

Quote in reply: International Law and Relations Committee

19 August 2010

Rt Hon Grand Chief Sir Michael T. Somare, GCL GCMG CH CF Kst J, MP
Prime Minister of Papua New Guinea
PO Box 639
Waigani NCD
PAPUA NEW GUINEA

Dear Prime Minister

We write on the advice of the Queensland Law Society's International Law and Relations Committee.

We have heard alarming reports from our members and through the media, that individuals of the legal profession in Papua New Guinea have received threats and experienced intimidation during the execution of their professional duties. We refer particularly to the case of Bank South Pacific where we understand that the law firm had to withdraw its professional services due to fears for the safety of their legal practitioners.

We are concerned that legal practitioners are experiencing threats and intimidation during the carrying out of their professional duties. Such conduct constitutes an overall attack on the legal profession in Papua New Guinea and its independence, which has always been highly regarded. Such an infringement on legal practitioners has serious implications for the rule of law in Papua New Guinea. We reiterate the concerns shared by the Papua New Guinea Law Society and LAWASIA in this regard and express condemnation of these actions.

We refer to the internationally agreed Basic Principles on the Role of Lawyers. This treaty was formulated to assist States in their task of promoting and preserving the proper role of lawyers. It holds that lawyers should be respected and taken into account by Governments within the framework of their national legislation and practice. Perhaps this document could be brought to the attention of lawyers as well as other persons, such as judges, prosecutors, members of the executive and the legislature, and the public in general, to assist them in understanding the role of lawyers. We note in particular several relevant sections which hold that:

- Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and 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;
- Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities;
- Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions;

- Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they 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 and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of these rights; and
- Lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

Papua New Guinea's legal system and judiciary have shown their independence and resilience throughout the past 35 years. We respectfully request that this high standard be preserved and that legal practitioners be protected from harassment or persecution for carrying out their legitimate work as lawyers and for exercising their right to freedom of expression.

Yours faithfully

Peter Eardley
President

Cc: The Hon Ano Pala CMG MP
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