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

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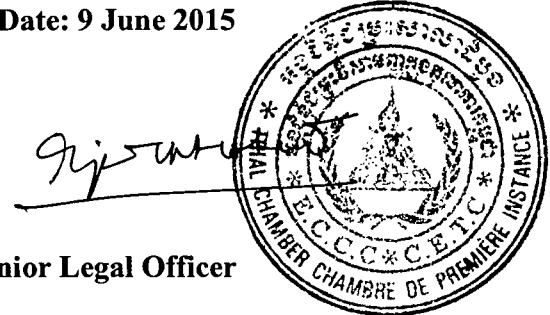
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TRIAL CHAMBER

TO: Witness and Expert Support Unit (WESU); All Parties, Case 002

Date: 9 June 2015

FROM: NIL Nonn, President of the Trial Chamber



CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Order for Quarterly Cognitive Testing of NUON Chea and KHIEU Samphan

1. On 22 January 2015, Dr. HUOT Lina and Dr. CHAN Kin Ming (“the experts”) filed their reports on the mental and physical health of the Accused, NUON Chea and KHIEU Samphan. On 23 January 2015, the Trial Chamber and the parties examined the experts on their findings and opinions during a special hearing. On 18 February 2015, the Trial Chamber issued decisions affirming that both Accused remain fit to stand trial (E329/7; E329/8). The Chamber shortened the typical trial day based on the experts’ recommendations (T. 27 January 2015, p. 26).
2. During the special hearing, Dr. HUOT Lina also suggested that the Chamber require testing of the Accused’s cognitive function at least once every three months in order to have more complete information for any future examination on their fitness to stand trial (T. 23 January 2015, p. 21-22). The test to be administered must change regularly to avoid results tainted by familiarity with the test (T. 23 January 2015, p. 47). WESU began searching for qualified doctors to perform these tests soon after the special hearing.
3. Due to the difficulty finding local doctors available to assist the Trial Chamber, the experts, after further consultation with WESU, now propose that they themselves devise each quarterly test, to be administered by qualified ECCC Detention Unit Medical Staff. The experts also propose that they train staff members of the Detention Unit on how to administer and report the results of each test.
4. Considering that these tests are aimed at providing more complete information on the Accused’s mental health for any future assessment of their fitness to stand trial, Dr. HUOT and Dr. CHAN, both of whom this Chamber found to be qualified experts (E301/10, para. 10; E329, fn. 25), are best positioned to determine the form of test to be conducted. Accordingly, the Trial Chamber appoints Dr. HUOT and Dr. CHAN to

prepare tests to assess the Accused's cognitive function and to work with qualified Detention Unit staff to administer and report on the results of these tests. The Chamber directs WESU to coordinate and schedule these tests, to begin no later than 31 August 2015, and to take place once every quarter after the first test is administered.