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Ieng Sary Leaves Hospital, Fit to Stand Trial

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After two months in hospital, former Khmer Rouge Foreign Minister Ieng Sary has returned to reside in the detention center at the Extraordinary Chambers in the Courts of Cambodia (ECCC) where he will be tried for crimes against humanity and genocide, the Trial Chamber announced yesterday.

The provisional decision to discharge Ieng Sary from the hospital on Wednesday preceded a day of testimony by Professor John Campbell, a geriatric expert from New Zealand, on the former minister's mental and physical state of health and ability to participate in the trial.

Taking the stand, Dr. Campbell stated yesterday that after examining Ieng Sary between November 4 and 6, he had concluded that he was mentally fit, able to stand trial, and fully cognitive, but was in a weakened physical condition after two months in bed.

"He is not cognitively impaired," Dr. Campbell said. "I found there was no flagging in his ability to concentrate...I feel if he's physically comfortable in the holding cell he'd be able to concentrate."

"His first problem is his heart disease...but he is currently stable on his treatment," Dr. Campbell added. "He becomes short of breath during activity...because of muscular weakness.... His lower back pain is unchanged."

Dr. Campbell explained that the dizziness the accused regularly complains of stems from three causes: a spinning sensation or vertigo, low blood pressure due to his heart disease, and a weak physique after months of inactivity.

"It's important to note that when I examined him I found no evidence of damage to the brain stem," he said. "So the issue of impaired blood supply to the brain that was raised earlier [by Ieng Sary's Cambodian physicians]—I could find no evidence of that."

The 87-year-old former foreign minister was admitted to the Khmer Soviet Friendship Hospital in Phnom Penh on September 7, suffering from dizziness, and only returned to his cell at the ECCC on Wednesday in preparation for Dr. Campbell's testimony.

Ieng Sary chose to watch yesterday's hearing through the audio-visual system in his holding cell. A bed with a moveable headrest, a better mattress, and more assistance with standing, washing, and personal care were some of the recommendations Dr. Campbell

made for Ieng Sary. He also said that should Ieng Sary agree, he could benefit from a moderate exercise program.

“My recommendations are that he’s more comfortable lying flat and the holding cell is very appropriate,” he said. “I don’t think he’s gaining anything by being in hospital.” “The main emergency were if his heart was to stop and he needed resuscitation, but I don’t think he’d be a fit candidate for resuscitation anyway,” he added.

Offering a different analysis of Ieng Sary’s health, his counsel Michael Karnavas referred to a letter from Harvard physician Herald J. Burnstead arguing that Dr. Campbell’s assessment was flawed because Ieng Sary needs further psychiatric assessment.

Dr. Campbell responded that since Dr. Burnstead had not had access to all of Ieng Sary’s medical records, his opinions on Ieng Sary’s health were not sufficiently informed.

Mr. Karnavas also questioned Dr. Campbell on whether the two-day assessment of his client—for about an hour and a half each time—was sufficient to gauge Ieng Sary’s concentration levels.

“Prior to these proceedings, I visited my client. He was in bed downstairs with the oxygen, on his side, and he was barely coherent,” Mr. Karnavas said.

“If an accused is in his holding cell dosing in and out, is feeling dizzy, or is even asleep...is that person cognizant enough to be assisting in his own defense?” he asked. Dr. Campbell responded that there was no evidence Ieng Sary was too fatigued to stand trial and that he had been fully alert during their sessions together.

At the conclusion of the hearing, Judge Silvia Cartwright announced that Ieng Sary would return to the detention center, where he would continue receiving medical treatment and additional assistance.

Since Ieng Sary has waived his right to be present in court for the rest of the month, he will also be exempt from attending hearings via audio-visual means in his cell, she added. As all of the accused in Case 002 get older, observers are concerned that they might not live to see a verdict, and that the victims of a regime responsible for the deaths of up to two million people may never see justice.

Ieng Sary’s wife, former Khmer Rouge Social Affairs Minister Ieng Thirith, was declared unfit for trial earlier this year due to dementia and was subsequently released to return home.