



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

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PRESS RELEASE

TRIAL CHAMBER DECISION ON IENG THIRITH'S FITNESS TO STAND TRIAL

On 17 November 2011, the Trial Chamber issued its Decision on Accused IENG Thirith's fitness to stand trial. This decision indicates that the Trial Chamber agreed that the Accused IENG Thirith is currently unfit to stand trial. IENG Thirith has been diagnosed as suffering from a progressive, degenerative illness. The Trial Chamber therefore unanimously considered it to be in the interests of justice to sever the charges against the Accused IENG Thirith in Case 002 pursuant to Internal Rule 89^{ter} and to stay the proceedings against her.

Despite lengthy deliberations, and while agreeing on the Accused's lack of fitness to stand trial, the Chamber could not agree on certain questions regarding her continued detention and conditions of release (including coercive measures such as enforced hospitalization). As all medical experts concur that IENG Thirith will not recover sufficient to permit her trial in the future, the Chamber ordered the proceedings against her to be stayed. As there is no prospect of the Accused being tried, the international Trial Chamber judges considered the ECCC to lack any basis to compel the Accused to be hospitalized or to otherwise impose coercive measures against her, while the national Trial Chamber judges considered it possible to order the Accused to be hospitalised and to impose other coercive measures against her as in accordance with their mandate, the Accused should not evade justice.

To avoid any uncertainty for the Accused IENG Thirith in consequence of the lack of agreement on the imposition of conditions of release, the Trial Chamber unanimously agreed that only available remedy in the circumstances was release. IENG Thirith's release from the ECCC Detention Facility was therefore ordered.

It should be emphasised that a finding of unfitness to stand trial is not a finding on the guilt or innocence of the Accused IENG Thirith.

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