

Ieng Sary's Ability to Follow Case Debated **Stuart White** **December 6, 2012**

The ability of co-accused Ieng Sary to follow proceedings was debated yet again at the Khmer Rouge tribunal yesterday, with Sary co-counsel Michael Karnavas noting at the outset of the hearing that even his client's attending physician had questioned the defendant's ability to focus on the trial.

In the ongoing debate over Sary's fitness, the trial chamber has ruled the 87-year-old capable of participating in his defence, then amended court rules to compel Sary to follow hearings from the holding cell, barring him from being physically present in court as he requested through his counsel.

"I met with Mr Ieng Sary today," said Karnavas, who informed the chamber the team's case manager would be monitoring Sary's condition.

"I spoke to the doctor; he said that it was difficult to say whether he was able to follow the proceedings."

Judge Silvia Cartwright told Karnavas the trial chamber, "in making any decision on Mr Ieng Sary's ability to participate, will take note of primarily medical information", specifically that of expert geriatrician Dr John Campbell.

But even the prosecution agreed that ongoing assessments of Sary's state — at least as it pertained to his ability to focus — were necessary, if only to prevent further delays.

"The best information that can come from the doctor to you is information that touches on Mr Ieng Sary's ability to follow the proceedings, and not his comfort," co-prosecutor Keith Raynorsaid.

"So can we please urge the court to ensure the medical report that comes to the court each morning is sufficiently detailed in terms of information about his ability to follow the proceedings. If we have to litigate this issue every morning, we're going to lose hours in court time."

The court also heard the testimony of two civil parties yesterday.

Pech Srey Phal told of her journey out of Phnom Penh and the loss of her new-born baby, whom she was told to bury in the forest "like my baby was an animal".

On arriving in Kampong Speu, she and the other “new people” were exiled to a mountain top.

Thirty of the group of 50 died of starvation, disease and wild boar attacks before it was announced they had “refashioned” themselves.

Kim Vandy also testified about the evacuation.

His testimony continues today.