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du dossier SANV. RADA

Kingdom of Cambodia  
Nation Religion King

Bar Association of the Kingdom of Cambodia (BAKC)

No: 515/SSKM/18

Phnom Penh, 16 August 2018

President  
Lawyer Suon Visal

BAKC Council:

1. Lawyer SAING Vannak
2. Lawyer ING Kerya
3. Lawyer KET Khy
4. Lawyer IV Poly
5. Lawyer KHIEV Sambo
6. Lawyer CHEA Soknourn
7. Lawyer SAN Chuoy
8. Lawyer THAN Phanith
9. Lawyer CHU Chanthyra
10. Lawyer KENG Somala
11. Lawyer MEY Osphea
12. Lawyer SENG Sokhim
13. Lawyer LIV Sovanna
14. Lawyer CHHIV Phyrum
15. Lawyer SAM Sokong
16. Lawyer NORNG Meanun
17. Lawyer OU Thydapoeuv
18. Lawyer LY Ping
19. Lawyer YIM Visoth
20. Lawyer LIM Chanlida
21. Lawyer KAY Visal
22. Lawyer HO Lyhow
23. Lawyer VAR Pisey
24. Lawyer CHEA Hongry
25. Lawyer SAO Kanha
26. Lawyer MON Vimean Champa
27. Lawyer CHHY Sambath

**Decision on Placement of Mr Victor Koppe, International  
Co-Counsel for Nuon Chea in Case 002/2, outside of the  
BAKC List**

**The President of the BAKC,**

- Noting the Constitution of the Kingdom of Cambodia;
- Noting Royal Degree No. NS/RKM/08595/06 dated 22 August 1995 promulgating the Law on the Bar Association of the Kingdom of Cambodia;
- Noting the minutes of BAKC meeting of 16 October 2016 on the election of members of the Bar Council for the 8<sup>th</sup> mandate;
- Noting the minutes of BAKC meeting of 16 October 2016 on the election of Lawyer SUON Visal as President of BAKC for the 11<sup>th</sup> mandate;
- Referring to BAKC Letter No. 788/BAKC/07 dated 5 December 2007 on the registration of foreign lawyers in the BAKC List as defence counsel before the Extraordinary Chambers in the Courts of Cambodia;
- Referring to ECCC Letter No. E378/8/4 dated 31 May 2018 questioning the BAKC on the status of Mr Victor Koppe, International Co-Counsel for Nuon Chea in Case 002/02;
- Referring to BAKC Letter No. 1612/BAKC/18 dated 21 June 2018 in response to the ECCC questions;
- Referring to BAKC Letter No.1794/BACK/18 dated 13 July 2018 requesting documents regarding the status of Mr Victor Koppe with his foreign bar association;

- Referring to the decision of the Bar Council meeting held on 9 August 2018;
- WHEREAS pursuant to Article 5 of the Law on the Bar, foreign lawyers may be registered with the BAKC given that the countries of their origin recognise and authorise them to practise the legal profession;
- WHEREAS according to the phrase “the countries of their origin recognise and authorise them to practice the legal profession” in Article 5 above, the period they are entitled to practice the legal profession in the countries of their origin shall synchronise the one they are entitled to in Cambodia. This means that should the recognition be terminated for some reason, the practice of legal profession in Cambodia will also be terminated at the same time. Admission of any foreign lawyer into the BAKC List is applicable given the applicant’s status as a lawyer. Therefore, when a person loses his/her status as a lawyer in the country of his/her origin, the BAKC does not recognise him/her as a lawyer and that person is not authorised to practise the legal profession before the courts of Cambodia;
- WHEREAS when a foreign or national lawyer has registered with the BAKC, that lawyer shall be subject to the rules of the Law on the Bar alike. When a lawyer loses his/her qualification, that lawyer shall be placed outside of the BAKC List;
- WHEREAS Article 41 of the Law on the Bar states that, “The Bar Council shall decide to put any lawyer outside of the List if such [a] lawyer is in a situation of incompatibility or if such [a] lawyer is unable to practice his or her profession. Complaints against such decisions shall be conducted in accordance with the procedures established in Article 33”;
- WHEREAS pursuant to Article 33, such [a] decision of the Bar Council may be appealed in accordance with the conditions as provided for in Article 25 – i.e. the lawyer

has the right to appeal the decision before the Appeal Court within two months after the notice of the decision;

- WHEREAS based on Mr Victor Koppe's documents given to the BAKC by the ECCC, his membership of the Amsterdam Bar expired on 1 January 2016;

### **Decides**

- Article 1: International Co-Counsel Victor Koppe is placed outside of the BAKC List from 9 August 2018;
- Article 2: International Co-Counsel Victor Koppe is not authorised to practice his legal profession before the courts of Cambodia;
- Article 3: He, if disagreed, may appeal this Decision before the Appeal Court within two months after the notice of this Decision in accordance with Article 25 of the Law on the Bar;
- Article 4: Any decisions contrary to this Decision shall be repealed; and
- Article 5: The Secretary General, departments concerned and Mr Victor Koppe shall follow this Decision according to their respective functions from the date of its signing.

**By order of the President of the BAKC**

[Signed and sealed]

**Lawyer KOY Neam**

**Deputy Secretary General**

Copied to:

- The Bar Council "for information"
- As in Article 5
- The Defence Support Section of the ECCC
- The Administration of the ECCC
- The General Prosecutor attached to the Appeal Court
- The President of the Appeal Court
- Documentation-Archives