

Response to your email of 21 December 2011
Susan Lamb to: harold_bursztajn

11/01/2012 01:52 PM

Dear Professor Bursztajn,

Thank you very much for your timely response to the Trial Chamber's orders of 20 December 2011 regarding the Nuon Chea Defence's motion requesting further investigation.

Under the ECCC legal framework, medical experts are appointed by the Trial Chamber and are subsequently provided with all relevant documents necessary for the preparation of their reports, including documents classified as confidential and strictly confidential, where appropriate. In this case, you were instead approached by a party. The Trial Chamber is nonetheless fully aware that you acted in good faith when agreeing to conduct this assessment.

We advise that the Trial Chamber does not envisage calling upon your services in connection with the fitness to stand trial of the Accused NUON Chea. We would therefore be grateful if you could destroy all documents related to this matter remaining in your possession, ensuring at all times that they remain inaccessible to other individuals.

In response to your last inquiry, and while ongoing consultations with the NUON Chea Defence remains at your discretion, it should be noted that the Trial Chamber does not require the services of further medical experts on this issue at this time.

Best regards,

Susan Lamb
Senior Legal Officer, Trial Chamber, rm 418A
Extraordinary Chambers in the Courts of Cambodia/
United Nations Assistance to the Khmer Rouge Trials
UN VSAT: 165 6333
INTL via Cambodia + 855 23 219 814 extn 6333
INTL via Italy +39 0831 060 333 direct dial
CELL +855 (0)12 488 940
lamb@un.org

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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 11 01 2012
ម៉ោង (Time/Heure) : 16 : 00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé	du dossier: SANN RADA

From: Harold J. Bursztajn, MD [mailto:harold_bursztajn@hms.harvard.edu]
Sent: Wednesday, December 21, 2011 10:48 PM
To: San Kim
Cc: Zaqaa CHOHAN; Sophy Kong; Tony Kranh; 'Michiel Pestman'; jasperpauw@gmail.com
Subject: RE: Service of TC decision

Dear Kim San,

I am writing to confirm receipt of the attached decision. In answer to your inquiries, these documents were sent to me by Jasper Pauw in early September of this year after I agreed to conduct, as is standard, a confidential comprehensive forensic review of these records in order to formulate an opinion as to the forensic reliability of Dr. Campbell's evaluation of Nuon Chea's fitness to stand trial. These documents are still in my possession as is standard practice until I have been notified by the attorneys retaining my services that they should be destroyed. They have not been communication to any further individuals. Please let me know if you have any further questions. Please also let me know whether I am authorized to continue to consult confidentially to the defendant's attorneys.

Harold J. Bursztajn, MD
Associate Clinical Professor of Psychiatry
co-founder, Program in Psychiatry and the Law @
BIDMC Psychiatry of Harvard Medical School
telephone 617-492-8366 telefax 617-441-3195
email harold_bursztajn@hms.harvard.edu
web <http://www.forensic-psych.com>

From: San Kim [<mailto:Kim.San@eccc.gov.kh>]
Sent: Wednesday, December 21, 2011 4:10 AM
To: Bursztajn, Harold J.
Cc: Zarqaa CHOHAN; Sophy Kong; Tony Kranh
Subject: Service of TC decision

Dear Dr. Bursztajn,

My name is Kim San, an Associate Legal Officer of the Office of Administration (OA) of the Extraordinary Chambers in the Courts of Cambodia (ECCC). The ECCC Trial Chamber directs the OA to communicate the attached present decision to you (Dr. Bursztajn) and orders you, **within one week of notification of this decision**, inform the Chamber of how you came into possession of the confidential documents referred to in this Decision whether classified material remains in your possession, and to further clarify whether any of these documents have since been communicated to any other individual.

We would appreciate very much if you could confirm your receipt of the attached decision the soonest as possible.

Best Regards,

Kim San
Associate Legal Officer
Office of Administration
Extraordinary Chambers in the Courts of Cambodia

National Road 4, Chaom Chau, Dangkao,
PO Box 71, Phnom Penh, Cambodia

Website: www.eccc.gov.kh

E-mail: kim.san@eccc.gov.kh