

Amsterdam Bar Association

CONFIDENTIAL

Trial Chamber
Extraordinary Chambers in the Courts of
Cambodia (ECCC)
Attn. of Mr K. Roberts, Senior Legal Officer
PO Box 71
Phnom Penh
Cambodia

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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier:	SAMN RADA

Counsel V.L. Koppe
By e-mail: koppe@un.org

Amsterdam, 15 March 2016
PvRA/kb

Our ref.: 40-15-0862
Your ref.: Mr Nuon Chea – Case 002/02

Dear Mr Roberts,

By letter of 16 February to the Extraordinary Chambers in the Courts of Cambodia, I acknowledged receipt of the complaint brought by the Trial Chamber against Counsel V. Koppe – a member of the Amsterdam Bar who represents one of the suspects standing trial before the Chamber – as set out in the letter of complaint and its annex, which consists of excerpts of the transcripts of relevant hearings. I include herewith a copy of the letter of complaint in Dutch and annexes for Counsel Koppe.

As previously stated, I will review this complaint in accordance with the National Guidelines for the Consideration of Complaints by the President of the Bar Association. I have sent the Chamber a copy of the guidelines and a concise summary in English. I provide herewith a copy in Dutch for Counsel Koppe. The national guidelines are also available in electronic form via the following link on the website of the Amsterdam Bar Association: <https://www.advocatenorde-amsterdam.nl/9824/menupagina-klachten.html>.

My request to Counsel Koppe is that he set out his position with regard to the complaint. He must do so by reasoned discussion of the facts set forth in the complaint, followed by a conclusion.

Original Dutch: 01224090-01224091
Unrevised translation

According to Dutch standards, the criterion against which the conduct of counsel is assessed is set down in article 46 of the *Advocatenwet* [Solicitors Act]. The article provides that counsel shall be subject to disciplinary proceedings for any act or omission which is inconsistent with the due diligence that counsel must exercise vis-à-vis those whose interests he or she is serving or must serve in such capacity; for violations of the provisions of the *Advocatenwet*, the Act on the Prevention of Money Laundering and Financing of Terrorism, the regulations of the Dutch Bar Association; and for any act or omission unbefitting reputable counsel.

This is a broad standard to be interpreted by counsel. The so-called core principles of the legal profession contained in article 10a of the *Advocatenwet* are important in such interpretation. The core principles are that counsel shall act with independence vis-à-vis clients, third parties and the cases in which he or she acts in such capacity; counsel shall exclusively serve his client's legitimate interests; counsel shall be professional and possess sufficient knowledge and skills; counsel shall be honest and refrain from any act or omission unbefitting reputable counsel; and, finally, counsel shall be a confidential advisor who respects confidentiality as defined by statute and the law.

These core principles do not apply exclusively to members of Dutch bar associations in isolation. They find broad support in the European context in European countries' professional bodies, and are, in a general sense, encompassed by the Code of Conduct for European Lawyers.

I look forward to Counsel Koppe's reply. Upon receiving it, I will forward it to the Chamber, so as to afford it the opportunity to respond to the position of Counsel Koppe.

Sincerely yours,

[signed]

P.N. van Regteren Altena