13 September 2012

PRESS RELEASE

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

On 13 September 2012, the Trial Chamber issued its Decision on Reassessment of Accused IENG Thirith's Fitness to Stand Trial. On the basis of the court-appointed medical experts' report and testimony, the Trial Chamber has today reaffirmed its prior finding that the Accused IENG Thirith suffers from a progressive, degenerative illness (likely Alzheimer's disease) and that she remains unfit to stand trial. The experts have confirmed that all treatment options have now been exhausted and that the Accused's cognitive impairment is likely irreversible. As there is no prospect that the Accused can be tried in the foreseeable future, the Trial Chamber has confirmed the severance of the charges against the Accused IENG Thirith in Case 002 and indefinitely stayed proceedings against her. In these circumstances, and as the Co-Prosecutors and Defence have acknowledged, the Chamber is obliged to order the Accused's release from detention.

As proceedings against IENG Thirith have been stayed indefinitely, the Trial Chamber lacks any legal basis to impose coercive conditions against her upon release. Coercive conditions would in any case be difficult to enforce, given the Accused's mental capacity. Her medical condition ensures that she would be incapable of remembering or complying with conditions. However, the Trial Chamber agreed with the Co-Prosecutors that certain measures following IENG Thirith's release remain appropriate. The Trial Chamber has therefore reminded the Accused of her obligation not to interfere with the administration of justice, such as by contacting witnesses, victims, or other Accused (except for her husband, IENG Sary). It has also requested her not to leave the territory of the Kingdom of Cambodia, to inform the ECCC Office of Administration of any change of address and that she refrain from communicating with the media in relation to proceedings before ECCC. As Alzheimer's disease is currently incurable and no viable treatment options remain, no further medical assessments of the Accused have been ordered by the Trial Chamber. However, the Trial Chamber has agreed to consult with the court-appointed medical experts annually, to ascertain whether new medical treatments have since become available that in the experts' opinion are likely to render the Accused fit to stand trial. As the possibility of a cure being found for Alzheimer's disease is entirely speculative, this cannot form the basis of the Accused's ongoing detention.

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, nor does it have the effect of withdrawing the charges against the Accused.

Decision on reassessment of accused IENG THIRITH's fitness to stand trial following supreme court chamber decision of 13 December 2011

For further information, please contact:

Yuko Maeda
Public Affairs Officer, UNAKRT
Mobile: +855 (0)12 488 319
Office direct: +855 (0)23 861 639
e-mail: maeday@un.org

Mr. Neth Pheaktra
Press Officer
Mobile phone: +855 (0) 12 483 283
neth.pheaktra@eccc.gov.kh