

**Khmer Rouge Courts Unanimous: Ieng Thirith Suffers from Dementia**  
**Bridget DiCerto**  
**August 31, 2012**

Medical experts said there was no evidence that former Khmer Rouge Minister for Social Action Ieng Thirith has been feigning her cognitive impairment and told the Khmer Rouge tribunal yesterday that improvement of her mental abilities was not a prospect.

A panel of three court-appointed experts told the court categorically that they were of the opinion the only woman to be charged for Khmer Rouge crimes has a deteriorating form of moderate to severe dementia, most likely Alzheimer's disease.

"We are united in our firm opinion that Ieng Thirith has significant dementia... there would be no advantage in trying any other medication or remedy," New Zealand doctor John Campbell said, adding that none of the broad range of intensive treatments trialed by doctors had any influence on the deterioration of the genocide suspect's cognitive function.

Judge Silvia Cartwright asked the experts to answer to the theory that the former Shakespeare scholar was pretending to be ill in order to "avoid being tried for what are extremely serious matters".

"It would be very difficult to feign the change to her personal hygiene, the urinary incontinence and her indifference to it," British doctor Seena Fazel.

"What was noticeable was the fluctuation in her mental function and hostility toward staff in the detention centre – that isn't what [patients] do when they feign, they maintain a consistent approach," Fazel said, adding that dementia sufferers often strove to maintain a "social front".

Campbell agreed there was no evidence Ieng Thirith was feigning her impairment and that it would require "very sophisticated feigning" to evidence the type of deterioration in cognitive function observed by experts since 2009.

The experts also opined that any further trial treatment to improve the 80-year-old's abilities would fail.

"There are no other treatments that are likely to be effective. No agents available that would improve her to the situation where she was able to assist with her own defence," Campbell concluded bluntly.

At the heart of these examinations is the need for the court to establish whether Ieng Thirith has the mental faculties to stand trial for charges of crimes against humanity, genocide and war crimes, and properly participate in her defence.

Fazel said there were significant problems with a number of the criteria the Khmer Rouge's "first lady" would need to fulfill to stand trial.

"For us, the issue has been the cognitive side, significant problems with a number of the criteria, being able to follow court proceedings, being able to instruct counsel. We also now believe the ability to testify is impaired because of cognitive problems," Fazel said.

While international prosecutor Tarik Abdulhak said the co-prosecutors took no "issue with the thrust of the findings", prosecutors had an obligation to "leave no stone unturned," and he quizzed the experts on whether all modes of medication and treatment for improvement of Ieng Thirith's ability to stand trial had been exhausted.

The experts said that in a non-detention setting, Ieng Thirith would require some degree of care in her home either by family members or an assistant.

Civil party lead co-lawyers stressed the significance to their clients – the victims of the Khmer Rouge – of any ruling on Ieng Thirith's health and challenged the experts on their cultural sensitivity and rapport with the suspect.

Cambodian psychiatrist Professor Chak Thida on Thursday told the court that as a Cambodian female physician, she had developed a good rapport with Ieng Thirith, evoking a high level of cooperation and leading her to believe that Ieng Thirith does not suffer from any cognitive impairment other than occasional forgetfulness.

Both civil party lawyers challenged the all-male, majority foreigner expert panel's ability to have struck a similar relationship during the brief period in which they treated her, Fazel having only observed Ieng Thirith on two visits, each for just two days.

Ieng Thirith's international lawyer, Diana Ellis, set the issue of rapport aside and focused on the clinical diagnosis of her client's dementia, and the experts' view that the suspect satisfied the clinical criteria.

The unanimity of the experts and the gravity of the clinical finding of dementia in Ieng Thirith increases the importance of a timely decision on her fitness to stand trial, Open Society Justice Initiative trial monitor Clair Duffy said yesterday.

"This is because her current detention stems from her pre-trial detention, but if she is never going to be tried, then there is no legal basis upon which to keep her detained indefinitely," Duffy said.

"Now - according to the three experts - all available avenues of improving Ieng Thirith's mental capacity have been exhausted, and her condition has moved from mild, to

moderate, to moderate to severe. She is clearly in decline. This means the time pressure for final resolution of this issue is more pressing than ever.”

Hearings conclude today.