



**International  
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Your Excellency,

We are writing to you today to seek clarification over the recently issued Letter No. 067/BAKC/13 (Letter) dated 23 January 2013 by the Cambodian Bar Association. The International Commission of Jurists, for the past 60 years, have been dedicated to the defense of human rights through the rule of law, and to the preservation of the independence of judges and lawyers.

The legal profession is an essential pillar of the rule of law and crucial for the protection and promotion of human rights. To be able to effectively play this role, lawyers must be able to carry out their functions independently in the administration of justice. Under international law and standards, there are certain established safeguards that are aimed at ensuring the independence of individual lawyers, as well as the legal profession as a whole. In this regard, the UN Basic Principles state that, “adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social, and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession.”

One of the safeguards ensuring the independence of lawyers is ensuring their right to freedom of expression. That right is contained in article 19 of the International Covenant on Civil and Political Rights, to which Cambodia is a party, as well as the Universal Declaration of Human Rights. Lawyers, like every other person, are protected under these standards. Principle 23 of the UN Basic Principles provides that lawyers shall have “the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.” It further states that in exercising this right, lawyers should act in accordance with the law and the recognized standards and ethics of the legal profession.

We understand that the stated purposes of the said Letter are to enhance the quality of outreach and legal education to the public, to avoid conduct that is contrary to the substance of the law and to maintain professional order. These are laudable goals, but their achievement cannot defeat their ultimate purpose. All people, especially lawyers, must be able to discuss and debate the various facets of the operation of the legal system within the bounds of the recognized standards and ethics of the legal profession. The UN Human Rights Committee, in its General Comment No. 34, emphasizes the particular importance of public debate concerning figures in the political domain, and public institutions, including courts. Lawyers should be allowed to express different views about laws and legal reforms, or explain court decisions, as being able to do so independently fulfills an important aspect of their professional role.

We also note that in the Letter, you stated that the erroneous explanation and interpretation of the laws made by some members of the Bar Association affects “the implementation of the laws and legal standards.” We would like to emphasize that lawyers are not tasked with the implementation of the laws. This is a task delegated to the executive branch of government. Hence, the views of a member of the Bar Association on a particular law, whether or not they are correct, should have no impact on the implementation of such law.

In this light, we would be most grateful if the Cambodian Bar Association could kindly provide us with further clarification on the following matters:

- (i) Are there any guidelines that lay down the restrictions as to what lawyers can or cannot say to the media? If yes, what are they and where can they be found?
- (ii) With the said Letter, would lawyers now have to firstly consult and seek approval from the Working Group on Research, Education and Dissemination of laws prior to appearing in the media?
- (iii) Before the said Letter, was it the practice of lawyers to inform and consult the Cambodian Bar Association prior to appearing in the media?
- (iv) In the event where lawyers do provide the wrong interpretation of law in the media, what type of actions or sanctions could the Cambodian Bar Association take?

Thank you for your time and we look forward to hearing from you soon.

Very truly yours,



**Sam Zarifi**  
Regional Director for Asia & the Pacific  
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