



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៨/អវតក/អជសដ

Case File/Dossier No. 001/18-07-2007/ECCC/TC

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 31 / 07 / 2009
ម៉ោង (Time/Heure): 09 : 20
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANNA RA DA

Before:

Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

Date:

30 July 2009

Classification:

STRICTLY CONFIDENTIAL

ឯកសារច្បាប់តម្រូវឱ្យត្រឹមត្រូវតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification): 31 / 07 / 2009
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: Ratanak

**DECISION ON THE DEFENCE REQUEST TO APPOINT
A PSYCHOLOGIST FOR KAING GUEK EAV ALIAS DUCH**

Co-Prosecutors

CHEA Leang
Robert PETIT

Accused

KAING Guek Eav alias "DUCH"

Lawyers for the Civil Parties

KONG Pisey
HONG Kimsuon
YUNG Panith
KIM Mengkhy
MOCH Sovannary
Silke STUDZINSKY
Martine JACQUIN
Philippe CANONNE

TY Srinna
Pierre Olivier SUR
Alain WERNER
Brianne McGONIGLE
Annie DELAHAIE
Elizabeth RABESANDRATANA
Karim KHAN

Lawyers for the Defence

KAR Savuth
François ROUX
Marie-Paule CANIZARES



THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

BEING SEISED of Case File No. 001/18-07-2007-ECCC/TC pursuant to the “Decision on Appeal Against the Closing Order Indicting Kaing Guek Eav Alias Duch,” rendered orally by the Pre-Trial Chamber on 5 December 2008 and filed in Khmer on 9 December 2008;

HAVING RECEIVED the “Request to Appoint a Psychologist for Kaing Guek Eak alias Duch” filed as strictly confidential by the Defence on 16 March 2009;¹

HEREBY decides as follows:

BACKGROUND AND FINDINGS

A. BACKGROUND

1. The Defence requested the appointment of a psychologist to assist the Accused throughout the Substantive Hearing. By Order of this Chamber, Professor Sunbaunat Ka was appointed to examine the Accused to, *inter alia*, establish whether, as submitted by the Defence, the Accused “would suffer severe emotional distress, which, if he were not to receive proper psychological care, could result in severe psychological problems” which will render him unfit to stand trial.²

2. The Report prepared by Professor Sunbaunat Ka was submitted on 16 June 2009 and notified to the Defence.³ Further to an inquiry by the Trial Chamber for its comments on the Report, the Defence indicated that it maintains its position vis a vis its original request.⁴

B. FINDINGS

3. The Report of Psychiatric Evaluation indicates that, while he might have suffered some temporary psychological reaction during the trial proceedings, the Accused “is currently resilient and strong enough to stand the trial and doesn’t need any psychological assistance”.

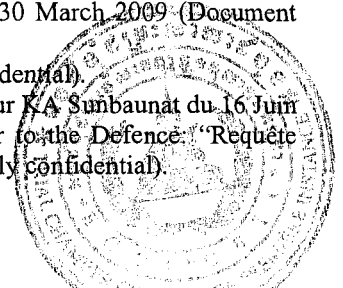
4. The Chamber has had ample opportunity to observe the Accused’s demeanour in court during the trial proceedings and concurs with the conclusions in the Report. Accordingly, the

¹ “Request to Appoint a Psychologist for Kaing Guek Eak alia Duch”, 16 March 2009 (Document E22) (filed as strictly confidential).

² “Orders Concerning the Defence Request to Appoint a Psychologist for the Accused”, 30 March 2009 (Document E22/1) (filed as strictly confidential).

³ “Report of Psychiatric Evaluation”, 16 June 2009 (Document E22/2) (filed as strictly confidential).

⁴ “Position de la défense sur les conclusions du rapport d’examen psychiatrique du professeur KA Sunbaunat du 16 Juin 2009”, 14 July 2009 (Document E22/3/1). See also the letter sent by the Trial Chamber to the Defence: “Requête sollicitant la désignation d’un psychologue”, 30 June 2009 (Document E22/3) (filed as strictly confidential).



Chamber is satisfied that there is no need for the appointment of a psychologist to assist the Accused during the Substantive Hearing.

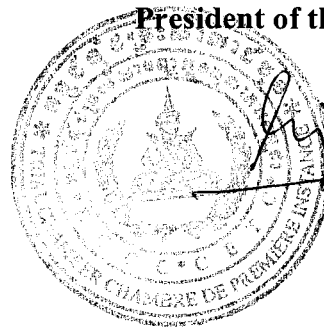
5. The Chamber also notes, that should the Accused appear to require such support in the future, it will make the appropriate arrangements to seek further psychological assessment.

FOR THE FOREGOING REASONS, the Trial Chamber

DISMISSES the Defence Request. *NWS*

Phnom Penh, 30 July 2009

President of the Trial Chamber



[Handwritten signature]

Nil Nonn