

Tribunal Must Set Up 'Lead Lawyers': Monitor Kong Sothananarith March 26, 2010

The UN-backed Khmer Rouge tribunal must work quickly to establish lead lawyers for civil parties, to ensure proper citizen participation as the court moves toward its second trial of aging regime leaders, a court observer said Friday.

New rules for the court mandate that groups of civil parties be represented by two lead lawyers, instead of by individual attorneys for each group. But the tribunal has yet to establish who the lead lawyers will be.

With a trial for aging leaders expected in 2011, the lead lawyers will need time to map out a strategy, said Long Panhavuth, a tribunal monitor for the independent Open Society Justice Initiative.

"It is worthwhile to put it in place as quickly as possible," he said. "If the creation of the lead lawyers is late, this will impact their work representing all the civil parties." Helen Jarvis, head of the Victims Unit for the tribunal, said the court would begin recruitment efforts before the Khmer New Year, in April.

"We expect that they could start in July this year," she said.

The number of civil party complaints in the tribunal's second case has risen to 4,001, but only around 1,300 have representation, Jarvis said.

Civil parties without lawyers lose the right to appeal if they are dismissed by investigating judges.

"This is an urgent need, that the civil party complainants have lawyers before the closing order," Long Panhavuth said. "The internal rules say that the [tribunal] has to pay for a lawyer for them if they cannot find one."

Jarvis said the court recognized the issue as "very important," and she expects all complainants to have lawyers by the end of April.

Civil parties are currently represented by 41 lawyers, 27 of them foreign, from the US, France and Germany.