

BEFORE THE CO-INVESTIGATING JUDGE

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

Criminal Case File N°: 002/19-09-2007-ECCC/OCIJ

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REQUEST FOR INFORMATION CONCERNING POTENTIAL CONFLICT OF INTEREST

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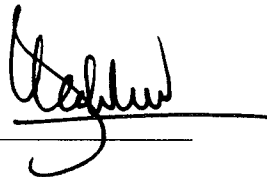
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It has come to our attention that a member of the OCIJ, in particular Steven Heder, may have been employed with the OCP prior to his taking up employment with the OCIJ.

Through this letter we are attempting to meet our ethical and professional obligations. Since the OCIJ is an *independent office* within the ECCC¹ and in carrying out its investigative functions it must do so *impartially*,² we respectfully submit that it behooves us to pursue this matter to see whether any affirmative actions are warranted. Accordingly, in the interest of full transparency and in order to establish a concise record, we seek clarification to the following questions:

1. Was Mr. Heder a member of the OCP?
2. If so:
 - a. What were the exact dates of his employment?
 - b. What was the exact nature of his work?
 - c. Was he involved in any capacity in the investigative or drafting process of the Introductory Submission (reviewing and analyzing documents, interviewing witnesses, participating in brainstorming sessions, etc)?
 - d. Did Mr. Heder fully disclose to the OCIJ the nature of his work prior to his engagement with the OCIJ?
 - e. Did the OCIJ request of Mr. Heder to memorialize in writing the nature of his work with OCP?
 - f. What are Mr. Heder's past and current responsibilities?
3. Has consideration been given by the OCIJ as to whether Mr. Heder's employment with the OCIJ poses an actual or perceived conflict of interest?

Respectfully submitted,



ANG Udom

Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 10th day of January 2008

¹ Rule 14.1 of the Internal Rules ("Rules")

² Rule 55.5.

