

Samdech Hun Sen
Cabinet of the Prime Minister
Council of Ministers
Phnom Penh, Cambodia

Brussels, 9 July 2009

Re: Concerns regarding restriction of lawyers' freedom in Cambodia

Dear Mr. Prime Minister,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 700,000 European lawyers. In addition to membership from EU bars, it has also observer representatives from a further ten European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concerns over instances of threats and intimidation of lawyers in Cambodia. It was brought to our attention that defence lawyers representing defendants at the Extraordinary Chambers in the Courts of Cambodia were threatened with legal action by Cambodian judges for having called for corruption allegations at the tribunal to be properly investigated. We were also informed that at the end of June a lawyer, Mr. Kong Sam Onn, working for an opposition member of the National Assembly, Ms. Mu Sochua, who alleged that she has been defamed by the country's Prime Minister, was himself charged with criminal defamation and could be expelled from the Cambodian Bar Association. Furthermore, we received information that lawyers representing indigenous communities in Ratanakiri Province, involved in a land dispute with a businesswoman with ties to the Government, were threatened with criminal charges and disciplinary action for having allegedly "incited" communities to file a suit to reclaim their land.

The CCBE is alarmed by these facts, which indicate a repressive environment for lawyers in Cambodia.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges to take immediate and effective steps to guarantee that the exercise of the legal profession is free from any form of oppression in order to preserve the independence and integrity of the administration of justice in Cambodia.

Yours sincerely,



Anne Birgitte Gammeljord
President