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H.E. Samdech Hun Sen  
Prime Minister  
Office of the Council of Ministers  
No 41, Russian Federation Blvd  
Phnom Penh  
Cambodia

Dear Prime Minister Hun Sen:

The New York City Bar Association (“the Association”) is an independent nongovernmental organization of more than 23,000 lawyers, judges, law professors, and government officials, principally from New York City but also from throughout the United States and 50 other countries. Founded in 1870, the City Bar has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, including within the United States.

The Association is deeply concerned that attorneys in Cambodia are being subjected to threats and intimidation, tacitly condoned by the government, for their work to ensure that the rule of law is applied fairly and evenly throughout the country. In particular, the Association is alarmed by recent criminal charges levied against attorneys in Cambodia following their public commitments to provide legal services to certain individuals, including opposition members of the National Assembly and members of indigenous communities in land disputes with government-connected business owners. The Association is also concerned about threats of criminal charges and disciplinary action against Andrew Ianuzzi, Michiel Pestman, and Victor Koppe, lawyers who called for investigations of corruption allegations in the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”).

The City Bar echoes concerns voiced by the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Mr. Leandro Despouy, who has publicly reported these acts. According to the Special Rapporteur, these and similar acts against Cambodian attorneys may be part of a larger, systematic targeting of lawyers, which could be detrimental to the effectiveness and independence of the entire legal profession in Cambodia.

The Association strongly defends the work of Cambodian lawyers in accordance with professional standards, and condemns intimidation and harassment of lawyers just trying to do their jobs. Attorneys in Cambodia, and indeed everywhere, must be permitted to effectively and zealously represent their clients, no matter who those clients may be, and must not be subjected to threats, intimidation,

prosecution or disciplinary action for acting on their clients' behalf. Lawyers play a critical role in protecting individuals against injustices and upholding the rule of law. If the Royal Government of Cambodia aims to develop a system based on the rule of law, a system which promotes societal harmony, then it must not allow the legal profession to be undermined in this way.

In addition, these actions are inconsistent with the Royal Governments' commitment to international standards as set forth in the United Nations Basic Principles on the Role of Lawyers, which states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; . . . and (c) 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."

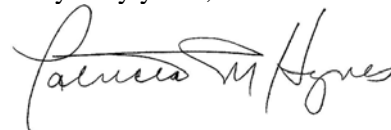
*See* Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 118 (1990), Article 16.

Further, according to these Principles, "[n]o court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles." *See* Article 19. The lawyers in this case emphasize that they have acted in accordance with the law and have the right to offer their legal services in defense of their clients. Finally, like all other citizens, lawyers are "entitled to freedom of expression, belief, association and assembly . . ." *See* Article 23.

We therefore respectfully request that you immediately investigate these reports of intimidation and harassment to ensure that all lawyers are free to represent their clients, no matter who they may be, without fear of retribution. In particular, we urge you to take appropriate action to guarantee that those lawyers offering legal assistance to opposition members of the National Assembly and to indigenous communities disputing land claims, as well as those lawyers calling for an investigation of corruption allegations in the ECCC are not subjected to threats, intimidation, prosecution or disciplinary action for practicing their profession. The New York City Bar Association remains firmly committed to the right of lawyers to do their jobs without reprisal, regardless of nationality.

Thank you for your attention to this very important matter.

Very truly yours,



Patricia M. Hynes

cc: Hon. Kirsten E. Gillibrand  
Hon. Charles E. Schumer