

BEFORE THE TRIAL CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 002/19-09-2007-ECCC/TC**Party Filing:** The Defence for IENG Sary**Filed to:** The Trial Chamber**Original language:** ENGLISH**Date of document:** 31 January 2012**CLASSIFICATION****Classification of the document
suggested by the filing party:** PUBLIC**Classification by OCIJ
or Chamber:** សាធារណៈ/Public**Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**

**IENG SARY'S REQUEST FOR CLARIFICATION THAT NO ADVERSE
INFERENCES CAN BE DRAWN FROM AN ACCUSED'S SILENCE WHEN HE
EXERCISES HIS RIGHT TO REMAIN SILENT**

TABLE OF AUTHORITIES

Filed by:**The Co-Lawyers:**
ANG Udom
Michael G. KARNAVAS**Distribution to:****The Trial Chamber Judges:**
Judge NIL Nonn
Judge YOU Ottara
Judge YA Sokhan
Judge Silvia CARTWRIGHT
Judge Jean-Marc LAVERGNE
Reserve Judge THOU Mony
Reserve Judge Claudia FENZ**Co-Prosecutors:**
CHEA Leang
Andrew CAYLEY**All Defence Teams****All Civil Parties**

Cambodian Law and Jurisprudence – ECCC Legal Compendium

1. Constitution of the Kingdom of Cambodia, as amended 4 March 1999, Arts. 31, 38.

ECCC Law – ECCC Legal Compendium

2. Agreement Between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the period of Democratic Kampuchea, 6 June 2003, Art. 13.
3. Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea, 27 October 2004 (“Establishment Law”), Arts. 33 new, 35 new.
4. Internal Rules, Rules 21(1)(d), 87(1).

ECCC Filings and Jurisprudence – Already Disclosed on the Case File

5. Transcript, 12 January 2012, E1/26.1.
6. Mr. IENG Sary’s Notice to the Trial Chamber that he will not testify, 24 October 2011, E101/4.1.
7. Memorandum from Trial Chamber Senior Legal Officer to all parties in Case 002, re: Response to issues raised by parties in advance of trial and scheduling of informal meeting with Senior Legal Officer on 18 November 2011, 17 November 2011, E141.
8. Memorandum from Trial Chamber Senior Legal Officer to all parties in Case 002, re: Next group of witnesses and experts to be heard in Case 002/01, 15 December 2011, E155.

9. Memorandum from Trial Chamber Senior Legal Officer to all parties in Case 002, re: Response to issues raised by parties in advance of trial and scheduling of informal meeting with Senior Legal Officer on 18 November 2011, 17 November 2011, E141.
10. Memorandum from Trial Chamber Senior Legal Officer to all parties in Case 002, re: Next group of witnesses and experts to be heard in Case 002/01, 15 December 2011, E155.
11. Transcript, 20 October 2011, E1/12.1.
12. Transcript, 23 November 2011, E1/15.1.

International Conventions – ECCC Legal Compendium or Already on the Case File

13. International Covenant on Civil and Political Rights, Art. 14.
14. The Universal Declaration of Human Rights, Art. 11(1).

International and Hybrid Tribunal Jurisprudence – Already Disclosed on the Case File

15. *Prosecutor v. Delalić et al.*, IT-96-21-A, Judgement, 20 February 2001, para. 783.

Books, Articles and Miscellaneous – Already Disclosed on the Case File or available online

16. Nihal Jayawickrama, *THE JUDICIAL APPLICATION OF HUMAN RIGHTS LAW: NATIONAL, REGIONAL AND INTERNATIONAL JURISPRUDENCE* 581 (Cambridge University Press, 2002) – Attachment 1.