

**Ieng Thirith to be Released**  
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**September 14, 2012**

Trial Chamber judges at the Khmer Rouge tribunal have ordered the unconditional release from detention of former regime “first lady” Ieng Thirith due to her “likely irreversible” dementia.

The crimes against humanity and genocide suspect has had the proceedings in Case 002 against her stayed indefinitely and judges have imposed no judicial conditions on her release, public affairs officer Yuko Maeda told the Post yesterday.

“She will have to abide by rule 35 [no interference in the administration of justice] and the judges will continue to undertake enquiry into any medical developments that may help her conditions,” Maeda said.

A panel of court-appointed experts two weeks ago found 80-year-old Ieng Thirith suffered from moderate to severe dementia and was unfit to stand trial. Despite contradictory medical findings from the former Minister for Social Action’s Cambodian treating doctor, judges yesterday said in their decision that “there is no prospect that the Accused can be tried in the foreseeable future”.

The prosecution had requested six conditions to Ieng Thirith’s release, including that she make herself available for weekly safety checks. However, the judges declined to impose any conditions on the release.

“Coercive conditions would in any case be difficult to enforce, given the Accused’s mental capacity,” judges said.

Deputy international co-prosecutor William Smith said the prosecution, which has 24 hours to appeal the decision, was reviewing its position.

“The Co-Prosecutors are reviewing the decision to determine what, if any, further legal steps need to be taken,” Smith said. The prosecution had agreed that Ieng Thirith was unfit to stand trial and not argued against her release. If no appeal is lodged, Pol Pot’s sister-in-law will be released at 10:30am today.

After Trial Chamber judges found Ieng Thirith unfit to stand trial in November last year, prosecutors appealed the decision to the Supreme Court Chamber, which overturned the order and ultimately called for continued medical treatment to improve her condition.

Phat Pouy Seang, defence lawyer for Ieng Thirith, called the decision “good news”.

“Further steps after she leaves the ECCC is her family’s decision. I think it is still quite confidential whether she will go to stay in Phnom Penh or Pailin,” he said.

Civil party lead co-lawyer Elisabeth Simonneau Fort said it was not a desired outcome, but it was a legally right decision.

“I think that she is clearly unfit, and the only possibility was to release.

“Even if it is difficult for the victims, I think we want to respect international conduct. It’s the right decision,” Simonneau Fort said, adding that it was of paramount importance civil parties clearly understood the reason for the decision.

The tribunal should be using their outreach program to explain the decisions to civil parties and the public at large, tribunal monitor Clair Duffy of the Open Society Justice Initiative said.

“That is the most important thing. Many people in Cambodia and around the world in the diaspora will want to know why this has happened and that is a very legitimate reaction,” Duffy said.

The decision is a positive model of international standards for Cambodian courts, Duffy said.

While no security conditions were ordered, Duffy said she had heard no evidence to indicate Ieng Thirith’s safety would be in danger upon her release.

Defence lawyers for other Case 002 co-accused similarly applauded the merit of the decision.

Brother No. 2 Nuon Chea’s defence lawyer Andrew Ianuzzi called the ruling the “best decision to come out of the court”.

Michael Karnavas, lawyer for Ieng Thirith’s husband, Ieng Sary, similarly welcomed the decision.

“I think the court got it right,” he said. Former Khmer Rouge Minister for Foreign Affairs Ieng Sary himself has been plagued with ill health, and was admitted to hospital again last week, causing hearings in the landmark Case 002 to be postponed.

Both Nuon Chea and Ieng Sary have previously sought rulings on their fitness to stand trial.

Rights groups welcomed the decision as a positive example, but noted that problems of fitness would continue to plague the tribunal.

“Of course we understand that it will be difficult for victims, but we welcome it from a human rights perspective and the message it is sending the Cambodian courts,” Amnesty International researcher Rupert Abbott said. “It is possible the trial will not be completed because of the fitness issues, but from our perspective, it is better for a trial to be not completed and fair trial rights respected than the other way round.”