



Heder Response to E202/82
Steve Heder to: Wendy Lobwein

24/05/2013 02:58 AM

History: This message has been forwarded.

Dear Wendy,

As promised, I am reverting to you with regard to the substance of E202/82.

1. I note that in it, the “summonsed person” whose testimony is being sought, namely me, is consistently defined as “an expert,” never as a witness, and this can only mean I am being sought for my “expert opinion,” as per paragraph 1 of the 31st ECCC Internal Rule, which deals with matters relating to Experts.
2. I note that paragraph 2 of the 31st Internal Rule specifies that if such a person “agrees to be appointed,” he or she “shall take an oath or affirmation in accordance with his or her religion or beliefs to assist the Co-Investigating Judge or the Chambers honestly, confidentially and to the best of his or her ability” (emphasis added). This makes it clear that a summonsed person whose expert opinion is sought is fully free to choose to agree or to not agree to be appointed.
3. I respectfully decline to be appointed.
4. As is clear from the sequencing set forth in paragraphs 2 and 3 of the 31st Internal Rule, it is therefore impossible for any order to be issued appointing me as an expert.
5. I consider this closes the matter of any court appearance by me or questioning of me by the court.

Yours, sincerely, Steve