



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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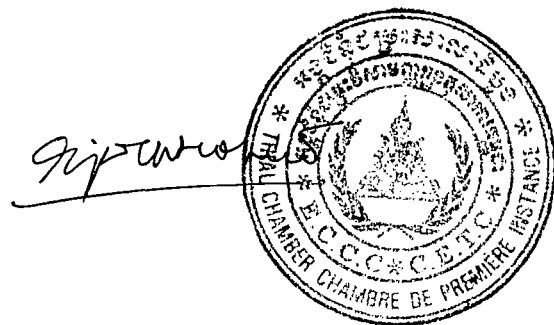
TRIAL CHAMBER

Date: 11 December 2015

TO: Dean, Amsterdam Bar Association

FROM: President NIL Nonn, Trial Chamber

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



SUBJECT: Possible Misconduct of a Lawyer Admitted to your Bar Association

The Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is a court established by the United Nations and the Royal Government of Cambodia to try senior leaders of Democratic Kampuchea and those most responsible for the crimes committed during the Khmer Rouge regime. The Trial Chamber of the ECCC is currently seised of Case 002/02, involving Mr. NUON Chea, who has been charged with crimes against humanity, grave breaches of the Geneva Convention and genocide. I attach links to the following ECCC framework documents for your reference:

- The Law on the Establishment of the ECCC:
http://www.eccc.gov.kh/sites/default/files/legal-documents/KR_Law_as_amended_27_Oct_2004_Eng.pdf
- ECCC Internal Rules: <http://www.eccc.gov.kh/en/document/legal/internal-rules-rev8>

Mr Victor KOPPE, a member of the Amsterdam Bar Association, represents Mr. NUON Chea in Case 002/02.

During the trial proceedings on 26 August 2015, Mr KOPPE raised an objection to the use of certain documents by the Prosecution. The Trial Chamber overruled this objection. After the Chamber confirmed its ruling, Mr KOPPE described the proceedings as a farce and stated that he would “officially withdraw” from the hearing. Mr KOPPE left the courtroom and was followed by his National Co-Counsel. Finding itself unable to proceed in the absence of counsel, the Chamber adjourned the proceedings.¹

¹ Transcript of Proceedings in Case 002/02, 26 August 2015, pp. 25-27, 34-40.

The following day, the Chamber asked Defence Counsel to provide a rationale and legal basis for their actions (Document E361, attached). In response, while conceding that there was no legal basis for his departure from the proceedings, Mr KOPPE made, among others, the following statements:

- Reiterating a previous NUON Chea Defence Team statement that one of the Trial Chamber Judges, Judge LAVERGNE, “has made cowardly decisions and lack[s] judicial integrity”;²
- Informing Judge FENZ that he regrets his Team’s decision not to request her disqualification “very much” and asserting that compared to the experience of Case 002/02, “Judge CARTWRIGHT was indeed a shiny and bright beacon of impartiality”;³
- Asserting that, “Mr President, it is indeed true that it is your prerogative to shut me up; it is my prerogative not to say a word anymore. So it’s take it or leave it, or nothing”;⁴
- Responding to Judge LAVERGNE, “I was giving you my reason and you don’t want to listen”;⁵
- Informing Judge LAVERGNE, “To be honest, Judge LAVERGNE, I don’t really care what you think”;⁶ and
- Noting that if the ECCC was a common law court and “I were charged with contempt of court, I would happily plead guilty. I have indeed nothing but professional contempt for the International Judges of this Tribunal”.⁷

On 1 September 2015, the Trial Chamber extended to Mr KOPPE an opportunity to correct his behaviour and noted that if he failed to do so, the Chamber would have no choice but to take some action.⁸ To date, Mr KOPPE has failed to avail himself of this opportunity.

In the Trial Chamber’s opinion, Mr KOPPE’s behaviour appears to constitute professional misconduct as outlined in Internal Rule 38(1) and it has decided to refer the matter to the Amsterdam Bar Association in accordance with Internal Rule 38(2). For this reason, you will find attached the transcripts of proceedings and the links to the video-files in Case 002/02 from 26 and 27 August and 1 September 2015. I would appreciate it if you would inform the Trial Chamber in due course of the outcome of this referral of misconduct and of any action taken in consequence of it, through its Senior Legal Officer.

If you have further questions, or require additional information from the Chamber, please address your enquiries to:

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Extraordinary Chambers in the Courts of Cambodia
PO Box 71
Phnom Penh
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² Transcript of Proceedings in Case 002/02, 27 August 2015, p. 12.

³ Transcript of Proceedings in Case 002/02, 27 August 2015, p. 12.

⁴ Transcript of Proceedings in Case 002/02, 27 August 2015, p. 14.

⁵ Transcript of Proceedings in Case 002/02, 27 August 2015, p. 16.

⁶ Transcript of Proceedings in Case 002/02, 27 August 2015, p. 16.

⁷ Transcript of Proceedings in Case 002/02, 27 August 2015, p. 19.

⁸ Transcript of Proceedings in Case 002/02, 1 September 2015, p. 49.