

**Ieng Sary Severance Casts a Shadow**  
**Stuart White**  
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During a lengthy exchange concerning the health of co-accused Ieng Sary at the Khmer Rouge tribunal yesterday, Sary co-counsel Michael Karnavas made it clear that, barring a second opinion on – or a rapid improvement in – his client’s condition, the defence would move to sever Sary from the proceedings.

Lawyers for the prosecution and civil parties maintained there was no evidence to suggest that any further examination of the former foreign affairs minister’s competence was necessary, and urged the chamber to rule on Ieng Sary’s fitness as soon as possible.

Karnavas argued staunchly that his client was, at the moment, unfit to stand trial, and deserved a second medical opinion.

“At 87 years old, with heart problems, with breathing problems, with prostate problems, with back problems – you name it – Mr Ieng Sary is simply not going to get better,” Karnavas said.

He requested that the court seek a second opinion from forensic psychiatrist Dr Harold Bursztajn, of Harvard Medical School – who last week wrote a letter to the defence lambasting geriatrician John Campbell’s methods in evaluating Sary.

“We won’t budge,” said Karnavas, who noted that Ieng Sary was incapable of moving himself or urinating without assistance.

“Then the thing to do is to have Ieng Sary not in the holding cell, but in the courtroom, on a gurney, so we can see, and the world can see, whether he seems fit [to stand trial].

“But if the trial chamber is of the opinion that he is fit . . . we would be making immediate submissions for his severance,” he added later.

Judge Silvia Cartwright reminded Karnavas that Sary had received an evaluation from a forensic psychiatrist on September 3 – four days before the start of his most recent two-month hospitalisation – and that Campbell had noted no mental deterioration since.

“Something happened between September 3 and September 7,” countered Karnavas. “He’s in the foetal position; he looks like he’s about to pass away; he’s emaciated; and he’s on oxygen.”

Prosecutor William Smith, however, noted that the letter refuting Campbell's diagnosis was not technically evidence before the court, and recommended that Sary be kept in the holding cell – despite Karnavas's suggestion to bring him into the trial chamber – arguing that bringing the octogenarian into the public courtroom “would not be useful, in terms of Mr Ieng Sary's comfort”.