

Ieng Thirith's Mental Health on Judges' Minds
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Trial Chamber judges at the Khmer Rouge tribunal yesterday convened in closed session for the afternoon to deliberate “important matters”.

While the subject of their deliberations was confidential, according to court press officers, the weighty decision before the judges after the conclusion of last week's two-day fitness to stand trial hearings, will be the release with or without conditions of accused former Khmer Rouge social action minister Ieng Thirith.

After a panel of court-appointed experts unanimously found Ieng Thirith unfit to stand trial, parties in Case 002 made their cases for and against the unconditional release of Ieng Thirith, who was found to be suffering from degenerative moderate to severe dementia.

For civil parties joined to Case 002, international lead co-lawyer Elisabeth Simmoneau Fort said the finding was “difficult” although the permanent stay of proceedings in the crimes against humanity and genocide charges against Ieng Thirith would have no impact on civil parties participation.

“What we tried to explain [to the judges] is that if the court wants a judgement which makes sense for civil parties and if we want them to accept the decision, it must be well argued and explained,” Simmoneau Fort said by email.

Co-Prosecutors have argued strongly for Ieng Thirith to be released with conditions, something Documentation Center of Cambodia legal adviser Anne Heindel said was “understandable” in a finding of dementia, which was new ground for international tribunals.

“When you consider the extreme gravity of the charges against her, the continuing interest of victims in having her brought to justice, and the existence of some disagreement among the doctors about the severity of her condition,” conditions would seem an understandable request Heindel said.

“In many national jurisdictions there are legal provisions determining when people who are not competent for trial should receive mandatory care in a medical facility. I believe there are no such laws in Cambodia, nor are there any appropriate mental health facilities where Ieng Thirith could receive inpatient care,” Heindel pointed out.