

## **‘No evidence’ KR Brother No 2 unfit**

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Khmer Rouge Brother No 2 Nuon Chea would be able to communicate with his counsel and understand legal proceedings and charges against him in his pending atrocity trial, a physician who examined him testified yesterday in the last of three health hearings at the Khmer Rouge tribunal.

Nuon Chea’s defence lawyers vowed to challenge that conclusion and file a request for additional examination.

John Campbell, a New Zealand geriatrician, said in testimony he saw “no evidence” that Nuon Chea, 85, would not be able to participate effectively in his trial in Case 002.

Questioning Campbell, Nuon Chea legal consultant Jasper Pauw quoted a February filing that listed a litany of complaints by Nuon Chea, including claims in 2007 that his brain was “not normal” and in 2009 that he was having “trouble” with his memory. Pauw asked Campbell why he had not addressed these claims in his report.

“I do comment that I did not feel he had any cognitive impairment that would affect his ability to participate,” Campbell replied.

“Those subjective problems have been complained about for four years, but I was not able to detect, either on my first or my subsequent visit, any objective evidence of that.”

Campbell said Nuon Chea had “a number of chronic conditions” affecting his health, including cardio-vascular disease, high blood pressure and back pain, but they were being managed adequately.

“There has been no development recently . . . of symptoms that would interfere with his ability to participate here,” Campbell stated.

He also noted Nuon Chea’s 1995 stroke, but said it was minor and there was no evidence it had affected his cognition.

Nuon Chea, who left the courtroom after 90 minutes yesterday, said on Tuesday his physical and mental condition had deteriorated. “Past and present is different,” he said.

“It’s not that I do not believe in doctors, but my health condition has changed. It becomes worse and worse both physically, emotionally as well as my intellectual abilities.”

Tarik Abdulhak, senior assistant prosecutor in the office of the co-prosecutors, showed the court yesterday a 2010 report from Dr Antoine LaFont, who had examined Nuon Chea regularly since 2007, in which LaFont stated that Nuon Chea's condition was "very stable" and that "clinical examinations have not revealed any changes in the past two and a half years".

Campbell said LaFont's report was consistent with his own.

Nuon Chea's defence team claimed in closing arguments that Campbell was unqualified and his report inadequate.

"We feel that Professor Campbell lacks . . . the necessary relevant experience, to assess fitness of our client to stand trial," co-defence lawyer Michiel Pestman said. "We also deplore that he has made no serious effort to test Nuon Chea's mental abilities."

Pestman said his team would request a different expert to examine Nuon Chea's memory and ability to concentrate.

Abdulhak replied that the defence team had not objected to Campbell's qualifications when he was appointed, or when they submitted filings on his report.

"Nuon Chea himself . . . said [in 2010] he did not require a psychiatric assessment, and we simply would agree with him," he continued.

"While clearly a man of 85 and suffering from ailments, with proper care, as is currently being provided . . . there is simply no reason to doubt now his ability to participate."