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20 December 2018



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អគ្គិសនីបទបញ្ជាការ/រឿង/Case File Officer/L'agent charge

du dossier: SANN RADA

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

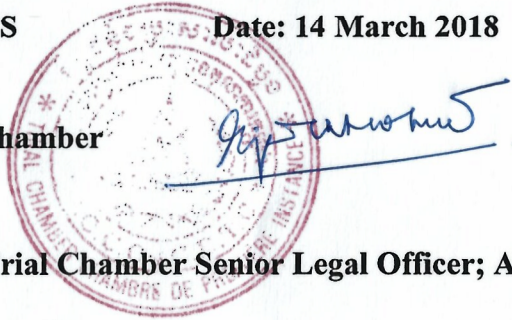
Nation Religion Roi

សម្ងាត់ / Confidential / Confidentiel

TO: Mr. Isaac Endeley, Chief, DSS

Date: 14 March 2018

FROM: President NIL Nonn, Trial Chamber



CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer; All Parties, Case 002

SUBJECT: Status of International Co-Counsel in Case 002/02

1. The Trial Chamber has received a hard-copy communication (in Dutch) from the Dean of the Amsterdam Bar Association with respect to the Trial Chamber's referral of information to that Bar Association concerning the conduct of International Co-Counsel for NUON Chea, Mr. Victor Koppe, during the course of Case 002/02. The Trial Chamber draws your attention to the attached letter, dated 25 January 2018, from the Dean of the Amsterdam Bar Association to the *greffier* of the Disciplinary Council, which forms part of that communication. In particular, the Chamber notes the following passage:

I am writing to inform you of the complaints of the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia, hereinafter referred to as the ECCC, against Mr V.L. Koppe, some of which relate to the period up to 1 January 2016, when Mr Koppe was still registered as a lawyer in Amsterdam but in fact had for many years had an office in Phnom Penh, Cambodia, and some to the period during which Mr Koppe was still registered as a lawyer in Cambodia but was not registered as a lawyer in the Netherlands and, according to Dutch standards, was therefore a former Dutch lawyer. (emphasis added)

2. This passage suggests that Mr. Koppe has not been a member of the Bar Association of Amsterdam since 1 January 2016. The Chamber understands that DSS requires international co-counsel before the ECCC to be a member of a domestic bar association outside of Cambodia, absent which a foreign lawyer cannot serve as a co-lawyer at the ECCC, even on a *pro bono* basis. The Chamber further understands that membership in a foreign domestic bar association is also a precondition for admission to the Bar Association of the Kingdom of Cambodia ("BAKC").

3. According to the information provided by the Dean of the Amsterdam Bar Association, it appears that Mr. Koppe may have been ineligible to represent NUON Chea since 1 January 2016, and might be ineligible to represent him going forward.

4. In view of this information, the Trial Chamber directs you to seek clarification from Mr. Koppe regarding his status and to inform the Chamber, by 21 March 2018 at latest, of any steps that may be required to be taken by DSS as a result of this situation.