



Accused Nuon Chea, shown here at the ECCC on December 7, 2012, has been hospitalized due to severe bronchitis.

Nuon Chea Hospitalized Due to Severe Bronchitis, Collapse

By Doreen Chen, Senior Consultant, Destination Justice, and LLM, Columbia Law School¹

Hearings in the Extraordinary Chambers in the Courts of Cambodia (ECCC) have been temporarily postponed in light of the hospitalization of accused person Nuon Chea following his collapse in the ECCC detention facility on the afternoon on Sunday, January 13, 2013. Mr. Chea has been hospitalized at the Khmer Soviet Friendship Hospital suffering severe bronchitis. At this stage, he is expected to remain in the hospital for up to a week.

In this morning's brief proceedings, the Trial Chamber granted an application by the Nuon Chea Defense Team to adjourn the proceedings temporarily after all parties voiced unanimous support for the application. This adjournment is to allow the Nuon Chea Defense Team to ascertain whether their client will waive his right to participate in the proceedings while in the hospital and thus allow the hearings to continue in his absence. The team is also required to keep the Trial Chamber informed in this regard. An update on Mr. Chea's condition and the scheduling of ongoing hearings in Case 002/1 is expected on Wednesday, January 16, 2013.

A Delayed Start amid Uncertainty over the Day's Agenda

Hearings were delayed by approximately 10 minutes this morning, with an audience of approximately 200 villagers from Kampong Chhnang province and 100 students from the Pour un Sourire d'Enfant Institute in Phnom Penh waiting patiently in the public gallery. When proceedings were eventually underway, Trial Chamber President Nil Nonn announced that the Chamber planned to hear the continued testimony of witness Chhaom Se, the former chief of O

¹ Cambodia Tribunal Monitor's daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC's hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

Kanseng security center.² He then advised that Judge You Ottara was absent due to personal commitments. As such, Reserve Judge Thou Mony would take his place.³

Trial Chamber Greffier Se Kolvuthy reported on additional absences in the courtroom. All parties to the proceedings were present, she said, except for accused person Nuon Chea, who was unwell and had been admitted to the hospital; accused person Ieng Sary, who was participating from the holding cells; and National Lead Co-Lawyer for the civil parties Pich Ang, who would be arriving late.

At this juncture, the president granted the floor to International Co-Counsel for Nuon Chea Victor Koppe. Mr. Koppe advised that during the afternoon on Sunday, January 13, 2012, his team was informed that Mr. Chea had been rushed urgently to hospital as he had collapsed in the ECCC detention facility. They had received a preliminary medical report this morning indicating that because of his condition, he would need to be admitted to the hospital for a period of four to seven days. As this event had occurred later in the day on Sunday, the Nuon Chea Defense Team had not yet had an opportunity to discuss with their client whether he would waive his rights to participate in the proceedings.

Under the circumstances, and in light of the need for the Nuon Chea Defense Team to proceed from the assumption that Mr. Chea had not waived his right to participate, Mr. Koppe requested a temporary adjournment of the proceedings to allow his team time to meet with their client and receive his instructions concerning ongoing participation.

Medical Report on Nuon Chea's Health and Unanimous Support for an Adjournment

In order to clarify the situation, the president requested Ms. Kolvuthy read the medical report that the Chamber had received in the morning detailing Mr. Chea's condition. That report read as follows:

The Khmer Soviet Friendship Hospital

To the President of the Administration through the Khmer Soviet Friendship Hospital

Subject: Medical Report of Mr. Nuon Chea, born in 1926

He has been admitted to the hospital on January 13, 2013, at 5:15 p.m.

Diagnosis: He has suffered from severe bronchitis and has to be admitted to the hospital for at least four to seven days.

According to the abovementioned subject, please, Your Excellency, be informed.

² Mr. Se also testified in the ECCC on January 11, 2013. Cambodia Tribunal Monitor's daily blog post detailing his testimony may be accessed at <http://www.cambodiatribunal.org/blog/2013/01/military-structures-security-centers-and-internal-purges-spotlight>.

³ The president advised that this ruling was pursuant to Internal Rule 79.

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The president invited parties to offer their observations, if any, concerning the health of Mr. Chea. International Senior Assistant Co-Prosecutor Vincent de Wilde was the first to take the floor. He advised that, from the perspective of the Office of the Co-Prosecutors (OCP), this request seemed reasonable. In addition, if there were ultimately no renunciation of Mr. Chea's right to be present, Mr. de Wilde said, it was important that the Trial Chamber be kept regularly apprised of Mr. Chea's condition. The OCP hoped that any interruption to the trial would be limited, but Mr. de Wilde said that this was a matter for the accused.

International Lead Co-Lawyer for the civil parties Elisabeth Simonneau Fort voiced the civil party lawyers' support for the OCP's position, agreeing that Mr. Koppe's request was reasonable. She also echoed Mr. de Wilde's sentiment that any delay to the proceedings should be limited and for the parties to be kept regularly informed regarding Mr. Chea's health.

On the part of the defense teams, International Co-Counsel for Ieng Sary Michael Karnavas offered his full support of Mr. Koppe's application and noted that his team had always emphasized the need to "respect the fair trial rights of all of the accused at all times." Finally, International Co-Counsel for Khieu Samphan Arthur Vercken advised that his team had nothing to add to the previously mentioned positions.

With this, the Trial Chamber judges huddled in conference around their communal translator, with Judge Mony in Judge Ottara's usual seat and Judge Lavergne stooping over all of his colleagues. Judge Silvia Cartwright appeared to lead the discussion, speaking and gesturing animatedly. After several minutes, the president gave the floor to Judge Cartwright to deliver the Chamber's ruling.

Trial Chamber Orders Temporary Adjournment of Hearings

Judge Cartwright advised as follows:

The Chamber appreciates the comments of the Nuon Chea Defense Team and all other parties. It has decided to monitor the situation — the medical condition of Nuon Chea — and will adjourn today. By Wednesday [January 16, 2013] morning, the president will inform the parties of any change to the sitting hours and we would appreciate it if the Nuon Chea Defense Team would keep the Chamber informed of its discussions with Nuon Chea. We will advise the parties if we are going to resume on Wednesday, but Wednesday morning will be the next date, at the latest, for further information for the parties.

Mr. Karnavas sought clarification, requesting whether this meant that the parties were required to come to court on Wednesday morning. Judge Cartwright noted that she had sought to explain this already, before clarifying that the parties would be informed by Wednesday morning whether they would need to attend court.

Hearings were adjourned for the day at 9:30 a.m. Subject to further developments concerning Mr. Chea's health and willingness to waive his right to participate in the proceedings, hearings

will resume at 9 a.m. on Wednesday, January 16, 2012, with the continued testimony of witness Chhaom Se. If Mr. Se's testimony concludes before the end of that day, the Chamber will immediately proceed to the testimony of a civil party.