

E138/1/10/1/5/9



**ឯកសារដើម**  
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ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

សាធារណៈ / Public

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

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

**TRIAL CHAMBER**

Date: 1 October 2013

**TO:** Witness and Expert Support Unit (WESU); Office of Administration

**FROM:** NIL Nonn, President, Trial Chamber

**CC:** All parties, Case 002; All Trial Chamber Judges; Trial Chamber Senior Legal Officer; Legal Guardian of IENG Thirith



**SUBJECT:** Appointment of Medical Practitioners to perform six-monthly medical examination of IENG Thirith

- On 14 December 2012, the Supreme Court Chamber (SCC) ordered the Accused IENG Thirith “to undergo six-monthly medical examinations by medical practitioners to be appointed by the Trial Chamber” (E138/1/10/1/5/7). In response to the IENG Thirith Defence request for clarification, on 31 May 2013 the SCC indicated, that “the six-monthly medical examinations are aimed at periodical verification of what occasioned the finding of IENG Thirith's unfitness to stand trial, that is, her impaired cognitive condition [...] [T]he examinations are aimed at ascertaining whether IENG Thirith's cognitive condition has improved or worsened and to assess the need for treatment. There is no reasonable basis to infer that the medical examinations should exceed this purpose” (E138/1/10/1/5/8/2, para. 11).
- On 19 July 2013, the Chamber issued an order setting forth reporting requirements for IENG Thirith's legal guardian and indicated that it would “make a separate order in relation to IENG Thirith's periodic reassessments of her cognitive function in September 2013 and an appointment of an expert in due course” (E138/1/10/1/5/8/4).
- With the assistance of WESU, the Chamber has identified a psychiatrist qualified to examine the Accused IENG Thirith pursuant to Internal Rules 31 and 32. The Chamber hereby appoints Dr. Ben VAN DEN BUSSCHE (with the assistance of Dr. Kim CHAN THAN) as an expert with the following assignment:

- a. Review the medical expert reports previously ordered by the Chamber insofar as they concern IENG Thirith's mental status and the experts' conclusions that she suffers from moderate to severe dementia;
  - b. Re-evaluate the IENG Thirith's cognitive condition;
  - c. Determine whether there has been any improvement or worsening of her condition and whether any treatment of her cognitive condition is recommended.
4. Before undertaking this expertise, the expert shall take an oath in writing in accordance with Internal Rule 31(2). The expert should limit his examination to the Accused's cognitive condition and report back to the Chamber by 15 October 2013.
5. To assist the expert in his appointment, the Chamber directs WESU to provide the expert with the reports of the medical experts previously appointed by the Chamber. The Chamber further directs the Office of Administration to assist as required.