



**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 ២០០៧/អវតក/អជសដ

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

<b>ឯកសារដើម</b>
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**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

<b>ឯកសារច្បាប់តម្កល់ដោយផ្លូវការ</b>
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**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	TY Srinna
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**Lawyers for the Defence**

KAR Savuth  
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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;<sup>1</sup>

**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.<sup>2</sup>

2. The Report prepared by Professor Sunbaunat Ka was submitted on 16 June 2009 and notified to the Defence.<sup>3</sup> 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.<sup>4</sup>

### **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”.

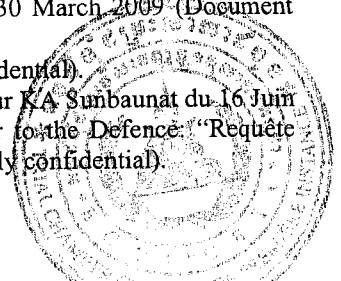
4. The Chamber has had ample opportunity to observe the Accused’s demeanour in court during the trial proceedings and concurs with the conclusions in the Report. Accordingly, the

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

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

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

<sup>4</sup> “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.

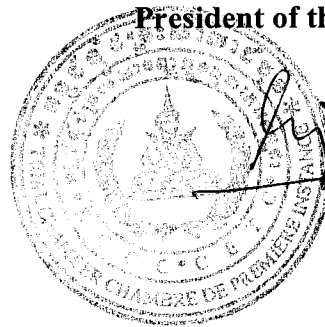
5. The Chamber also notes, that should the Accused appear to require such support in the future, it will make the appropriate arrangements to seek further psychological assessment.

**FOR THE FOREGOING REASONS,** the Trial Chamber

**DISMISSES** the Defence Request. *NWS 9/5*

**Phnom Penh, 30 July 2009**

**President of the Trial Chamber**



*[Handwritten signature]*

**Nil Nonn**