

IENG SARY’S WITHDRAWAL OF WAIVERS OF RIGHT TO BE PRESENT

I, Mr. **IENG Sary**, withdraw the waivers I submitted (E229, E237 and E237/1) pursuant to Rules 81(4) and (5). When I executed these waivers, I specifically put the Trial Chamber and Parties on notice that: “I reserve my right to re-join the proceedings at any time, from which point this waiver will immediately cease to have any effect.” My right to be present is guaranteed to me by 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.

Through this withdrawal of the above referenced waivers, and the Notice of Withdrawal of Waivers of Right to be Present During the Testimony of Certain Witnesses and Civil Parties,¹ filed on my behalf by my Co-Lawyers Ang Udom and Michael G. Karnavas, I hereby inform the Trial Chamber that I intend to participate directly in all courtroom proceedings by being physically present in the courtroom, especially during the taking of witness and civil party testimony, unless I personally elect to attend the proceedings indirectly from my holding cell.

Respectfully submitted,



Ieng Sary / Case 002



Thumbprint affixed in Phnom Penh, Kingdom of Cambodia, on the 3rd day of **December 2012**

¹ A courtesy copy of this Notice is being circulated at the time this Withdrawal is filed. The Notice will be filed formally once translation is complete. The Notice more fully sets out my rights with respect to my direct participation in court.