

NORTHERN TERRITORY LAW JOURNAL

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INTRODUCTION

Papers from the CLANT 14th Biennial Conference – *The Hon Chief Justice Trevor Riley* 353

ARTICLES

Lawyers as victims – *The Hon Dean Mildren AM RFD QC*

For centuries, if not millennia, lawyers have been victimised both as a class and as individuals, for nothing more than being lawyers. The purpose of this article is to discover why this is so, and what, if anything, can be done about it. 354

Representing minority victims in genocide trials – *Lyma Nguyen*

In 2010, the Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia (ECCC) charged four senior leaders of the former Khmer Rouge regime with genocide against two minority groups, the Cham and the ethnic Vietnamese. This article examines the role of minority victims of mass crimes in a genocide trial, using the specific case study of a group of ethnic Vietnamese survivors who joined as civil parties before the internationalised criminal proceedings at the ECCC. From the personal perspective of an international pro bono civil party lawyer who has been involved with victim representation at the ECCC for six years, this article highlights the challenges involved with including minority narratives into the larger context of a mass atrocity trial. The description of the participation process for these civil parties also highlights how victim participation in a criminal trial can shed light on larger human rights issues affecting a minority group. In the present case, a number of ethnic Vietnamese civil parties have sought access to, or recognition of, Cambodian nationality through a request for “collective and moral reparations” under the Court’s Internal Rules. 363

Problems with civil commitment of sex offenders – Olav Nielssen

Schemes to detain sex offenders after the expiry of their sentences have been enacted in most States of Australia, and are now also in force in the Northern Territory. This article will look at the background to this form of legislation, briefly review the laws that exist around Australia and describe the New South Wales experience. This article will then look at some definitions of types of sexual offenders, examine problems with the so-called treatment of sex offenders, define risk and examine shortcomings of risk assessment in general. The article will conclude with some suggestions for a rational approach to the use of what are very expensive and potentially unjust preventative detention schemes. 378

Invisible clients: People with cognitive impairments in the Northern Territory Court of Summary Jurisdiction – Madeleine Rowley

Every Monday morning Aboriginal Legal Aid lawyers in Alice Springs descend into the cells beneath the courts to take instructions from prospective clients who have been locked up overnight and over the weekend. More often than not, the first time lawyers meet clients is in the cells. It can be a tense experience. The volume of matters is daunting and lawyers are aware of the time constraints. It is not unusual to speak to a client about the charges he or she is facing only to be met with stony cold silence. Communication is very often difficult. More difficult still can be determining the source of the communication barrier. Language, hearing, shyness, embarrassment, cultural reticence, obstancies, substance withdrawal, illness or any combination of these factors can all contribute. Frequently communication is hampered by mental health issues, a cognitive impairment, or both. The lawyer’s job is to find a way to get instructions, to work out which issue or issues, if any, are contributing to the communication barrier, and to decide what it all means for the client’s case. In a court cell in Alice Springs, this can be very challenging. 383

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2. The journal publishes articles, commentary, case notes, legislation notes and practice notes which are of relevance to practice in the Northern Territory. Letters to the editor will also be considered for publication.
3. Articles should be of appropriate academic quality to be published in a refereed law journal.
4. Submissions of all lengths will be considered but preference is given to those falling within the following categories:
 - case notes, legislation notes and practice notes of up to 2,000 words (which will not be refereed);
 - commentary etc of 2,000 to 5,000 words (which will not be refereed);
 - articles of 5,000 to 10,000 words (which will be refereed).Articles of longer than 10,000 words will be considered but may be published over more than one edition of the journal.

The publisher will format and edit all material accepted for publication according to house style.
5. Submissions should be emailed in Word format to the Executive Editor, Cameron Ford at cseford@hotmail.com.