

**NOTICE OF IENG SARY'S NON-WAIVER OF RIGHT TO BE PRESENT
DURING THE PROCEEDINGS WHEN PHILIP SHORT TESTIFIES**

Pursuant to Article 31 of the Cambodian Constitution, Article 35 new of the Establishment Law, Article 12(1) of the Agreement, Internal Rule 81(1), and Articles 14(1) and 14(3)(d) of the International Covenant for Civil and Political Rights ("ICCPR"), I, **IENG Sary**, have the right to be tried in my presence. I understand that pursuant to Rules 81(4) and (5), I may waive my presence at trial and other ECCC hearings. I hereby certify:

1. I am currently represented by counsel;
2. I have been informed of and understand the charges that are pending against me;
3. I have been informed of the place and approximate date of my trial;
4. I am aware of my right to be present at trial and all other ECCC hearings; and
5. I am aware that my presence at trial is required, except as provided by Rule 81.

With full knowledge of the proceedings pending against me and my rights as stated above, I formally give notice to the Trial Chamber that **I DO NOT** waive my presence during the proceedings when Philip Short testifies as a Trial Chamber designated "expert" witness in Case 002/01. Furthermore, **I DO NOT** waive any of my fundamental fair trial rights, including the following minimum guarantees: my rights to be defended by counsel; to have adequate time and facilities for the preparation of a defence; to examine, or have examined, the witnesses against me and to obtain the attendance of witnesses on my behalf; or any other rights protected by the Cambodian Constitution, the Establishment Law, the Agreement, and the ICCPR.

Respectfully submitted,



Ieng Sary / Case 002

ឯកសារដើម	
ORIGINAL/ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ (Date):	20-Sep-2012, 13:09
CMS/CFO:	Uch Arun

Thumbprint affixed in Phnom Penh, Kingdom of Cambodia, on the 19th day of **September 2012**