



Mandate of the Special Rapporteur on the independence of judges and lawyers

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**Cambodia: United Nations Expert concerned at restrictions on
freedom of lawyers to represent their clients**

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GENEVA – The United Nations Special Rapporteur on the independence of judges and lawyers, Mr Leandro Despouy, today expressed his concern at recent attempts to restrict the freedom of lawyers to represent their clients effectively in Cambodia.

“To be able to represent their clients effectively, lawyers should not be subject to threats or intimidation, nor should they be targeted for prosecution or disciplinary action merely for having acted in the interests of their clients”, Mr Despouy said. “Lawyers play an important role as defenders of human rights and must be free to represent their clients as they see fit in accordance with professional standards and the rule of law.” Having paid close attention to the situation in the country throughout his mandate, the Special Rapporteur is concerned that recent moves against lawyers in Cambodia seem to indicate a worrying new trend which could have a chilling effect on the legal profession. “I encourage and support the Bar Council and its President in their efforts to strengthen the legal profession in Cambodia and to defend lawyers against attempts to undermine their independence”, he added.

Last week, a lawyer, acting for an opposition member of the National Assembly who alleged that she had been defamed by the Prime Minister, has himself been charged with criminal defamation and threatened with expulsion from the Cambodian Bar Association. In January 2009, defence lawyers acting for defendants at the Extraordinary Chambers in the Courts of Cambodia were threatened with possible legal action by Cambodian judges for having called for allegations of corruption at the Chambers to be properly investigated by the Phnom Penh Municipal Court.. Earlier, in June 2007, lawyers acting for indigenous communities in Ratanakiri Province, in a land dispute with a business woman closely linked to the Government, were threatened both with criminal charges and disciplinary action before the Bar Council for having allegedly “incited” the communities to file a law suit to reclaim their land.

The Special Rapporteur reminded the Royal Government of Cambodia of its obligations under international law as set out in the United Nations Basic Principles on the Role of Lawyers which specifically state that “*lawyers should not be identified with their clients or their clients’ causes as a result of discharging their functions*”. They go on to say that “*Governments shall ensure that lawyers [...] are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference [and] shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics*”. Furthermore, lawyers should enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

The Special Rapporteur also called for the Bar Council of the Kingdom of Cambodia to be allowed to exercise without external pressure its responsibilities under the Law on the Bar to protect the independence and autonomy of the legal profession in Cambodia.

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