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ORIGINAL/ORIGINAL

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CMS/CFO: Krystal THOMPSON

# LIMITED WAIVER

## IENG SARY'S LIMITED WAIVER OF RIGHT TO BE PRESENT DURING COURT PROCEEDINGS

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;
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 voluntarily, knowingly and unequivocally waive my right to be present during the taking of testimonies from the following witnesses **TCCP-213, TCCP-9, TCCP-35, TCCP-59, TCCP-82, TCCP-105, TCCP-108, TCCP-187, TCCP-188, TCCP-54, TCCP-62, TCCP-117, TCCP-150, TCCP-170**, though I reserve my right to withdraw this waiver should any of these witnesses during their testimony go into areas which are not anticipated or obvious from their statements and begin testifying as to matters that concern me.

I DO NOT waive my presence during the taking of testimonies of other witnesses which are scheduled to appear in Case 002/01 and any other witnesses which may directly or indirectly touch upon me or any alleged conduct or crimes attributed to me in the Closing Order. Furthermore, in so doing, I DO NOT waive my other 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. My Co-Lawyers will be present during trial to ensure the effective exercise of my fair trial rights. I reserve my right to re-join the proceedings at any time, from which point this waiver will immediately cease to have any effect. I understand that by executing this waiver, I am also waiving my right to argue that my trial was not fair on account of my absence for the period that this waiver is effective.

Respectfully submitted,

**Ieng Sary / Case 002**

Thumbprint affixed in Phnom Penh, Kingdom of Cambodia, on the 30<sup>th</sup> day of **October 2012**