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International Khmer Rouge Trial Judges Announce Boycott

Phnom Penh — International judges appointed to try former Khmer Rouge leaders announced Tuesday they would boycott a scheduled plenary session over high fees being demanded of foreign lawyers by the Cambodian Bar Association, again bringing the process to a halt.

International judges of the of the Extraordinary Chambers in the Courts of Cambodia (ECCC) said in a statement delivered through the United Nations Assistance to the Khmer Rouge Trials (UNAKRT) that a plenary scheduled for April 30 to pass internal rules necessary for the process to proceed 'would not be possible'.

It said two weeks had 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, and it regretted to announce that it had failed to do so.

'With the fee issue still unresolved and not enough time remaining to fix their schedules or accommodate previous commitments, a 30 April plenary ... is no longer possible for the international judges,' the statement read.

'The international judges believe the Cambodian Bar's proposed first year fee of 4,900 dollars 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 ... 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.'

If the Cambodian Bar failed to come to an agreement by the last week of April, international judges would propose bypassing the body altogether, using the established practice in other hybrid and international tribunals as a precedent, the statement said.

The internal rules are necessary for the hearings to proceed as they govern every aspect of court procedure.

Cambodian Bar Association president Ky Tech has previously defended his group's position in demanding high fees for foreign lawyers, saying they earned more and it was a necessary restriction in the interests of his members.

However the Defense Support Section of the ECCC has said that high fees would seriously limit the choice of lawyers for potential defendants, meaning the hearings would not meet international standards.

The 56-million dollar joint UN-Cambodian funded hearings, budgeted to take just three years to complete, began proceedings last year but have become bogged down in trying to pass the internal rules, fuelling speculation that further delays may cause some donors or the UN to walk away from the process altogether.

The Khmer Rouge's Democratic Kampuchea regime ruled Cambodia between 1975 and 1979, during which period up to 2 million Cambodians perished. Despite this, the now aging leaders mostly still live freely in their communities without ever having faced justice.

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