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Bar Association OKs Foreign Lawyers, With Fees and Controls

Cambodian and foreign judicial officials hold the meeting of Review Committee on the outskirts of Phnom Penh last Wednesday.

The Cambodian Bar Association said Tuesday it had a resolution to a deadlock issue on whether foreign lawyers can participate in a Khmer Rouge Tribunal, but it was unclear if the idea would carry further into negotiations.

Cambodian and UN-appointed judges and prosecutors, collectively called jurists, are facing a Friday deadline to bridge significant gaps in positions concerning the internal rules that govern a tribunal. They have been meeting since last week, and observers say failure to come to full agreement and draft the rules soon will mean a collapse of the tribunal.

Major differences between the local and foreign jurists were sticking points going into the meetings, especially the rights of the accused, protection of witnesses, the independence of a pre-trial chamber—and the participation of foreign lawyers.

If the bar's recommendations are acceptable, foreign lawyers would have to register with the Cambodia Bar Association, paying a \$500 registration fee and a \$200 monthly fee, bar association president Ky Tech told VOA. Client representation would cost \$2,000.

Lawyers would also be subject to the governance of the bar, Ky Tech said, and could be disbarred for misconduct. They would also need to seek the approval of Cambodian lawyers during their cases.

"In the trial, foreign lawyers do not have the right to defend the case without permission or approval from Cambodian lawyers," he said.

Rupert Skilbeck, principal defender for the tribunal, confirmed to VOA that he had met with the bar and was passing their proposal to the negotiating jurists. An outcome was not yet reported from them.

"It's to be hoped that the discussion can result in a conclusion that means we can have a fair trial process before the ECCC," Skilbeck said.

Reach Sambath, spokesman for the Extraordinary Chambers in the Courts of Cambodia, the tribunal's official name, declined to comment on the lawyers.

Ky Tech said he was confident that the Cambodian jurists would agree.

For foreign lawyers to operate independently in Cambodia, he said, would mean an amendment to the laws governing the bar, which was not acceptable.

"For the lawyers who register in the bar association, they must be governed by the bar association," he said. "Cambodian lawyers have used their own right in suggesting or requesting the foreign lawyers to defend the case."

Kek Galabru, president of the rights group Licadho, said the foreign lawyer question was disconcerting because a lack of independence for them would mean watered-down trials.

"If there is such a condition, we cannot say there is international standard at all," she said.

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