts of the photography process. Prisoners  
4 were usually brought in by a vehicle with a <> hospital <symbol>,  
5 and <when prisoners were released from the GMC truck, they were  
6 blindfolded; their hands were tied and cuffed.> There were two  
7 main compounds within the Tuol Sleng premise.

8 Prisoners would be photographed <outside> after <their blindfolds  
9 were taken off. Then they were brought in.> In case there were  
10 more prisoners, then they would be placed in those buildings, A,  
11 B, C, and their photographs would be taken inside those  
12 buildings.

13 So there were two stages where photography was <done> -- that is,  
14 <first>, at the compound outside; and, second, when they were  
15 inside those buildings.

16 [11.10.38]

17 Q. I want to show you a few photographs and see if you recognize  
18 -- can recognize or identify the location for us.

19 First, Mr. President, I'd like to provide him with what are --  
20 what is pages P01223690 through 692. This is in E394.1; it's part  
21 of the collection of 1,000 photographs that has -- was added by  
22 DC-Cam recently.

23 With your leave, may I provide this to the witness?

24 MR. PRESIDENT:

25 Yes, you may do that.

1 BY MR. LYSAK:

2 Q. And I'm going to refer to some photographs. The photographs in  
3 this collection that was provided to the Court by DC-Cam have  
4 their own numbers on them that are different than the numbers  
5 that were used in the photographs you took.

6 I'm going to first direct you to the numbers that DC-Cam has put  
7 on this document, and I'd like you to look at photographs 3, 10,  
8 13, 14, 18 and 24 on these two pages.

9 [11.12.20]

10 What these photographs all have in common is that there's the  
11 background -- there appears to be some sort of shuttered --  
12 shuttered wall, wood shutters.

13 My question is: Do you recognize -- can you tell us, do you  
14 recognize the location where those photographs are taken, and can  
15 you tell us where that was, where that was in relation to the  
16 S-21 compound?

17 MR. NHEM EN:

18 A. In relation to <these photos>, usually the photo would be  
19 taken <with the subject> against a plain background or plain wall  
20 and the photograph of a man with the door frames; that was taken  
21 inside the building. Usually we would have a panel behind the  
22 prisoners when their photographs were taken.

23 As for the numbers <>, in fact, <please do not be confused that>  
24 the number notified the date the photography was taken.

25 [11.13.46]

1 Q. I'll -- I'll have -- I'm going to ask you about the system you  
2 used for the numbers of the prisoners in a little bit.

3 On the back of these photographs and what was provided to us by  
4 DC-Cam, for -- at least for photographs that were taken in 1976  
5 and 1977, there is handwriting that appears on the back of the  
6 photographs; can you tell me: Do you recognize whose handwriting  
7 that is and can you tell us whether this handwriting, which  
8 contains the name of prisoners and the dates of the photographs,  
9 was added by your unit or was this information that was added  
10 later after you had provided the copies of the photographs?

11 A. The handwriting belonged to Ta Sreang, who had neat  
12 handwriting, and I, myself, <have> very awkward handwriting.  
13 [11.15.05]

14 Q. And just can you explain who Sreang was?

15 A. He had his native name in my book, but Sreang is his  
16 revolutionary name. He was one of the squad leaders of the  
17 photographers.

18 Q. Thank you. After the photos were developed and this  
19 information was written on the back, what was done with them  
20 next; who were the photographs provided to after that?

21 MR. PRESIDENT:

22 Witness, please observe the microphone.

23 MR. NHEM EN:

24 A. On this matter, sometimes they wrote it on a piece of <paper>  
25 in the book and it was rarely that the writing was done directly

1 on the photograph and after that, the photographs would be sent  
2 to Suos Thy, who was in charge of maintaining the list of  
3 incoming and outgoing prisoners. Some important photos, namely,  
4 of those leaders, would be given to Duch.

5 [11.16.38]

6 BY MR. LYSAK:

7 Q. And who was it that would deliver the photos to either Suos  
8 Thy or to Duch?

9 A. Sometimes I did that and <sometimes> Sreang did it and as I  
10 said, we were -- there were six photographers and we had to be  
11 responsible for the photographs that we took.

12 Q. Can you tell us a little bit about the arrival of the  
13 prisoners; how were you informed when prisoners were arriving  
14 that you were to photograph and can you tell us when the  
15 prisoners arrived, were they tied up; were they blindfolded; how  
16 were the prisoners when they were brought to you to be  
17 photographed?

18 A. For incoming prisoners and during that time, we had a  
19 <Russian> telephone in every office within the Tuol Sleng  
20 compound. When the phone rang, I would go to see those prisoners  
21 and hundred per cent of them would be handcuffed and blindfolded  
22 <even> women <would be handcuffed and blindfolded>.

23 When they arrived, the blindfolds would be taken off <>, then  
24 they would be photographed and then <they would be blindfolded  
25 again and> sent to those buildings.



1 [11.18.29]

2 Q. And who was it that took off the handcuffs and the blinds; did  
3 you do that -- the photographers do that or did the guards do  
4 that?

5 A. I did not remove the blindfolds. It was the duty of the  
6 guards. As for the <handcuffs>, allow me to clarify; the cuffs  
7 were not removed; only the blindfolds were removed, and after we  
8 took the photograph, then the prisoners will be taken into the  
9 buildings. We could not even talk to the prisoners and we had to  
10 only focus on our task -- that is, to take photographs of those  
11 prisoners.

12 Q. Were there occasions where the prisoners said anything to you  
13 or asked you questions and -- and if so, what types of things, if  
14 anything, would the prisoners say when their blindfolds were  
15 removed and you were there to take their photograph? Did they --  
16 do you remember whether prisoners would say anything to you?

17 [11.20.06]

18 A. I met a district committee <member> from Kampong Leaeng and I  
19 had a look at his biography. His name was Ta Yim (phonetic). He  
20 was accused of having an affair with Yeay Maen (phonetic), who  
21 was in charge of female soldiers. Kampong Leaeng, at the time,  
22 was known as District 16.

23 Then I asked him where he came <from> and he said that he came  
24 from Kampong Leaeng. I was a bit surprised because my elder  
25 brother was also part of the Kampong Leaeng District Committee

1 <>. And I asked him whether he knew Moun (phonetic) and he said  
2 yes, he knew comrade Moun (phonetic), the district committee  
3 <member>.

4 So when the -- when the chief of the <district> committee was  
5 arrested, the deputy would also be arrested, and he was the only  
6 prisoner that I spoke to after I secretly read his biography.

7 [11.21.15]

8 Q. And I just want to clarify, in the book that you were kind  
9 enough to provide to us, there's a photograph on page 44 of your  
10 book; can you tell me: Is this -- is this one of the three people  
11 you're talking about who appears on the photograph on page 44?

12 Can you tell us who -- if you -- do you have a copy of your book?  
13 So my question is: In the photograph on page 44, who -- is one of  
14 these people the chief of Kampong Leaeng district that you're  
15 talking about or is this a photograph of the woman who had fallen  
16 in love with the chief; can you clarify that for us?

17 A. This is the photo of Yeay Maen (phonetic), who was a female  
18 military commander in Sector 31. She was faithful in the battle  
19 against the Lon Nol soldiers. She got injured and one of her left  
20 -- her breast was removed. She was arrested on the allegation  
21 that she had an affair <with Ta Yim (phonetic)>. She was a female  
22 military commander in Sector 31.

23 [11.23.10]

24 Q. And the person she had the affair with, was that the district  
25 chief from Kampong Leaeng, who you just mentioned a little -- a

1 few minutes earlier, who you talked to when he arrived at S-21?

2 A. She -- he was the chief of Kampong Leaeng district and it was  
3 known as District 16 in Sector 31 of Kampong Chhnang province.  
4 The person was not a secretary, but was the chief of the  
5 district.

6 Q. Now, we see in the S-21 prisoner photographs different numbers  
7 -- different -- that appear in the pictures of the prisoners; can  
8 you explain to the Court the system or procedure that was used in  
9 -- when photographs were taken for putting numbers on the  
10 prisoners?

11 MR. PRESIDENT:

12 Witness, please wait. And Counsel Koppe, you have the floor.

13 [11.24.32]

14 MR. KOPPE:

15 Yes, Mr. President, I know that a request was made by the  
16 Prosecution to have these photos admitted, but I might be wrong,  
17 but I'm not aware yet of any decision from the Bench on admitting  
18 these photographs.

19 Although I understand the relevance of those photographs, I  
20 believe a decision, if there is not any yet, should be made  
21 first.

22 [11.25.00]

23 MR. LYSAK:

24 I'm happy for the Court to do that. The list of these photographs  
25 was admitted as E3 -- one moment. The list of the photographs,

1 which was included in our original trial document list, has  
2 already been admitted by the Trial Chamber as E3/9214.  
3 As you know from our filing, the photographs were not available  
4 when we did our original trial document list, so we have asked  
5 that these be added into document E3/9214, but I certainly agree  
6 with counsel; it would be good to have a ruling on that and  
7 certainly, this is a witness who we should be using these  
8 photographs with.

9 JUDGE FENZ:

10 Any objection by any of the other parties to the admittance of  
11 these photos? I'm looking around; no, no, I don't see any  
12 objections.

13 [11.26.25]

14 BY MR. LYSAK:

15 Thank you.

16 Q. My question for you right now isn't -- it doesn't require you  
17 to look at the photographs, but before we break, can you explain  
18 to the Court the procedure or how it was that the numbering of  
19 the -- that appears in the photographs of the S-21 prisoners?

20 MR. NHEM EN:

21 A. Since I <was> a photographer; that <was> my responsibility.  
22 When prisoners arrived by trucks, they were ordered to get off  
23 the trucks. I -- we, as photographers, didn't interact with them  
24 and we were only ready to take their photographs.  
25 As for the number, usually, for example, if they arrived on

1 Monday, they would be numbered according to the hour, for  
2 example, from 6, 7 to 10 to 12, <and according to the number of  
3 prisoners brought in that day, for instance, sometimes there were  
4 10 to 20 and sometimes there were up to 700 to 800 in one day.>  
5 That number was done per day. <It was> the number of prisoners  
6 <that> arrived on a particular day.

7 [11.28.05]

8 Q. So do I understand correctly that each day you would start  
9 over with the first prisoner being number 1, using number 1, and  
10 you would continue sequentially for all the prisoners you  
11 photographed that day; do I understand correctly?

12 A. Yes, that is true. The number started each day from number 1  
13 and it could run into hundreds for this particular period of 24  
14 hours and after that, it will return to number 1 again. For that  
15 reason, you could see repeated numbers on various prisoners since  
16 they arrived on different days.

17 [11.28.56]

18 MR. PRESIDENT:

19 Thank you. It is now appropriate for our lunch break. We take a  
20 break now and resume at 1.30 this afternoon.

21 Court officer, please assist the witness at the waiting room  
22 reserved for witnesses and civil parties and invite him back into  
23 the courtroom at 1.30 this afternoon.

24 Security personnel, you are instructed to take Khieu Samphan to  
25 the waiting room downstairs and have him returned to attend the

1 proceedings in this courtroom before 1.30.

2 The Court is now in recess.

3 (Court recesses from 1129H to 1333H)

4 MR. PRESIDENT:

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

6 And now the floor is given -- before the floor is given to the  
7 Co-Prosecutors to resume the questioning, the Chamber would like  
8 to issue a ruling on two requests.

9 Number 1, the request, <from> OCP in relation to Kong Sam Onn,  
10 previously acting as the duty counsel. On 18 April 2016, the OCP  
11 submitted a request that <the National Counsel for Khieu  
12 Samphan,> Kong Sam Onn, used to be the duty counsel for  
13 2-TCW-898, 2-TCW-931, 2-TCW-906, and 2-TCW-816.

14 After hearing these oral arguments of parties on 19 April 2016,  
15 the Chamber rejects rejects the request of OCP in relation to  
16 seek a written waiver from Khieu Samphan.

17 [13.35.36]

18 B) Recommends that International Counsel Anta Guisse examine  
19 witnesses 2-TCW-898, 2-TCW-931, 2-TCW-906, and 2-TCW-816 and  
20 re-iterates that National Counsel Kong Sam Onn is bound by his  
21 obligations of confidentiality.

22 Reasons for this decision will be issued in due course.

23 In relation to the second ruling on Internal Rule 29, protective  
24 measure for 2-TCW-865, the Chamber notes that 2-TCW-865 was  
25 granted a protective measure during Case 001, document E3 -- E135

1 pursuant to Internal Rule 29.

2 [13.36.33]

3 On 19 April 2016, WESU provided the Chamber with an updated risk  
4 assessment report in relation to TC -- 2-TCW-865, and recommended  
5 that a number of protective measures be put in place during his  
6 testimony.

7 Noting the requirements of Internal Rule 29 and the provisions of  
8 the Article 4 of the Practice Direction on Protective Measures,  
9 ECCC/03/2007/Revision 1, the Chamber decides to order the  
10 following protective measures.

11 The image and voice of the witness not be made available to the  
12 public.

13 Number 2: Information relating to the contact details: Family  
14 details including the name of spouse and children as well as the  
15 residential and work address shall not be made public; and Number  
16 3: All the information that could potentially indicate the  
17 location of the witness, place of residence or work shall be  
18 redacted from the public record.

19 In order to give effect to the above protective measures during  
20 the testimony, the Chamber orders that <facial> and voice  
21 distortion technologies be used in the broadcast of the  
22 proceedings during this testimony of 2-TCW-865, and orders the  
23 media not to publish any photographs or images of 2-TCW-865,  
24 regardless of when they were taken, including archival footage or  
25 personal details such as his residential address and names of

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1 family members.

2 Full reasons for this decision <in writing> will follow in due  
3 course.

4 And now the floor is given to the International Deputy  
5 Co-Prosecutor to resume the questioning of this witness. You may  
6 proceed now.

7 [13.38.55]

8 MR. LYSAK:

9 Thank you, Mr. President.

10 Good afternoon, Mr. Witness. We were talking about the procedure  
11 used for numbering prisoners when you -- you took photographs and  
12 I want to ask you about a change in the number identifications  
13 that were used with the prisoners that we see in the photographs.  
14 Mr. President, to do that, I'd like to provide another -- a few  
15 pages from the new photograph collection that's been admitted,  
16 E394.1; these are pages P01223718 and P01223766. With your leave,  
17 may I provide these to the witness?

18 [13.39.54]

19 MR. PRESIDENT:

20 You can proceed now.

21 BY MR. LYSAK:

22 Mr. Witness, I'd like to direct your attention to the two pages  
23 I've handed you; first, to the woman who appears in photograph  
24 178 and Mr. President, with your leave, if we can show -- show  
25 these photographs on the screen, I think we have those -- them



1 ready to display on the screen also.

2 MR. PRESIDENT:

3 Your request is granted.

4 [13.40.38]

5 BY MR. LYSAK:

6 Q. If you look at the photograph of the woman in 178, this is --  
7 you can see that the number tag she's wearing, which appears to  
8 be 20 -- 26 or 28, there's actually two different numbers that  
9 have been hung on her in order to get the -- the -- to get the  
10 number of what prisoner she was that day.

11 And I want to compare that to what you see on the next page which  
12 is the photographs we see that are dated in 1978. And if you  
13 would look on the next page I handed you, specifically, for  
14 example, at photographs 454 and 457, these individuals have full  
15 name tags; tags or cards that have their name, their date, and a  
16 number on them.

17 My -- my question to you first is: Did the procedure for taking  
18 photographs change, at some point, when you began using these  
19 more detailed identification cards. And the reason I ask is it  
20 must have taken some time to make these cards before -- before  
21 the person could be photographed, so could you explain to us how  
22 the -- the procedure changed once these more detailed  
23 identification cards were used and who was it that made these  
24 cards -- these identification tags?

25 [13.42.28]

1 MR. NHEM EN:

2 A. Mr. Co-Prosecutor, I would like to explain to you in relation  
3 to a woman with the number 2-26. Back then, we had our own  
4 procedure, so the number <26> referred to the time -- the  
5 sequential number. <And the number 2 was put in the front.> The  
6 procedures <> were changed at the later stage <where> sequential  
7 <> numbers and also the dates were <put together with names> so  
8 that we have information <in addition to the backgrounds and the  
9 confessions>. <This was Duch's task, and it was the order from  
10 Duch and Son Sen.>

11 Q. And who -- who created these more detailed tags that had the  
12 name, the date, and a number on them; did your unit do that or  
13 did Suos Thy's unit do that for you?

14 A. No one could make his or her own decision and the decision  
15 could have been made by Duch, <Ta Hor,> or Ta Chan.

16 [13.43.58]

17 Q. Yes, perhaps my question may -- may not have been -- come out  
18 right, but who -- who made the detailed cards; who is it that  
19 made the cards with the name and the dates on them; who did that?

20 A. Actually it -- the tag was made by the photographers under the  
21 order of Duch and that was the facilitation for <the photography  
22 and> our photograph procedures.

23 Q. And if you could look at the two -- the two gentlemen, numbers  
24 454 and 457, and if we could show that on the screen, those two  
25 male prisoners; my question to you about them: Were there

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1 prisoners, sometimes, who arrived, who you photographed, who  
2 appeared to have been beaten? If you look at these two  
3 photographs, these gentlemen look, in the photograph, like  
4 they've been -- been beaten in the face; did you have prisoners  
5 who arrived who had been beaten?

6 A. That is true. Some of photos depicted people who had been  
7 beaten and the face was swollen; that is true.

8 [13.45.45]

9 Q. The -- the next subject I wanted to ask you about was  
10 children; were there children, who were sent to S-21, who your  
11 unit photographed?

12 A. This is true. Children, who <were> brought into the centre  
13 were required to take photograph as well, and those children,  
14 most of them were related to senior <officials> in the Democratic  
15 Kampuchea and <for> some children, <> their photos were not  
16 taken.

17 MR. LYSAK:

18 I'll come back to the issue of whether there were children who  
19 were not photographed.

20 Mr. President, with your leave, I'd like to provide a few more  
21 photographs to the witness on this subject. To identify them,  
22 first, there is a group of photos from the 5,000 that had been  
23 previously admitted. These -- these photographs all are E3/8639  
24 and then they bear the numbers following that, so the first one  
25 that I would submit is E38639.171, .649, .705, .698, and .1896.

1 Let me repeat that. So these are all E38639.171, .649, .705,  
2 .698, and .1896.

3 And also I'd like to submit to the witness a group of -- of four  
4 photos that's been admitted as E3/8058 that are some mothers with  
5 young infants.

6 With your leave, may I provide these to the witness?

7 [13.48.21]

8 MR. PRESIDENT:

9 Yes, please.

10 BY MR. LYSAK:

11 Q. If you could look at these photographs first, Mr. Witness, and  
12 tell us: Do you recognize these as photographs; the first group,  
13 photographs that were taking of children or teenagers at S-21 and  
14 the second group, photos of mothers who were taken -- mothers who  
15 were holding or had young infants with them?

16 And Mr. President, while the witness is reviewing, with your  
17 leave, can we display the photographs on the screen?

18 [13.49.19]

19 MR. PRESIDENT:

20 Yes, you can.

21 BY MR. LYSAK:

22 Q. Mr. Witness, do you recognize these as photos that were taken  
23 at S-21?

24 MR. NHEM EN:

25 A. I can recall it. This photo belongs to Yeay Srun (phonetic),

1 wife of a secretary in Sector 25.

2 Q. I wanted to ask you if you could look at the first page of the  
3 first mother who's holding a baby. This is E3/8058; it's picture,  
4 P0000046. It's a mother; she's has the prison number 246 tag. My  
5 question -- first of all, I wanted to confirm, does -- does the  
6 number 246 on her, does that mean that she was the 246th prisoner  
7 that was photographed that day; do I understand correctly?

8 A. Yes, that is true. The number <246> represents <> the number  
9 of the prisoners who had come into the prison <in a day>. <There  
10 could be more than that.>

11 [13.51.10]

12 Q. And this woman is holding a young baby; do you know what  
13 happened to the young -- the babies, the young infants, when the  
14 mother would be -- enter S-21 and been sent -- and be sent to a  
15 prison cell; what happened to the -- to the infants?

16 A. Mr. President and Mr. Co-Prosecutor, children or infants who  
17 had been brought together with the mothers, sometime two or three  
18 together with the mother, almost <all> of them were killed and  
19 only few survived. Sometime the mothers and the infants were  
20 separated from one another and the infants were killed.

21 [13.52.09]

22 Q. And my last question about children or infants: When children  
23 or infants were brought to S-21 with their parents or by  
24 themselves were -- with their parents, were they always  
25 photographed and listed or how often were children -- young

1 infants photographed and listed in the S-21 records?

2 A. To my knowledge none of them listed. None of them was listed.

3 Quite a number of infants and small children were sent into the  
4 centre. Very few of those children or infants survived and the  
5 rest were killed.

6 Q. Do you have any estimates, approximation of the number of  
7 children who were sent to S-21, then taken away and killed who  
8 were not photographed or subject to the registration process?

9 A. That was unjust and unfair for children. I saw children had  
10 been transported into the centre by vehicles and whole --  
11 sometimes these were brought in with the entire family. <About  
12 1,000 to 2,000 of them were brought in with their parents, but  
13 their photos were not taken. Some of them were infants, and those  
14 who were about seven or eight years old were separated from their  
15 parents and taken away. They were killed behind Tuol Sleng  
16 prison.>

17 Q. One of the last subjects I want to ask you about, did the  
18 prisoners --

19 THE PRESIDENT:

20 Please hold on International Deputy Co-Prosecutor.

21 You can proceed now.

22 [13.54.47]

23 MR. KOPPE:

24 Yes, Mr. President.

25 I was waiting for the question from the Prosecution how the

1 witness would even know what would happened to the children  
2 because there is a lot of evidence that small children were  
3 actually sent to Prey Sar, S-24.

4 He is speculating. He couldn't have known it. So I think the  
5 Prosecution should at least ask the source of his knowledge.

6 [13.55.12]

7 JUDGE FENZ:

8 Counsel, why don't you do it when it's your turn?

9 MR. KOPPE:

10 Because you don't give me enough time.

11 JUDGE FENZ:

12 You still have another turn.

13 BY MR. LYSAK:

14 Your Honours, I do object to Counsel making representations about  
15 what the evidence is. I'm not familiar at all with the evidence  
16 he is talking about.

17 Q. But I am happy to ask you. How do you know, Mr. Witness, what  
18 happened to the young children after they were separated from  
19 their parents?

20 MR. NHEM EN:

21 A. It is true that after the young children were separated from  
22 their parents would be sent to be killed, very few of them  
23 survived if they were lucky. <It was the same case at> Prey Sar,  
24 <when prisoners were brought in, there seemed to be no children  
25 among them. They> were killed as well. It is true what happened

1 at the place. It is not my presumption or my guess.

2 Q. The question is how do you know that? Did someone tell you  
3 that children were killed? Did one of the guards tell you that?  
4 Did you see it yourself? How do you know that the children were  
5 killed?

6 A. After the young children were separated from the parents, they  
7 were transported on vehicles, on truckloads to perhaps Prey Sar.  
8 During the time, there were no daycare centres <for children. I  
9 do not know where they were sent to. I never saw them>. And to my  
10 guess, they may have been killed because <there were no care  
11 centre for children>.

12 THE PRESIDENT:

13 Mr. Witness, you are reminded once again to respond to the limit  
14 of the question which has been put to you. Please do not  
15 elaborate or expand further on what you were asked.

16 Number two, a witness is obliged to tell the truth of what they  
17 have known or what they have seen. Witnesses, ordinary witnesses  
18 who are not expert witnesses are not obliged to make or draw a  
19 conclusion. So whenever you draw a conclusion, it may not have  
20 the value of the evidence.

21 [13.58.03]

22 So please, Mr. Witness, respond to the limit of the question of  
23 what you have seen or what you have known or, please, mention  
24 clearly the sources of your information. If you just answer  
25 whatever you want, that may have impacts on your testimony.



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1 In addition to that, you cannot use the term "injustice" or  
2 "justice". That is the legal term which will be considered by the  
3 Chamber and will also be evaluated by the Chamber and parties.  
4 The words that you used, "justice" or "injustice" to you is  
5 simple but it is -- it has very deep meaning within the judicial  
6 system.

7 You can now proceed and move on, Co-Prosecutor and National  
8 Deputy Co-Prosecutor.

9 BY MR. LYSAK:

10 Thank you, Mr. President. Let me just follow up.

11 Q. You told Counsel this morning that you went to Prey Sar to  
12 take photographs every week. On any of the occasions that you  
13 went to Prey Sar did you see young children there? Did you see  
14 any schools or daycare centres where young children were kept on  
15 your weekly trips to Prey Sar?

16 [13.59.34]

17 MR. NHEM EN:

18 A. I observed Prey Sar, the place <was called> Huy Sre<'s place>  
19 or <the place where> Huy <did the rice farming>. I went there to  
20 take photographs of those who had links to the former tendency  
21 and I did not see children. <Normally, they would be sent from  
22 Tuol Sleng to Huy Sre, but> I do not know where those children  
23 were kept <>.

24 Q. Thank you, Mr. Witness. My last area or second last; the  
25 prisoners you photographed at S-21, did they include Vietnamese

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1 soldiers? Specifically, did you ever photograph Vietnamese  
2 soldiers who were still wearing their military uniforms?

3 [14.00.42]

4 A. This is also another important fact. When there were fighting  
5 back and forth between Cambodian and Vietnamese troops, when  
6 Vietnamese soldiers were captured, they would be sent to Tuol  
7 Sleng and indeed, I took <many> photographs of those Vietnamese  
8 soldiers and they were still in their military uniforms.

9 MR. LYSAK:

10 Mr. President, with your leave, I would like to provide the  
11 witness at this time with document E3/8063.3, E3/8063.3, which is  
12 a collection of photographs of various people for his  
13 identification, with your leave.

14 THE PRESIDENT:

15 Yes, you may do that.

16 MR. LYSAK:

17 And while the witness is looking at it, if we may display on the  
18 screen, Your Honour, I'd like to display picture P00015, from  
19 that document with your leave.

20 THE PRESIDENT:

21 Yes, you can proceed.

22 [14.02.12]

23 BY MR. LYSAK:

24 Q. Can you look at these photographs, Mr. Witness, and can you  
25 tell me whether these are photographs that were taken at S-21 and

1 who are the people that are photographed in these pictures?

2 MR. NHEM EN:

3 A. This is a photograph of a Vietnamese soldier. As I said, there  
4 were fighting between Vietnamese and Cambodian troops along the  
5 border in <Tay Ninh,> An Giang<,> and <Moit Chruk (phonetic)  
6 province> and when those Vietnamese soldiers were captured by the  
7 <Khmer Rouge> troops, especially at <Phnum Den> area, they were  
8 sent to Tuol Sleng <by Ta Mok> and this is one of the photos of  
9 those Vietnamese soldiers who had been captured.

10 [14.03.16]

11 BY MR. LYSAK:

12 Q. Thank you. One last photograph I would like to ask you about,  
13 Mr. Witness.

14 Your Honour, Mr. President, it's -- with your leave, I'd like to  
15 present to the witness a photograph that appears in E3/2634 at  
16 ERN 00658495 (sic). With your leave, may I submit this to the  
17 witness?

18 THE PRESIDENT:

19 Yes, you may proceed.

20 MR. LYSAK:

21 And may we also display this on the screen with your leave, Mr.  
22 President?

23 THE PRESIDENT:

24 Yes, you can do that.

25 BY MR. LYSAK:

1 Q. Mr. Witness, my question is simple. Do you recognize this  
2 photograph or any of the people who are in this photograph?

3 A. I can recall this photo 100 percent. That was the day of the  
4 marriage ceremony near Duch's house <and> Tuol Sleng. That is Huy  
5 Sre and his wife is <Khoeun> who was from the sewing unit <75 in  
6 Tuol Tumpung>. Both of them later were killed. This is Huy Sre  
7 who was in charge, overall in charge of Prey Sar area and his  
8 wife worked in the <sewing> unit near Tuol Tumpung. And I took  
9 this photograph.

10 [14.05.09]

11 Q. And is this a photograph of their marriage, did I understand  
12 correctly?

13 A. Yes, that is correct.

14 Q. And who is the person in the background who is standing and  
15 appears to be presiding over this event? Do you recognize that  
16 person or do you remember who it was?

17 A. His name is Sry. He is one of the staff working in Tuol Sleng.  
18 He was part of the administrative section in Tuol Sleng.

19 Q. And did he conduct the marriage or did someone else conduct  
20 the marriage of Sre -- Huy Sre and his wife?

21 [14.06.22]

22 A. Duch was the one who organized the wedding. In fact, Ta Hor  
23 and Ta Huy were arranged to get married <with their spouses> by  
24 Duch and later on there was a dinner reception.

25 MR. LYSAK:

1 Thank you very much for your time today, Mr. Witness.

2 No further questions, Mr. President.

3 THE PRESIDENT:

4 I would like now to hand the floor to the Lead Co-Lawyers for  
5 civil parties to put questions to this witness. You may proceed.

6 MR. PICH ANG:

7 Good afternoon, Mr. President, Your Honours. We would like to  
8 assign Sam Sokong to put the questions to the witness and I might  
9 ask the supplementary questions after that.

10 THE PRESIDENT:

11 Yes, that is granted. And Sam Sokong, you may proceed.

12 [14.07.22]

13 QUESTIONING BY MR. SAM SOKONG:

14 Good afternoon, Your Honours. Good afternoon, everyone. And good  
15 afternoon, Mr. Witness. I have some questions to put to you.

16 Q. First, I'd like to ask you about S-21. Can you tell the  
17 Chamber who assigned you to work at S-21 after you returned from  
18 your study in China?

19 MR. NHEM EN:

20 A. It was His Excellency Son Sen, Minister of National Defence of  
21 the DK regime. Secondly, it was Om Nat who was in charge of the  
22 general staff.

23 And third, it was Brother Pin who was <an> assistant and who was  
24 from Division 703.

25 Q. During your tenure at S-21 can you describe to the Chamber the

1 buildings and the various sections within S-21?

2 [14.08.49]

3 A. As for the administrative structure of Tuol Sleng, I can  
4 recall that there were more than 10 groups. The archival group,  
5 the interrogation group <for light offenders and serious  
6 offenders>, which <was> further divided into three, and there  
7 <was> a typists group, <a> photography group, <a> guard group and  
8 <an> overall security group.

9 So there -- as for the archival group, they were also subdivided  
10 into various sub-sections including those who <recorded and those  
11 who> maintained the list of prisoners. <Overall, there were 10  
12 groups in Tuol Sleng security centre.>

13 Q. And I would like to ask you about the vehicles. What kinds of  
14 vehicles were used to transport people to Tuol Sleng?

15 A. During the regime, there were GMC<s>, 4X4 American-made.  
16 However, the vehicles were camouflaged with a cross, <a> hospital  
17 sign, <so that they would not be seen as prisoners>.

18 There were also special vehicles <belonging> to the city  
19 messengers group. Everybody was fearful when they saw these  
20 special vehicles.

21 And of course, as I said, those vehicles were camouflaged with a  
22 hospital sign and those vehicles were assigned a code from  
23 various zones. However, from afar you could only see the cross  
24 sign. It <meant> that they were hospital vehicles.

25 [14.11.17]

1 Q. And can you tell the Chamber the colour of those vehicles and  
2 the various makes of those vehicles?

3 A. They were in military <colours> and they were fully covered.  
4 They were all in military uniforms -- in military colours.  
5 However, sometimes people were brought in by buses although that  
6 was very rare. <90 percent of them were military vehicles.> And  
7 sometimes small vehicles were used to transport those people <>,  
8 for example from Kampong Som.

9 [14.12.10]

10 Q. When people were transported and arrived at S-21 and the  
11 people got off the vehicles, what happened to them at that point  
12 in time?

13 A. I saw sometimes a row of vehicles bringing prisoners in. Some  
14 of the prisoners shouted to those cadres that, <"You traitors! I  
15 served> Angkar but the Angkar arrested <me."> And for that  
16 reason, some of them had their mouths <taped shut> and they were  
17 all handcuffed and blindfolded.

18 Q. In relation to the activity you just described, that is, the  
19 activity of the prisoners, could you describe the activities of  
20 the prison guards towards those prisoners after <the people who  
21 were transported there> got off the vehicles?

22 A. I know <> very clearly <the staff in S-21.> They actually went  
23 through fighting training, karate for example. So they were very  
24 skilful in these techniques and actually learned their training  
25 through various Thai, <Korean> and Japanese movies. And for

1 troubled prisoners, they would exercise those skills against  
2 them; in particular, those who were in Ta Huy's group <would  
3 exercise their raw skills>. That is what happened and that is  
4 what I saw. And allow me to expand it a bit further.

5 [14.14.39]

6 One day there was a cooperative hut near the corner and the  
7 prisoners somehow shouted after a loudspeaker was played. They  
8 were so hopeless after they had been arrested and brought to the  
9 centre. <So they stopped playing the loudspeaker.>

10 And in fact, prisoners who were detained inside the compound of  
11 S-21 were considered medium level. As for the very important  
12 prisoners, they were detained outside the compound of S-21. <They  
13 had special prison cells out there.>

14 Q. Regarding the delivery of messages, can you tell the Chamber  
15 how messages were delivered from S-21 and to whom or to where?

16 A. On the issue of the delivery of messages, Sous Thy was the one  
17 who maintained the list of incoming and outgoing prisoners and  
18 the -- all documents had to be sent to Duch who would decide who  
19 had to be interrogated in a hot method or a cold method.

20 <Important documents were sent to Ta Noeun and Ta Pang. They were  
21 like chairmen of the city messengers group in Phnom Penh. Those  
22 documents were> sent <> to Pol Pot and usually when the document  
23 returned with a signature in red pen, then those prisoners would  
24 be killed later on. <The documents from S-21 were sent through  
25 important people only.> And sometimes <> Son Sen <came to take



1 the documents>.

2 [14.16.50]

3 Q. At that time or during the regime, did you ever take a  
4 photograph of a big rally at the <Olympic> Stadium <>?

5 A. Yes, I took several photos of the big rally, the Party's  
6 congress or military meetings <the Olympic Stadium>.

7 Q. And when you went on an assignment to take photos of the  
8 rally, for example, at the <Olympic> Stadium <>, can you tell us  
9 who were the dignitaries and which subjects or topics they spoke  
10 about?

11 A. As for the rallies, usually the dignitaries were; number one,  
12 Pol Pot; number two, Nuon Chea and; number three, Son Sen.

13 However, usually I would see Son Sen as a dignitary since he was  
14 <the army chief as well as> the Minister of National Defence.

15 As for the content of the speech, it's - usually, Pol Pot spoke  
16 about maintaining the integrity and territory of Kampuchea after  
17 we liberated the country from the U.S. imperialists and that that  
18 we should all build the country within 15 to 20 years and that we  
19 should defend our country from the east to the west borders and  
20 that national security was the major concern. In particular he  
21 focused on S-21 security <first, and second, on the Ta Mait  
22 (phonetic) airport>.

23 [14.19.08]

24 Q. This may be my last topic to you. I would like to ask you  
25 about at Trapeang Thma Dam and you spoke rather at length about

1 that. You said you went to take photos at Trapeang Thma Dam on  
2 three separate occasions. Can you tell the Chamber about those  
3 three occasions as to when, in what year and month, for example?

4 A. The first trip was made in late '76 and I believe it was  
5 around December.

6 And the second trip was when I went to make a movie. That  
7 continued from <Kampong Thom up to> Siem Reap <up> to Trapeang  
8 Thma Dam.

9 And the third trip was in mid-1978. That is -- at the time, the  
10 dam's construction had been completed and some of the photographs  
11 had been included in the magazines.

12 [14.20.16]

13 Q. Thank you. And this may be my last question. When you went to  
14 see Trapeang Thma <> on three separate occasions, can you  
15 describe to the Chamber the condition of the workers there?

16 A. I saw activities at the cooperative and maybe upon seeing us,  
17 maybe they considered us as journalists. So they greeted us. They  
18 offered us food and coconut juice and they dressed rather nicely,  
19 although I believe that this <was> just a facade. <I knew about  
20 the starvation.>

21 And from the outset you could see that the activity or the  
22 reception was lively as many dignitaries <representing Angkar>  
23 went to the area, including <me,> Son Sen, <> the <sector  
24 committee, the zone> committee, <Ros Nhim, etc>. So from the  
25 outlook it was good, but I cannot tell you what went <on> behind

1 the scenes as I, myself, could not be aware of the situations  
2 throughout the country.

3 [14.21.42]

4 MR. SAM SOKONG:

5 Thank you, Mr. Witness, and Mr. President. I conclude my  
6 questioning now.

7 QUESTIONING BY MR. PICH ANG:

8 Thank you, Mr. President. I have some supplementary questions to  
9 put to the witness.

10 Q. And good afternoon, Mr. Witness. My name is Pich Ang. I am the  
11 National Co-Lawyer, Lead Co-Lawyer for civil parties, together  
12 with my counterpart, Marie Guiraud. We represent the victims.  
13 I would like to ask some -- for some clarification from you  
14 regarding the vehicles; in particular, the vehicles that belonged  
15 to S-21. You said that sometimes S-21, itself, used vehicles to  
16 bring in vehicles. Can you describe those vehicles that belonged  
17 to S-21; namely, the make, the size and the paint colour?

18 [14.22.51]

19 MR. NHEM EN:

20 A. At S-21, I saw the American-made jeeps, there was three of  
21 them and there were about four or five 4x4s and there were Land  
22 Rovers who were used to bring in important prisoners <by Huy's  
23 group>. There were also <several> GMC vehicles and they were  
24 parked near where the fire station currently is.

25 I can conclude that, including the small and the big trucks,

1 there were about 20 of them, <the big ones were used to bring in  
2 and send out prisoners,> and <all vehicles> were meant to be used  
3 only for the purpose of S-21.

4 Q. Were those vehicles used frequently to bring in prisoners?

5 A. Vehicles were used almost on a daily basis. However, the  
6 number of vehicles used varied. Sometimes one or two vehicles  
7 were used, the Land Rover for example, were used at night time.  
8 Sometimes other vehicles were used from the Kampong Chhnang  
9 airfield. <Most prisoners were sent from Sector 5.>

10 Q. I would like to move on to another topic in relation to the  
11 medical service at S-21. Were there medics to provide treatment  
12 at S-21 and, if so, to whom, whether to S-21 staff as well as to  
13 prisoners?

14 A. A Por was a medic who provided treatment to both the staff and  
15 to prisoners. Unfortunately, later on he was killed under the  
16 order of Duch on the accusation that he was a CIA agent.

17 [14.25.20]

18 Q. Did the medic have assistance in providing his medical  
19 service, for example in distributing medicine?

20 A. At S-21, I mainly saw him, Por, who was killed later on. There  
21 were no assistants. There was no assistant to him. However, for  
22 S-21 staff, if they were sick, they could be sent for treatment  
23 at P-98. However, at the centre itself, there was only medic Por.  
24 <I do not know his surname.>

25 Q. So when someone became sick or a prisoner who was sick, was

1 there anyone who provided medicine or pills to a sick prisoner or  
2 a sick patient besides Por?

3 [14.26.44]

4 A. As a photographer at Tuol Sleng, there was no treatment at all  
5 for prisoners. However, when prisoners were beaten during the  
6 interrogation and they were not yet dead, usually Por would treat  
7 them. Generally, there was no treatment for prisoners at all.

8 Q. Thank you for your clarification. And I have another topic  
9 that I'd like to get clarification from you and this was asked by  
10 the Deputy Co-Prosecutor. That is in relation to the marriage.

11 The Deputy Co-Prosecutor showed you a photo of the marriage of  
12 Huy Sre and in your book that you distributed this morning <on>  
13 page 32, there was kind of a reception and it could be the  
14 wedding for the newly-wed husbands and wives.

15 Can you tell the Chamber whether you are referring to the same  
16 marriage or this is a separate occasion?

17 A. This wedding dinner reception was held at Duch's house, that  
18 is, on the -- that is, after Huy Sre got married. <Here is Ta Huy  
19 sitting here. Here is Duch standing here.> And Song and I  
20 actually took photographs of this reception.

21 Q. Do you know those newly-weds husband and wives?

22 A. I knew the wife clearly. She was Khoeun from <a battalion>.  
23 Later on, she was sent to the <sewing> unit <75> in Tuol Tumpung  
24 and later on, she was arranged to marry Huy Sre. As for others, I  
25 was not that familiar with <them>.

1 [14.29.41]

2 Q. As for the couple that you knew, can you tell the Chamber  
3 whether they had known each other before their wedding?

4 A. Yes, they did, because Khoeun was a female <soldier> from  
5 Regiment <09, Division 703> and Huy himself was also <under the  
6 Division 703 during the war.> And later on, <they were arranged  
7 to be married to each other. I do not know Huy Sre's background,  
8 but while they were working at Tuol Sleng,> they were accused of  
9 an offence and killed.

10 Q. Regarding Huy Sre and his wife and other newly-wed couples,  
11 and you said that their wedding was organized by Angkar, can you  
12 tell the Chamber whether they volunteered to marry their  
13 partners?

14 [14.31.03]

15 A. I met Khoeun at the <sewing> unit <75>. She was not happy with  
16 the arrangement but she had no choice because it was organized by  
17 Angkar. It was a forced marriage and of course you are aware of  
18 that nobody could make any objection to the arrangement by  
19 Angkar.

20 THE PRESIDENT:

21 Witness, you are reminded once again only to tell the truth and  
22 not to make any speculation or personal conclusions. When you  
23 make a personal conclusion that is a speculation and that cannot  
24 be done by you as a witness. If you knew that she is from  
25 Division <113> <(sic)> for sure, then you can say so but you

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1 cannot speculate that <because they both were> from Division  
2 <113> <(sic)><> so they knew each other. No, you cannot make such  
3 a speculation. Likewise, for your last response, you should not  
4 make your personal conclusions or speculation that is for the  
5 purpose of seeking the truth in this case.  
6 Second, your testimony would be used in comparison with other  
7 testimonies of other witnesses in order to see the consistency or  
8 the discrepancies. You should also be well aware of that as other  
9 testimonies from other witnesses actually have been used to put  
10 to you for your reaction. And if you knew that it's a forced  
11 marriage, you should have a solid ground for that before you said  
12 that it was a forced marriage rather than to draw such a  
13 conclusion from you, yourself.  
14 So please, don't make a guess or a speculation.

15 [14.33.20]

16 BY MR. PICH ANG:

17 Q. Mr. Witness, you stated that you met Khoeun and Khoeun said  
18 that she was not happy with the marriage. Is that true what you  
19 said?

20 A. That is true what I said. The distance from Tuol Sleng to the  
21 clothes-making unit was close so I <rode a bicycle> past the  
22 Chinese embassy to <Prey Sar daily>. <That day, all the workers  
23 from the sewing unit 75 were arranged to be married.> While I was  
24 taking the photos or photo, she lowered her head and she was not  
25 happy, to my observation. Actually, she became a part of the

1 clothes-making unit <75> in <late> 1976, and during the marriage,  
2 there were around 40 couples and Hor, the deputy of Tuol Sleng<>  
3 was also there. And he -- his wife was also part of the  
4 clothes-making unit <75>.

5 [14.34.44]

6 Q. Did you know other newly-weds at that time who may have been  
7 -- who may have known each other before the marriage?

8 THE PRESIDENT:

9 Please hold on and observe the microphone, Mr. Witness.

10 MR. NHEM EN:

11 A. Let me tell you. I know only two couples, the couple of Huy  
12 Sre and the couple of Huy (sic), <the deputy of> the prison. And  
13 at the time, some were from the clothes-making unit <75> and I,  
14 as I said, <among the 40 couples,> I knew Khoeun and the <wife of  
15 Ta Hor>.

16 Q. Thank you. Regarding the second couple you have just  
17 <mentioned>, that is, the couple of the deputy at Tuol Sleng  
18 prison, did that couple love each other before the marriage and  
19 did they agree to get married voluntarily?

20 [14.36.06]

21 A. To my observation the marriage at Tuol Sleng was not forced.  
22 Angkar organized the marriage for them. Whether or not they  
23 consented -- they voiced their consent to the marriage, I have no  
24 idea, but Angkar required them to get married.

25 Q. Do you happen to know that there was a case that a couple



1 which was required to get married by Angkar refused the marriage?

2 A. No. No such thing happened. No refusal from those couples.

3 Angkar organized the marriage <of> the <elder staff> at Tuol

4 Sleng prison, perhaps 30 or 40 couples got married at the prison.

5 THE PRESIDENT:

6 You are running out of time now and it is now an appropriate time

7 for a short break.

8 The Court will take a short break from now until 3 p.m.

9 Court officer, please assist the witness during the break time in

10 the waiting room and please invite him back in the courtroom at 3

11 p.m.

12 The Court is now in recess.

13 (Court recesses from 1437H to 1459H)

14 THE PRESIDENT:

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

16 I would like to hand the floor to the defence team. However,

17 before that I have two observations to make.

18 First, it's the -- it is necessary that Counsel Koppe made a

19 request to have some more time to question this witness and many

20 issues emerged from the questioning of this witness by Counsel

21 Koppe. For that reason, I would like to inquire from both defence

22 teams how much time each team needs to question this witness.

23 First, the floor is given to Counsel Koppe.

24 [15.00.35]

25 MR. KOPPE:

1 Well, I was hoping -- I am looking at my colleague Anta Guisse.  
2 She would be needing 40 minutes, 45 minutes, and if I could have  
3 the remaining 20 minutes, then I think --

4 JUDGE FENZ:

5 There is no request for additional time. Good.

6 [15.01.14]

7 MS. GUISSÉ:

8 Well, of course, I don't want to bring bad news. Everything is  
9 going to depend on the way the witness is going to answer my  
10 questions. That's all. I simply want you to be open to the  
11 possibility that there might be possibly need for extra time.

12 THE PRESIDENT:

13 And in fact, Judge Lavergne also would like to put some questions  
14 to this witness. And for that reason, I give the floor first to  
15 Judge Lavergne.

16 [15.01.52]

17 QUESTIONING BY JUDGE LAVERGNE:

18 Thank you, Mr. President. I am going to try to be as concise as  
19 possible.

20 Q. Witness, based on your testimony, I understood that you <are  
21 in possession of> a relatively high number of documents coming  
22 from S-21. Can you describe those documents, what kind of  
23 documents are these? Are these negatives? Are these prints? Are  
24 these recent prints or are these prints that were made later?  
25 So I will have further questions but, please, can you describe

1 the documents that you have?

2 [15.02.50]

3 MR. NHEM EN:

4 A. Thank you, Your Honour, for asking me the question.

5 The documents that I have with me are the following; one, my  
6 notebook of my study in China, the second <is> the photos, the  
7 real photos that I took and collected and, third, a number of  
8 cameras that I used at S-21. However, I do not have any negatives  
9 with me. I only have <the> photos and the documents that I  
10 mentioned.

11 Q. Where are these documents stored? Where are these documents? I  
12 understood that some of these documents are in Phnom Penh and  
13 maybe some are in Siem Reap and maybe some are in Anlong Veang  
14 or elsewhere. I didn't quite understand. So can you please tell  
15 us exactly where these documents are located?

16 [15.04.02]

17 A. The documents are stored at my house in Siem Reap. I am  
18 building my own office in Siem Reap.

19 Q. Fine. And by documents we mean essentially photographs. You  
20 said that there are photographs, there is also a notebook, but  
21 essentially we are speaking about photographs. Am I correct?

22 A. There are photographs and I also have <hundreds> of Khmer  
23 Rouge songs. I also have relevant documents. In fact, I, Nhem En,  
24 want to testify before the Court and I can provide further  
25 information to the Court if required.

1 Q. Can you be a bit more specific about that? When you say that  
2 you have other documents, what do you mean? I understood that  
3 there were photographs and now you are speaking about songs and  
4 you also say that you have other documents. What other kinds of  
5 documents are these? Are we speaking about reports, minutes of  
6 meetings? What are we speaking about, exactly?

7 A. I do not have any minutes of meetings. I might have voices of  
8 Pol Pot and videos of meetings, videos of Ta Mok, for instance,  
9 although I do not have many, but I have quite a collection.

10 Q. Can you give us an idea of what this represents in terms of  
11 quantity? Do you have an idea of the number of photographs in  
12 your collection?

13 A. For photographs, I have a bit over 1,000 photographs and I  
14 have about 500 Khmer Rouge songs and I have videocassettes of Ta  
15 Mok's and Pol Pot's meetings as well as the cameras. I have  
16 several cameras. And I have gathered documents related to the  
17 Khmer Rouge regime as well.

18 [15.07.24]

19 Q. Did you draw up a catalogue of the different documents or  
20 objects you have in your collection? Do you have a list with the  
21 description of each one of these elements, of each photo, of each  
22 document?

23 A. Although I don't make a catalogue but I record about <90>  
24 percent of all those items since I am planning to open a museum  
25 of my own in Siem Reap.

1 Q. Now, regarding these photographs in particular, are these  
2 photos that you made yourself or are these photos that were taken  
3 by other people?

4 A. Eighty percent of those photos were taken by me and the other  
5 20 percent were the work of my other colleagues.

6 [15.08.59]

7 Q. Well, I have another question regarding the way you came to  
8 own these documents. If I understood you correctly, you said  
9 earlier than when you left Phnom Penh in 1979, you left without  
10 anything. So when did you manage to obtain these documents and  
11 how were these documents stored?

12 A. After the national reintegration in Anlong Veang in 1997 and  
13 '98 I stored those documents and after Pol Pot passed away, I  
14 went to his house and I gathered some of those photos from the --  
15 that regime. While I worked for the army I -- the DK army, <I>  
16 actually collected some documents, some of those photos as well  
17 that I believe that they may be of good use for the future court.

18 Q. Can you be a bit more specific about that? You said that you  
19 managed to retrieve certain photographs, but from whom and under  
20 which circumstances and how did these people from whom you  
21 retrieved these photographs manage to store these photographs? Do  
22 you have any details on this chain of custody, we could say, of  
23 these photos?

24 THE PRESIDENT:

25 Witness, please observe the microphone.

1 [15.11.12]

2 MR. NEHM EN:

3 A. Allow me to clarify. First, those photographs were taken by  
4 me.

5 Secondly, I retrieved some photographs from Pol Pot's house after  
6 he passed away.

7 Third, I retrieved some photos from military commanders, <who are  
8 all deceased, including Kheum Ngon> (phonetic) and <Tem  
9 (phonetic)>, for example. They gave me <a lot of documents to  
10 keep>.

11 For that reason, I have in my possession some photos, videos and  
12 cameras and I received them from those military commanders of the  
13 <DK> regime.

14 [15.11.57]

15 BY JUDGE LAVERGNE:

16 Q. You also explained that you had buried certain objects. Can  
17 you be a bit more specific about what you buried, where, and when  
18 did you retrieve these objects? Because I understood that you did  
19 not go back to Phnom Penh for quite a while because you were  
20 still a combatant.

21 A. It's a long story. In 1982 and '83, I resumed my photography  
22 of work and I took photographs at the battlefields to the east  
23 part of Tonle Sap.

24 And in 1993, after the tri-party negotiations, that is, Samdech  
25 Sihanouk, <Ta Son Sann> and Khieu Samphan, <the DK party> and the

1 government, I returned in 1990 and I went to the place where I  
2 hid the objects and the owner didn't -- was not aware of where I  
3 hid those objects. I even retrieved some gold.  
4 I could retrieve some <small> cameras; however, I could not  
5 retrieve the main cameras <for filming> like the 8 millimetre,  
6 <the 16,> machines. <Somebody took them from two of the pits I  
7 hid those objects in. Before I left in 1979, after the arrival of  
8 the Vietnamese on 7 January,> those objects were hidden along --  
9 under the coconut trees, that is, <the> row <of trees> in front  
10 of the Tuol Sleng museum compound.

11 And <> in 1990, <> I returned to Phnom Penh. At that time, Khieu  
12 Samphan, along with the tri-parties, held a convention <at the  
13 United Nations> for the negotiation <on 23 October>.

14 Q. Now, regarding these photos or regarding these audio<visual>  
15 documents, do you know if there are copies? And if there are  
16 copies that are in collections accessible to the public, or <are>  
17 you the only person <in possession of> these photographs as well  
18 as these audio-video documents?

19 Let me be more specific. Did you show <these documents> to the  
20 investigators who questioned you<>?

21 [15.15.15]

22 A. Sometimes I showed some documents to the investigators or the  
23 judges, and I didn't dare risk to <presenting> those documents to  
24 other entities, including the DC-Cam, <because they did not value  
25 me>.

1 I still have 19 video cameras with me and they were given to me  
2 by Ta Mok and Pol Pot. I'm in love with all <this>equipment,  
3 although some of them do not <work>, however, they have  
4 historical value for me.

5 Q. Fine. Now, I would like to discuss another topic.

6 When you were working at S-21, from whom would you receive your  
7 orders? Did you receive orders only from Duch or did you also  
8 receive orders from other leaders?

9 [15.16.37]

10 A. Of course, I cannot forget about that. As I have stated,  
11 <regarding the orders>, I first <received them> from Son Sen,  
12 Minister of National Defence <of the DK regime>. Second, His  
13 Excellency, Nat, and the third was <Ta Pin and Ta> Duch.  
14 And within Tuol Sleng Prison, the orders I received from Duch  
15 were mainly to do with taking photographs and, as I said, I <had>  
16 my own squad and we had a <table> phone in our office. And  
17 usually when the phone rang, <whoever answered, that person would  
18 go and perform the task.>

19 Q. For example, when you were asked to escort a delegation to  
20 take photos, for example, when you would go visit dams that were  
21 being built or construction sites or when you were going to  
22 cooperatives, who gave you the order to go with the delegation  
23 and to take pictures, was it Duch or other people?

24 A. The orders only came from Son Sen and Ta Nat while I was at  
25 Tuol Sleng Prison.



1 As for Duch, as I said, his orders had only to do with the  
2 <photography> work at Tuol Sleng centre itself, and I was one of  
3 the six photographers in Tuol Sleng. Sometimes we rotated  
4 ourselves to accompany the delegation on their field trip.

5 Q. And when you would travel with these delegations, would you  
6 only take pictures or from time-to-time did you shoot documentary  
7 films?

8 [15.19.04]

9 A. It is a rather complicated matter. In fact, we took still  
10 photos <and> we shot documentary films. <> The 18 <mm camera  
11 could not be used to film at that time.> We could only use 16 or  
12 35 millimetre <cameras>, and the process would <take> -- from two  
13 to three months as we had to montage them before a final product  
14 could be shown. And I was pretty proud <of> the products that we  
15 produced at the time.

16 Q. I believe that the parties remember a certain number of  
17 documentaries regarding the building of dams in particular,  
18 documentaries in which we can see workers building the dams.  
19 So you, yourself, did you film such documentaries where we see  
20 workers building dams?

21 [15.20.21]

22 A. Yes, that is correct. In fact, I had many other colleagues --  
23 Ye (phonetic), Lieng (phonetic) and, in fact, we still had some  
24 technicians from the previous Lon Nol regime. <So they were  
25 brought to train us about filming.>

1 And in Phnom Penh, there were Phnom Pich, Chenla (phonetic) and  
2 <Lux> theatres. I conducted research at those theatres and we  
3 found surviving technicians, and there were also one or two  
4 technicians from China who assisted us and provided us with  
5 technical support <with> how to shoot the films.

6 And, actually, the films could not be edited in Phnom Penh but  
7 they were edited in Beijing in China as we did not have the  
8 facility to do so in Phnom Penh.

9 Q. Well, let me maybe repeat my question so that you can really  
10 answer it precisely.

11 You, personally, you, did you film such documentaries in which we  
12 see workers building dams? You, yourself, were you the one behind  
13 the camera shooting those films?

14 A. Yes, I did. For example, the 1st January Dam, the 30 September  
15 Dam and the Trapeang Thma Dam.

16 As for the North Zone, <the Northwest Zone> and the West Zone, I  
17 went to <shoot> films and photos at those dams rather frequently,  
18 but I <rarely went> to the East, <the Southwest> or the Northeast  
19 Zones.

20 [15.22.30]

21 Q. And do you remember if orders were given to the workers? Were  
22 the workers told, for example, to run in order to give the  
23 impression that they were working hastily, or were the workers  
24 ordered to not appear in the frame? Were there orders of that  
25 kind that were given to the workers?

1 A. Regarding shooting the film, usually we had to be very  
2 careful. We had to be careful with framing and the background. I,  
3 for example, shot film from Kbal Thnal (phonetic) area along to  
4 Chak Angrae Leu and to Takhmau. And, of course, usually when we  
5 shot film, we only shot good frames in order to attract the  
6 viewers.

7 Q. So can we say that you would receive instructions in order to  
8 show a positive image of what Angkar was accomplishing?

9 [15.24.07]

10 A. You can say that is correct. Of course, if we shot bad image  
11 then it would have an impact on the nation.

12 Q. And did you ever hear about a trip that was made by a team of  
13 Yugoslav journalists who had also made a documentary; did you  
14 ever hear of that<>?

15 A. Not only I heard about it, I saw them as well when they went  
16 on their field trip to <the Royal Palace, to> Kampong Cham area.  
17 There was this Yugoslav delegation, Romanian delegation, for  
18 example.

19 Q. And do you know if the screening of that documentary made by  
20 the Yugoslav team<s> gave way to any reactions in Phnom Penh?  
21 Were these films enjoyed or, on the contrary, did this create  
22 problems?

23 A. That is the responsibility of journalist. From I knew at the  
24 time from the communist bloc, including Yugoslavia, Romania,  
25 <Mongolia, China, North Korea,> they came to Cambodia and they

1 were warmly welcomed by Pol Pot and the dignitaries. Most of the  
2 communist countries who came to Cambodia were warmly welcomed.  
3 I did not see any reaction to any documentary film showing. If  
4 there were any private <reactions>, I would not know, but there  
5 were no public reactions to any films. And, of course, <few  
6 countries from the communist bloc visited Cambodia because> there  
7 were only <a few> handfuls of embassies in Cambodia during the DK  
8 regime.

9 [15.26.43]

10 Q. It appears that at S-21, a certain number of prisoners had  
11 their confessions recorded and then later these <audio>  
12 recordings were broadcast on the <Phnom Penh> radio. So do you  
13 know who was in charge of recording these S-21 confessions?

14 A. Of course, I cannot forget that. There was a group of  
15 interrogators, Ta Sry, <Ta Sin (phonetic), Ta Meng,> for example,  
16 <Chhen (phonetic)> who was with Duch and, actually, Duch had  
17 about 10 record players. Then the voice from the <prisoners were>  
18 recorded and broadcast.

19 In particular, those Vietnamese soldiers who were arrested, their  
20 voices would be recorded and <it was> translated by Chan and  
21 <then they would> broadcast <it>. And the purpose was to show  
22 that Vietnamese troops actually fought and invaded Kampuchean  
23 territory, and they were operated by those who actually involved  
24 in the interrogation itself, and that is the truth.

25 [15.28.17]

1 Q. So the photographers were not involved in the audio  
2 recordings, only the interrogators. Did I understand you  
3 properly?

4 A. Yes, that is correct. We had separate responsibilities and we  
5 could not interfere with the responsibilities of other workers.

6 Q. Now, I would like to discuss another topic.

7 Among the S-21 photos<>, we have a certain number of photos <on  
8 the case file> of bodies and, in fact, you were questioned about  
9 these photos.

10 Can you tell us who would give the orders to take such photos and  
11 was this something that happened often?

12 [15.29.33]

13 A. Allow me to make my response. Prisoners who died in Tuol  
14 Sleng, they died as a result of heavy torture by interrogators or  
15 of the beating by guards. <Their photographs were taken in that  
16 case.>

17 Second, after prisoners were <interrogated and> photographed,  
18 important prisoners were taken away and killed, and sometimes  
19 prisoner had their throats slashed and only one photographer,  
20 Sry, was assigned to take <photographs of dead bodies>. Sry  
21 himself was also a guard. <He learned how to take photographs  
22 from me. After he took the photographs, no one was allowed to  
23 see. He handed them over to me to develop.>

24 Ninety percent of the prisoners, who had their throats slashed  
25 and <were> photographed, were important prisoners, and those

1 prisoners' <photographs> would be sent to Son Sen and Son Sen who  
2 would forward them to Pol Pot as they wanted confirmation whether  
3 those prisoners had been killed. Unfortunately, Sry was later  
4 executed <at Tuol Sleng, and his gallbladder was extracted by>  
5 medic Por<>.

6 [15.30.55]

7 Q. So what you are telling us is that photographs were taken by  
8 Sry. Were those photographs taken only at S-21 or Sry went to  
9 other execution sites such as Choeung Ek, for example?

10 A. I could not make a conclusion on that. I could say that the  
11 photos that they brought could be -- some of them could be from  
12 Choeung Ek. Although I could not know the details, many prisoners  
13 were killed at the back road along the Boeng Keng Kang area and  
14 many trees in the area were dead.

15 And after the area was full, the prisoners were then taken and  
16 killed at Boeng Choeung Ek, although at the time I was not aware  
17 of that.

18 And only in 1995, that is, after the re-integration, I went to  
19 see the area.

20 Q. I am not quite sure I understood the interpretation, but if I  
21 understood you correctly you said that you didn't go to Choeung  
22 Ek before 1995. Is that indeed what you stated?

23 A. In 1995, I can recall that. In November 1995, I joined the  
24 government and from that time onwards, I told <my> story in the  
25 <"Cambodian Times"> at the time. <I went to the area> and <I>

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1 realized that truckloads of prisoner were sent to Choeng Ek to  
2 be killed.

3 The first time when I saw the dead bodies or the remains at  
4 Choeng Ek was in November <and December> 1995.

5 [15.33.33]

6 Q. Did you happen to observe that truckloads of prisoners arrived  
7 at S-21 and that, subsequently, the prisoners were led to  
8 execution sites directly without their photographs having been  
9 taken?

10 A. Your Honour, many cases happened. Sometime there were arrests,  
11 intensified arrests. Those who were arrested at the Kampong  
12 Chhnang airport, <K-5 called Trapeang Thma> and the east were  
13 also sent to the location.

14 I did not take the photos, but I knew that they were sent to that  
15 location and killed. <There was no document.> Sometime I saw  
16 truckloads <going> past.

17 Q. I wanted to clarify something. You saw truckloads of persons  
18 in those trucks stopped and they were sent to S-21 and  
19 immediately sent to Kampong Chhnang and on the airport  
20 construction site for execution. Is that what you stated?

21 [15.35.04]

22 A. Your Honour, those people were taken from Kampong Chhnang to  
23 S-21, not the opposite, and people from Sector 5 in the Northwest  
24 Zone and also people from the East Zone, most of them were  
25 soldiers, <their hands were tied and they were blindfolded and>

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1 were sent into S-21.

2 Q. So there were persons from Kampong Chhnang and other places  
3 led to S-21 and those persons' photographs were not taken. Is  
4 that what you are saying? And that happened during periods of  
5 intense arrests. Is that your testimony?

6 A. That is true, Your Honour. Mass arrests happened in 1977. Some  
7 of them were photographed, but some <others> were not.

8 Q. I have also understood that among your activities other than  
9 those of a photographer, you were also a messenger.

10 I would like to know for how long you worked as a messenger and  
11 to whom you delivered messages. Was it to Pol Pot, to Son Sen, to  
12 Ta <Nat>, to Nuon Chea, or to <whom>?

13 [15.37.05]

14 A. I will have to take much time to elaborate on the issue. One  
15 prison was established back then in Takhmau, the psychiatric  
16 hospital. I delivered messages from Takhmau.

17 And at the time I was on bicycle and I arrived at <P-98> Hospital  
18 close to Monivong <hospital>. <I saw the handwriting in red.> It  
19 has something to do with the <king's> family members and some of  
20 the <king's> family members were killed at that location. <Their  
21 bones, the Americans' bones, could be found and displayed.> It is  
22 sure they were killed there.

23 I was a messenger. I was on a bicycle. I did not dare to open the  
24 envelope and read the messages. <I saw the handwriting in red.>  
25 Some pilots, <some factory workers, some American soldiers,> some



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1 <Lon Nol soldiers>, were killed. The psychiatric hospital at  
2 Takhmau. <It> was turned into <a> prison. <it was a big prison in  
3 '70 -- early '71>.

4 And there were two times that I brought two messages, or two  
5 letters <from Tuol Sleng> to Son Sen. And at the time, he was on  
6 a vehicle where I delivered the two letters to him. <I did not  
7 know where he lived.>

8 Q. While you were at the Takhmau psychiatric hospital, you were a  
9 messenger. Is that period prior to your departure to China or  
10 after your return from China?

11 [15.39.06]

12 A. Your Honour, it was before I went to China. It was in the  
13 period of October and December. At the time, I was in technical  
14 training and I was also a messenger.

15 About 3,000 children, together with the soldiers, so totaling  
16 5,000 of them, attended <all type of> trainings. Soldiers from  
17 navy, soldiers from infantry and from other sectors were sent to  
18 join the training <to learn the military tactics to defend the  
19 border and they were trained> because of the lack of human  
20 resources <after the war>.

21 At the time, I was hard-working and I was well prepared<,> for  
22 that reason, I was sent to China. It is -- it was my habit and it  
23 has been my habit. Angkar liked people who were well-prepared. I  
24 am not <bragging> to you but I am proud of myself.

25 Q. I have understood that at the Takhmau psychiatric hospital, a

1 number of executions were carried out and, if I understood  
2 correctly, you talked of officials of the Lon Nol government who  
3 were executed there.

4 Was it a significant number of persons who were executed there  
5 and was there a policy regarding the executions of former  
6 officials and soldiers of the Lon Nol republic or the Khmer  
7 Republic?

8 [15.41.03]

9 A. I would like to tell Mr. President, Your Honours, everyone  
10 here, I witnessed that in the library close to Phsar Thmei. The  
11 order was from Son Sen.

12 Mr. President, Your Honours, you know what they did? Books were  
13 collected and put onto five GMC trucks. The documents were <used  
14 to research> the former Lon Nol <government>. The arrests did  
15 happen in 1975. Those documents were collected from the library  
16 and names were noted down and afterward -- and people were  
17 arrested afterwards. < At Takhmau, the psychiatric hospital, Song  
18 Sak (phonetic) was also killed there.>

19 Colonels, <majors,> captains and other <Lon Nol> high-ranking  
20 officers were killed. <The king's> family members were also  
21 killed, and it is very difficult to identify the skeletal remains  
22 of the <king's> family members. Only the <Americans'> <bones>  
23 that can <be identified>. I could see at the time <there were>  
24 five truckloads of <documents and> people <from all over the  
25 country> were taken <to that place> and killed.

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1 [15.42.36]

2 Q. So if I understand you correctly, what you're saying is that  
3 the library of the Takhmau psychiatric hospital, they had  
4 assembled documents containing lists of officials or soldiers who  
5 were subsequently arrested. Did I properly understand your  
6 testimony?

7 A. That is correct, what you understand. The Khmer Rouge <were>  
8 good at identifying people and searching for people, so <there  
9 were> five truckloads of documents <from the library> and people  
10 <and their positions> were <identified>. For this reason, <a lot  
11 of> the former <officials> -- Lon Nol officials died.

12 MR. PRESIDENT:

13 Which library are you referring to? The library which was located  
14 at Phsar Thmei, <Phnom Penh> or the library located at the  
15 psychiatric hospital in Takhmau, <Kandal province>. Which one are  
16 you referring to?

17 MR. NHEM EN:

18 I cannot forget it. That library was located close to the post  
19 office, the main post office, in town. All documents were kept in  
20 the archive over there. Five truckloads of documents were taken  
21 away and, based on those documents, the former Lon Nol soldiers  
22 and officials were arrested and killed.

23 [15.44.40]

24 BY JUDGE LAVERGNE:

25 Q. Do you recall exactly when you witnessed those events? When

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1 did you hear of those executions, unless you witnessed those  
2 executions with your own eyes<. Did you witness those executions?  
3 And>, if not, when did those executions occur?

4 MR. NHEM EN:

5 A. Your Honour, could you repeat your question. It is not clear  
6 to me.

7 Q. I asked several questions. On what date did you observe that  
8 those documents had been assembled in those libraries, that is,  
9 documents regarding the lists of officials and soldiers?

10 [15.45.41]

11 A. It was in December 1975, or in November, I witnessed that.  
12 They, the Khmer Rouge, wanted to search for the pilots, the  
13 former pilots, and also those who were <colonels, majors during  
14 the Lon Nol regime. It didn't take long to find them. It took  
15 about four to ten days, and those people were brought in> and  
16 killed.

17 I did not overhear it, I saw it by myself, and people were sent  
18 to Takhmau prison which was the former psychiatric hospital.

19 Q. Did you, yourself, witness with your own eyes, executions? Did  
20 you witness scenes of executions with your own eyes?

21 A. Let me backtrack a little bit. Everyone had their own  
22 responsibility. Everyone only minded their businesses. So I was  
23 the photographer. I was in charge of photographing people and  
24 they had different roles to play.

25 Q. I would like to backtrack a little and talk about photographs

1 of bodies.

2 Did you, yourself, develop negatives of bodies? You said that it  
3 was Sry who took the photographs. But did you, yourself, develop  
4 them?

5 [15.47.48]

6 A. In relation to <that> issue, Sry was trained by me how to take  
7 photographs. It took me five days to teach and train <> Sry how  
8 to use the light from the camera and how to click -- shoot the  
9 picture. <After taking the photographs, he gave them to me and he  
10 told me to be careful with the special negatives. I asked him  
11 why. He said, "You'll know why when you see them.">

12 And during the time, I was the one who developed the negatives in  
13 the darkroom and, at the time, after I developed the negatives, I  
14 could see that many, many people were killed; high-ranking  
15 officials were killed and their throats were slashed.

16 And usually the people at Tuol Sleng, who had their throats  
17 slashed, held <high ranks, they at least> were part of the  
18 regiment.

19 Q. Do you recall certain high-ranking officials in the Democratic  
20 Kampuchea regime whose photographs were taken? Do you have any  
21 names that come to mind?

22 [15.49.46]

23 A. Your Honours, <For> Hu Nim and other high-ranking cadres, for  
24 example, Ta Khuon, most of them were not -- their photos <were>  
25 not taken by me. Sry usually did the job.

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1 There were special <cells> for those people in the building,  
2 inside that compound, and that was a special prison for those  
3 people, for the special people. Those who were from sector and  
4 district committees were detained and imprisoned at that special  
5 prison. Hu Nim was in that centre. <I could not go near> Hu Nim,  
6 <Ta Khuon>. The Khmer Rouge had their special forces to be in  
7 charge of that task.

8 Q. So do you remember seeing a photograph of Hu Nim's body? You  
9 can answer with a simple yes or no.

10 A. I did not witness myself the dead bodies of those people, but  
11 I saw <> that they were detained. And I, myself, I am not aware  
12 where those people were killed. Sry was part of the battalion  
13 when he was at Tuol Sleng.

14 Let me clarify. At the end Sry was also killed. I do not  
15 <understand the killing>. <Maybe he knew too much.>  
16 That is why Duch did something to him.

17 Q. Very well, to be very clear, did you see photographs of Hu  
18 Nim's body?

19 A. No, Your Honour, I have never seen <> the dead body of Hu Nim.

20 [15.52.11]

21 MR. PRESIDENT:

22 The question is about the photo of the deceased, Hu Nim, which  
23 you said he was the high-ranking official. It is not about the  
24 dead body. The photo, have you seen -- have you ever seen the  
25 photo of the deceased, Hou Nim?

1 MR. NHEM EN:

2 Let me make a clarification. Sry took photos. Sometime those --

3 Om Om or uncles were thin and I could not recognize well them.

4 <It could be him, but> after they were in the prison for a period

5 of two or three months, they became emaciated. For Koy Thuon, he

6 refused to eat. <He would rather die.> Ninety percent of them

7 after in the prison got thinner. And, as I told you, those who

8 had their throats slashed were all high-ranking cadres.

9 [15.53.25]

10 MR. PRESIDENT:

11 If you could not recognize <them>, the meaning's that you have

12 not seen them; the photos I mean. Have you seen <it>?

13 A. I saw negatives which I developed. The dead body themselves,

14 the physical dead bodies, were not seen by me.

15 BY JUDGE LAVERGNE:

16 Q. Very well. Did you develop negatives of photographs of Hu Nim

17 and Koy Thuon, for instance?

18 MR. NHEM EN:

19 A. I told you earlier, I developed the negatives <>.

20 And that is the question; where those photos were taken to after

21 they were developed. And those photos were sent to Duch and I

22 produced two photos for one negative.

23 [15.54.42]

24 MR. PRESIDENT:

25 Please, respond to the limit of the question. Please do not

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1 expand beyond the question put to you. I have kept reminding you  
2 since the morning about that.

3 Have you ever seen negatives which depict the dead body of Hu Nim  
4 and also Koy Thuon. This is the question. <Two individuals>, have  
5 you seen the photo of them, of the dead bodies of Koy Thuon and  
6 Hu Nim?

7 Now it is about the negatives you developed. Have you seen those  
8 two negatives of dead body of Koy Thuon and Hu Nim?

9 So if you answer precisely, then we can understand you. You  
10 cannot just say you guess the negatives that you <developed> were  
11 of Kuy Thuon and Hu Nim.

12 [15.55.55]

13 MR. NHEM EN:

14 Let me tell you again, Your Honours. I developed the negatives,  
15 and the photos, the people in the photos were thin and <looked>  
16 different from the people who used to be considered those high,  
17 senior-ranking officers. <I do not know what more I could say,  
18 but there were over 100 negatives of the dead bodies.>

19 MR. PRESIDENT:

20 So <> you have seen <the negatives, but> you <could> not  
21 recognize them<>. <Could you or could you not recognize them?>

22 BY JUDGE LAVERGNE:

23 Q. Could you please repeat your answer to the last question put  
24 to you by the President because we didn't hear the <translation>.

25 Did you recognize that person as Hu Nim or Koy Thuon, or you



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1 simply saw photographs of persons who were extremely emaciated  
2 but you didn't know who those persons were?

3 MR. NHEM EN:

4 A. What you said is true.

5 [15.57.34]

6 Q. But there are two options. Either you saw negatives of  
7 photographs of persons you recognized as being Koy Thuon and Hu  
8 Nim, or, what you saw were photographs of persons who were  
9 extremely emaciated and you did not recognize who the persons  
10 were.

11 What is the option you are choosing? Did you recognize those  
12 photographs as being those of Koy Thuon's or Hu Nim's bodies?

13 A. In short, after I developed the negatives, I did not recognize  
14 them. And those <people's photographs> were shot because they  
15 were of important people and those people were too emaciated <and  
16 their skin colours changed after they died>.

17 [15.58.55]

18 Q. Now, if you could not recognize them, did someone tell you  
19 subsequently whether it was Hu Nim or Koy Thuon and, if that is  
20 the case, who told you so or is it a mere assumption on your  
21 part?

22 A. Your Honour, those who had their throats slashed were taken  
23 from the special prisons and, as I told you, I did not recognize  
24 them because they were already dead in the photos. Their throats  
25 had been slashed. <Sometimes only their throats were

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1 photographed. When I developed the negatives, I saw> about 100 of  
2 them had their throats slashed within Tuol Sleng compound.

3 Q. A last question, witness. You said, if I understood you well,  
4 that Pol Pot and maybe other people wished to obtain these  
5 photographs to be sure that these people had, indeed, died.

6 So is that what you said? And, if that's the case, where did you  
7 get that information from? Is that something that was told to you  
8 or you, yourself, did you <take> these pictures to Pol Pot or to  
9 other people?

10 A. <There is something> strange in the photo. The strange <thing>  
11 is <they asked me to develop two photos> from one negative; one  
12 <was kept there and another one was sent to> Ta Pang and <>Ta  
13 Noeun. And if those photos were sent to the two individuals, then  
14 they would be forwarded to Son Sen <and Pol Pot because they were  
15 in the same network>.

16 So, as I said, the <> thing is that <> I was asked to develop two  
17 photos from one negative. <One was kept at my place and another  
18 one was sent to Duch.> This is true what I did at the time. <I  
19 got the negatives from Sry.>

20 [16.01.30]

21 Q. How did you get to know that these photos were sent to Son  
22 Sen? Were you the one bringing these photos to Son Sen or did you  
23 know who brought these photos to Son Sen, or were you told <>?  
24 Were you told what was going on?

25 A. Ta Duch owned two houses. The one house was in front of the

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1 Ministry of Planning and there was another <one at the back,> two  
2 houses were merged into -- merged together. <Pang> and Noeun went  
3 to <Duch's> house <> to see Duch. And <at> the time usually they  
4 <addressed> each other by "Brother" or "Bong" -- so Ta Pang and  
5 Ta Noeun got the photos from me and they would send the photos to  
6 <Duch>.

7 Q. So to make sure that I understood you well, there were  
8 messengers who would come see you to request these photographs  
9 and who would then bring them to other people.

10 Is that what happened? And if that is the case, were you told to  
11 whom these pictures were being given?

12 [16.03.24]

13 A. My house was not far from Ta Duch's house. It was about 100 or  
14 200 metres apart. <Let me> backtrack <a little bit>.

15 Ta Noeun and Pang were close associates to Son Sen <and Pol Pot>.  
16 The two individuals who got the photos from me, so who else would  
17 they send the photos to? It's sure that they may have sent them  
18 to Son Sen <or Pol Pot>.

19 MR. PRESIDENT:

20 Please, I told you, I repeatedly have -- I have repeatedly told  
21 you to answer to -- answer to the limit of the question. Please  
22 do not draw a conclusion or please do not make an assumption. It  
23 is a waste of time for the Chamber.

24 The Chamber will not use or base the assumption, your assumption  
25 or conclusion as the evidence to decide. So, please, bear in mind

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1 what you answer.

2 It is now time for the adjournment, and the hearing will continue  
3 tomorrow, Thursday 21 April 2016 at 9 a.m.

4 Tomorrow, the Chamber will hear -- will continue hearing the  
5 testimony of <witness Nhem En>, and then we'll proceed to hear  
6 2-TCW-865, or -- and if the Chamber has time it will proceed to  
7 hear 898 as well.

8 [16.05.15]

9 Mr. Witness, the hearing of your testimony has not come to a  
10 conclusion yet. You are therefore invited to be here once again  
11 tomorrow.

12 Court Officer, please work with the WESU to send this witness,  
13 together with the reserve witness, back to the place where they  
14 are staying at the moment, and please invite them into the  
15 courtroom tomorrow once again.

16 Security personnel, are instructed to bring Nuon Chea and Khieu  
17 Samphan back to the ECCC's detention facility and have them  
18 returned into the courtroom before 9 a.m.

19 The Court is now adjourned.

20 (Court adjourns at 1606H)

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