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du dossier: Sann Rada

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

TRIAL CHAMBER

**TO: IENG Vichida, General Guardian of
IENG Thirith; ECCC Office of
Administration**

Date: 6 March 2014

FROM: NIL Nonn, President, Trial Chamber

**CC: IENG Thirith Defence; Defence Support Section; Co-Prosecutors; Lead
Co-Lawyers for the Civil Parties; All Trial Chamber Judges; Trial
Chamber Senior Legal Officer**

SUBJECT: Request to bring IENG Thirith to Thailand for medical treatment

1. The Chamber is seised of a request by IENG Vichida, IENG Thirith's general guardian, to transport the Accused IENG Thirith from Pailin province, where she is now located, to a hospital in Thailand for medical treatment (E138/1/11).

2. The Trial Chamber recalls that on 14 December 2012, the Supreme Court Chamber (SCC) ordered a regime of judicial supervision for the Accused IENG Thirith requiring her not to leave the territory of Cambodia without the authorisation of the Trial Chamber (E138/1/10/1/5/7). On 19 July 2013, with a view to implementing this regime of judicial supervision, the Trial Chamber ordered that the Accused or her Guardian must notify the Trial Chamber's Greffiers at least seven days in advance of any request for authorisation to travel abroad and that in cases of medical emergency requiring international evacuation, the Trial Chamber's Greffiers must be notified as soon as practicable before any such evacuation. The order provided that the Trial Chamber would confirm its approval of international travel as soon as practicable (E138/1/10/1/5/8/4).

3. The Chamber is informed by the general guardian that IENG Thirith on 1 March 2014 fell off of her bed "exacerbating her already-deteriorating conditions and causing her sustained severe pain" and that since her injury, she has not been able to get out of bed or walk on her own (E138/1/11). A physician has provided a medical certification indicating that since 1 March, IENG Thirith's condition has not improved and recommending that she be referred for further treatment to Thailand, which is in closer proximity to Pailin since her spinal and iliac conditions make it impossible for her to travel the longer distance to Phnom Penh (E138/1/11/1.1). Her general guardian assures

the Chamber that IENG Thirith will be returned to Cambodia upon the completion of treatment (E138/1/11).

4. Separate from the general guardian's notification, a court-appointed expert has recommended that the Accused be referred to a specialist physician. On 19 February 2014, the Chamber received the expert's assessment of CT scans, in conjunction with regular six-monthly reports, noting that "[on IENG Thirith's] CT head scan of 14-1-2014 there is besides evidence of cerebral atrophy also evidence of two small ischemic Cerebral Vascular Accidents (mini CVA's/mini strokes/mini infarcts) in the left frontal lobe" (E138/1/10/1/5/9/6, para. 11) and recommending that IENG Thirith be referred on short notice to a neurologist and internist (para. 12). The Chamber immediately forwarded the report to counsel for IENG Thirith and, on 3 March 2014, to IENG Thirith's general guardian through the Witness and Expert Support Unit.

5. Based on the medical certification provided to the Chamber indicating that IENG Thirith requires further medical treatment, the comparative ease of travel to Bangkok from Pailin and the assurance of her general guardian that the Accused will be returned to Cambodia, the Chamber grants authorisation to transport the Accused IENG Thirith to Bangkok, Thailand for medical treatment. Mrs. IENG Vichida shall provide the Chamber with a contact number at which she can be reached in Thailand and remains under an obligation to provide the Chamber with verification of IENG Thirith's address. For so long as IENG Thirith remains in Thailand, the general guardian shall increase the frequency of such verifications to a fortnightly basis.

6. The Chamber directs the Office of Administration to contact the relevant Cambodian authorities to permit the travel of IENG Thirith to Thailand for the purpose of medical treatment and to facilitate the execution of this order as may be necessary.