

KINGDOM OF CAMBODIA
Nation Religion King



Phnom Penh Municipal Court

No. 288 (ខ)

DECISION

We, **PHOU Povsun** (ភូ ពៅ ស៊ុន), Judge of the Phnom Penh Municipal Court,

- NOTING Article 3 and related articles of the Law on Non-Litigation Civil Procedure;
- NOTING articles 24 and 1104 and related articles of the Code of Civil Procedure;
- NOTING Civil Case File No. 1638 dated 13 September 2012;
- NOTING the request to declare the commencement of general guardianship dated 13 September 2012 filed by the applicant, the Prosecutor of the Office of the Prosecutor of the Phnom Penh Municipal Court, with address at Building No. 25-27, Street 217-213, Sangkat Veal Vong, Khan Prampi Makara, Phnom Penh;

The subject of the request: Request for Court Decision

1. To appoint IENG Vichida (អៀង វីជីដា) as general guardian of IENG Thirith;
 2. To order General Guardian IENG Vichida to take guardianship of IENG Thirith by having her reside within the territory of the Kingdom of Cambodia and informing the ECCC's Office of Administration in advance about any change of IENG Thirith's address;
- NOTING IENG Vichida's application for guardianship of her mother dated on 13 September 2012;
 - NOTING Case File No. 002/19-09-2007/ECCC/TC of the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia;
 - NOTING Summary Expert Report on IENG Thirith dated 29 August 2012;

- REFERRING TO the Decision on Reassessment of Accused IENG Thirith's Fitness to Stand Trial following the Supreme Court Chamber's Decision of 13 September 2011, by the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia dated 13 September 2012.

THE PHNOM PENH MUNICIPAL COURT

Whereas:

1. The request to declare the commencement of general guardianship of IENG Thirith dated 13 September 2012 filed by the Prosecutor of the Office of the Prosecutor of the Phnom Penh Municipal Court and IENG Vichida's application for guardianship of IENG Thirith conform to Article 26 of the Law on Non-Litigation Civil Procedure.
2. The statements by the applicant, the Prosecutor of the Office of the Prosecutor of the Phnom Penh Municipal Court that the Extraordinary Chambers in the Courts of Cambodia has decided to release IENG Thirith on the grounds that she suffers from Alzheimer's disease and that to make it easy to control a person who permanently lacks the ability to understand and judge possible legal action like IENG Thirith with cognitive impairment as stated in the summary expert report, the Prosecutor of the Office of the Prosecutor of the Phnom Penh Municipal Court has filed the request to declare the commencement of general legal guardianship of IENG Thirith are consistent with IENG Vichida's application and the summary report on IENG Thirith dated 28 August 2012 by Dr Seena FAZEL, Senior Research Fellow in Clinical Science and Honorary Consultant Forensic Psychiatrist, University of Oxford, the United Kingdom, Prof John CAMPBELL, Professor of Geriatric Medicine, University of Otago, New Zealand, and Dr HUOT Lina, Assistant Professor of Psychiatry, International University and Head of Psychiatric Department, Khmer-Soviet Friendship Hospital, Phnom Penh, Cambodia concluding that Mrs IENG Thirith suffers moderate to severe Alzheimer's disease.
3. IENG Vichida, female, 51 years old, a physician, [REDACTED] is a biological daughter of IENG Thirith.

4. IENG Thirith has Alzheimer's disease, requiring a general guardian obliged to stay on high alert to prevent this person from going anywhere without notice.
5. For the reasons mentioned above, the court should grant the applicant's request.

HEREBY DECIDES:

- 1) To appoint IENG Vichida as general guardian of IENG Thirith;
- 2) To order General Guardian IENG Vichida to take guardianship of IENG Thirith by having her reside within the territory of the Kingdom of Cambodia and informing the ECCC's Office of Administration in advance about any change of IENG Thirith's address; and
- 3) Reserve the rights to appeal as provided for by law.

Phnom Penh, on 14 September 2012

Judge of the Phnom Penh Municipal Court

[Seal and signature and stamp]

PHOU Povsun