

BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/TC **Party Filing:** Co-Prosecutors

**Filed to:** Trial Chamber **Original Language:** English

**Date of document:** 21 January 2012



**CLASSIFICATION**

**Classification of the document suggested by the filing party:** PUBLIC

**Classification by Trial Chamber:** សាធារណៈ/Public

**Classification Status:**

**Review of Interim Classification:**

**Records Officer Name:**

**Signature:**

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**CO-PROSECUTORS' SUBMISSIONS ON SCOPE OF THE HEALTH  
ASSESSMENT OF NUON CHEA AND IENG SARY**

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**Distributed to:**

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### SUBMISSION

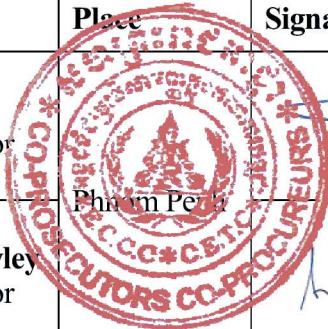

1. In accordance with the Trial Chamber's invitation for all parties to make written submissions concerning the scope of the assessment of Nuon Chea and Ieng Sary's periodic expert review of their health as well as their treatment and care during the week of 11 March 2013 by expert geriatrician Prof. A. John Campbell and psychiatric experts Dr. Seena Fazel and Dr. Lina Huot (**E256**)<sup>1</sup> the Co-Prosecutors make the following submissions.
2. The assessments should cover both the physical and mental health of the Accused. In particular, the focus of the assessments should be on (a) the identification of any mental and physical ailments of the Accused and the degree, if any, to which they affect the ability of the Accused to exercise the capacities identified in paragraph 3, and on (b) treatments, methods, techniques and approaches that would maximise the Accused's ability to participate in the trial through the capacities listed in paragraph 3.
3. The Co-Prosecutors recall that the capacities recognised by the Court as relevant to an assessment of whether the Accused can exercise effectively their rights at trial are:
  - 1) to plead ;
  - 2) to understand the nature of the charges ;
  - 3) to understand the course of the proceedings ;
  - 4) to understand the details of the evidence ;
  - 5) to instruct counsel ;
  - 6) to understand the consequences of the proceedings ; and
  - 7) to testify.
4. As noted in paragraph 2, and in particular bearing in mind the age and physical health of the Accused, advice should be provided as to how each of the seven capacities could be maximised. For example, the experts should detail the ways in which detention staff, medical staff and defence legal staff can assist and communicate with the Accused to maximise their ability to exercise their fair trial rights.

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<sup>1</sup> **E256** Re-Appointment of Experts to Review the Health and Fitness of IENG Sary and NUON Chea during the Week of 11 March 2013, 18 December 2012 at para. 3.

5. With regard to the physical health of the Accused, the experts should determine whether such ailments have changed since the Accused were last examined, in type or severity.
6. The experts should advise on any adjustments or improvements that may be necessary to the treatment which the Accused have been and are receiving at the Khmer Soviet Hospital and the ECCC Detention Facility.

Respectfully Submitted

Date	Name	Place	Signature
21 January 2013	<b>Chea Leang</b> Co-Prosecutor	 Phnom Penh	
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