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**OPENING ADDRESS BY
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(on behalf of the OSCE Chairman-in-Office Dr Dimitrij Rupel)**

**OSCE Supplementary Human Dimension Meeting
»Role of Defence Lawyers in Guaranteeing a Fair Trial«**

**3-4 November 2005-10-30
Tbilisi, Georgia**

Dear Ministers,
Director of the ODIHR,
Ladies and Gentlemen,

(Welcoming remarks)

On behalf of the OSCE Chairman-in-Office Dr Dimitrij Rupel I would like to welcome you here in Tbilisi in Georgia to discuss different aspects of the role of defence lawyers in guaranteeing a fair trial.

This is the third OSCE Supplementary Human Dimension Meeting held this year. The first SHDM was organized in April regarding the issue of election procedures, the second one in July addressed the issue of human rights and the fight against terrorism; both meetings were held in Vienna. I would like to emphasize that this meeting is the first of that kind in the history of the OSCE to be organized out of Vienna, and therefore I would particularly like to thank to Georgia for their generous offer to host this OSCE Supplementary Human Dimension Meeting in Tbilisi.

(Ljubljana and Tbilisi – sister cities)

There is also one more simple fact that is bringing warm feelings to the whole team of the Slovenian Chairmanship and especially to the Chairman-in-Office. This is that the capital of Slovenia Ljubljana and Tbilisi are sister cities already almost for 30 years. Since Chairman-in-Office Dr Rupel is also a former mayor of the city of Ljubljana, please also receive his personal warmest regards.

Ladies and Gentlemen,

(On SHDM)

This two days meeting on the Role of Defense Lawyers in Guaranteeing a Fair Trials will focus on access to legal council, structural issues relating to the defence bar, and equality of parties in criminal proceedings. This meeting should be also seen as part of the OSCE/ODIHR long term main focus on ensuring fair trials, as well as on reforming criminal justice systems and torture prevention. In this regard one special day of 2005 Human Dimension Implementation Meeting held this September in Warsaw focused on methods to prevent and combat torture.

The Vienna, Copenhagen and Moscow Documents provide guarantees relating to the advocates role. However, none of the previous seminars and meetings conducted in the human dimension has dealt with the first line of reactive human rights professionals; defence lawyers.

While the importance of human rights defenders was acknowledged at SHDM in 2001 and the role of community policing in 2002, and while a seminar on Ombudsman and National Human Rights Protection Institutions was held in 1998 and on judicial systems in 2002, there was no human dimension event addressing the implementation of provisions of defence lawyers as a crucial element in the administration of justice and the effective fulfillment of the principle of the fair trial.

(On bar associations)

Further, in many countries efforts are underway to reform the structure of the bar. Vital questions such as how the bar should be organized, how its independence can be guaranteed, and who should license advocates are the center of discussion. Similarly, issues such as at which stage of the criminal process lawyers should be allowed access to information and their clients and also their role during trial are critical in any democratic state.

(Cross-dimensional approach)

The adherence of the principle of fair trial is crucial not only for the respect for human rights and fundamental freedoms, but also for all other OSCE dimension, particularly the economic dimension since it has been very clear that fair trials contribute to economic growth and encourages investments. In this sense this meeting shows the OSCE support to one of the vital cross-dimensional OSCE commitments, the commitment to ensure a fair trial to everyone.

Ladies and Gentlemen,

(On the role of defence lawyers)

Within human rights circles the perception may be thought to exist that lawyers are somehow outside the normal run of human rights activities. However, it is lawyers who must find means to implement national and international human rights standards in the real world. They do this by means of applying legal remedies to abuse of power and ill treatment.

Defense lawyers play a vital role in ensuring the right to a fair trial. Access to legal counsel is one of key fair trial guarantees which is recognized in international human right law and reiterated in the OSCE commitments. As Lawyers Committee for Human Rights stated in its basic guide in 2000, the right to be provided and communicate with defence counsel is the most scrutinized specific fair trial guarantee in fair trial observation practice, because it has been demonstrated to be the one that is most often violated. Principle 1 of the UN Basic Principle on the Role of Lawyers (1990) states that – and I quote - “all persons are entitled to call upon the assistance of the lawyers of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.” End of quote. Availability of lawyers may be viewed as a “threshold” indicator of fair trial standards.

To conclude,

I hope that this meeting will encourage state representatives as well as lawyers to discuss the implementation of the OSCE commitments in this area as well as possible additional commitments if needed. I believe this is also an opportunity to demonstrate our support for strong independent defence bars.

I wish you every success in your further deliberations and your future work.

Thank you.