



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

OFFICE MEMORANDUM

សាធារណៈ / Public

TO:	Susan Lamb Trial Chamber Senior Legal Officer	Date: 2 November 2012	
FROM:	Chea Leang & Andrew Cayley Co-Prosecutors <i>Chealeang</i> <i>Andrew Cayley</i>		<p>ឯកសារដើម</p> <p>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL</p> <p>ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 05 / 11 / 2012</p> <p>ពេលវេលា (Time/Heure): 09:20</p> <p>បុគ្គលិកទទួលខុសត្រូវ/Case File Officer/L'agent chargé du dossier: <i>ANN P.S. DA</i></p>
CC:	All Defence Teams All Civil Parties Defence Support Section		
SUBJECT:	Issues Relating to Fitness Hearing of Ieng Sary on Thursday 8 November 2012		

In response to the Trial Chamber's email request on 24 October 2012, the Co-Prosecutors submit to the Trial Chamber a list of questions they would like to be addressed by the medical experts in their examination and diagnosis of Mr. Ieng Sary.

To the Experts

In its memo of 8 October 2012 (E238), the Trial Chamber requests you to diagnose Ieng Sary's medical condition through examination and consultation, and assess whether further tests are required to be conducted or determine if any further changes to his medical care are necessary. With that context, scope and purpose in mind, the Co-Prosecutors would appreciate if you could address the following specific questions in your examination and report:

- (1) In the context of the Trial Chamber's request 2(f) to advise on the current state of Ieng Sary's health, please describe any changes in Ieng Sary's health condition since you last assessed him?
- (2) What is Ieng Sary's health prognosis (as opposed to diagnosis) for the foreseeable future? What are the recovery rates of people with similar medical conditions (referring to those conditions that have the most detrimental effect or impact on his current health).
- (3) In the context of the Trial Chamber's request 2(g) to advise the Chamber of any changes you would recommend in Ieng Sary's medical care, can you address the following questions :
 - a) Is Ieng Sary receiving the best medical treatment available either in or outside of Cambodia to improve his health?
 - b) Is the quality of the medical equipment and general facilities at the Khmer-Soviet Friendship Hospital that are being used on a daily basis and in the longer term of a high standard to assist in maximising his opportunities to improve his health?



- c) Is the quality of Ieng Sary's immediate physical surroundings, i.e. size of room, general atmosphere, noise level, frequency of observations by doctors and nurses at the optimum to assist in improving his health?
 - d) Is Ieng Sary's diet appropriately supervised, controlled and managed to ensure that he is obtaining the best nutrition through food and liquids, in terms of quality and quantity to optimize the speed and extent of his recovery?
 - e) Is Ieng Sary receiving the best quality medication and in the right amounts and intervals to improve his health?
 - f) Is Ieng Sary being provided with the best advice in relation to appropriate physical exercise to improve his specific medical conditions? If such advice is being given, is Ieng Sary following that advice?
- (4) Have all the changes to Ieng Sary's treatment that you recommended in your 3 September 2012 Medical Report been implemented, to the extent that all or some of these recommendations are still relevant? If not, why not?
- (5) Have all the changes to Ieng Sary's treatment that were recommended by Mr. Lim Sivutha and Mr. Ky Bousuor when they testified on 21 September 2012 at the ECCC been implemented? If not, why not?
- (6) Would you recommend any changes to the treatment he is receiving now or he is scheduled to receive? Specifically, what is your expert recommendation regarding surgery as a treatment option for Ieng Sary's medical conditions? Are there any additional medications you would recommend prescribing or any changes to his current medication regime that should be implemented?
- (7) What medical experts would you recommend, if any, to further diagnose and provide treatment to the most significant health conditions you believe are affecting Ieng Sary's physical health? What experience and qualifications of such experts would you deem necessary to provide the best advice to Ieng Sary to improve his most impacting medical issues?
- (8) Within the parameters of the examination that you have been requested to conduct by the Trial Chamber, are you still of the opinion that Ieng Sary is *mentally* fit to plead and stand trial as concluded by Dr. Seen Fazel, Assistant Professor Lina Huot and yourself in your report of 3 September 2012?
- (9) At the present time, if Ieng Sary's medical condition still requires hospital-based care, are you of the opinion he would be able to follow the proceedings through audio-visual means, if appropriate conditions were put in place at the hospital (if some are not in place already), such as :
- (a) single accommodation in a quiet room ;
 - (b) an optimally placed television or computer screen of sufficient size ;
 - (c) related good quality sound, either through headphones or speakers ;



- (d) a high quality adjustable bed to accommodate Ieng Sary's preference as to the angle of elevation of his back and head ;
 - (e) a defence legal assistant accompanying Ieng Sary in his room during trial sessions ; and
 - (f) any other conditions you believe would assist him to follow the proceedings fully.
- (10) If in such circumstances you were of the opinion Ieng Sary could follow the proceedings from the hospital, if release is not advisable currently, would court scheduling adjustments optimize his ability to participate in the proceedings? For example, having a one day break after two days of testimony, or hearing testimony every second day or some other appropriate scheduling combination.

Thank you in advance for your assistance in these matters.

