3 April 2007

International Judges of ECCC Say April Plenary is Not Possible

The international judges of the Extraordinary Chambers in the Courts of Cambodia today presented the President of the Supreme Court Chamber of the ECCC with a letter informing the Cambodian judges of their decision not to hold a judicial plenary session to adopt the internal rules of the court in April 2007.

The letter, signed by all the international judges of the ECCC, notes that two weeks have passed since the ECCC's Review Committee issued a statement asking for the Cambodian Bar to reconsider its position over fees imposed on foreign lawyers. The letter states that the international judges were, "saddened that at the time of writing, the Cambodian Bar had not reconsidered its position." With the fee issue still unresolved and not enough time remaining to fix their schedules or accommodate previous commitments, a 30 April plenary it is no longer possible for the international judges.

The international judges believe the Cambodian Bar's proposed first year fee of USD $4900.00 would create a prohibitive entry cost and was not in line with accepted practice at the international level. The proposed fee would severely limit the number of foreign lawyers able to appear before the ECCC and would allow the accused to argue that they have not been afforded the right to have counsel of their choice, in breach of the International Covenant of Civil and Political Rights. Further, such a fee would exclude many lawyers that are volunteering to represent victims for free, as they would be left significantly out of pocket for offering their services pro-bono.

The international judges are aware of ongoing discussions between the Cambodian Bar and the ECCC's Defence Support Section and express hope that these discussions will lead to an acceptable solution. As a result, they are willing to, allow for a short period to establish whether they may then be in a position to call a plenary session at a later date.

However, the international judges wish to emphasize that the window of opportunity is closing quickly and they simply cannot allow for endless delays.

The international judges will re-examine the situation, and any proposals from the Cambodian Bar, during the last week of April 2007. If at that time no progress has been made they will propose organizing the whole process of participation of foreign lawyers from registration to discipline without the assistance of the Cambodian Bar Association, in line with established practice in other international and hybrid tribunals.

The international judges end the letter with their commitment to, "the fair, transparent and expeditious trials for which the Cambodian people have been waiting for 25 years."

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