



**HUMAN RIGHTS HOUSE  
FOUNDATION**

**Human Dimension Implementation Meeting of the  
Organisation for Security and Cooperation in Europe (OSCE)**

**Working Group Session 4**

**Rule of law II,  
including democratic law-making, independence of the judiciary, and the right to a fair trial  
24 September 2014**

*Check against delivery*

Distinguished delegates, ladies and gentlemen,

The Human Rights House Network Program International Law in advocacy wishes to raise the two issues directly related to national implementation of international obligations on fair trial conditions:

Firstly,

Based on a request of the alumni of the education program the Rules of Law unit of ODIHR has conducted three special trainings for more than 50 participants, lawyers and human rights defenders from Azerbaijan, Belarus, Ukraine and the Russian Federation.

Most of the participants use the gained methodology, knowledge and skills in practice. The instruments enable them to define whether a trial as a whole complies with the international standards. The participants say that submitting the trial monitoring results to the national and public authorities makes the latter to respond and in some cases help to achieve positive results.

Lawyers observe that the correct monitoring of cases enables the state to reveal the actual problems and start solving them. For example, metal cages have been removed and changed to a glass booth in many Belarusian courts. Regrettably, metal cages remain a practice throughout the OSCE-region instead of becoming an exception, including in Azerbaijan.

Russian lawyers use the methodology in training of legal clinic students. There are positive examples when the lawyers formed international teams to help their colleagues in neighboring countries. In their opinion, the violations and disorders of trial conditions of their countries have similarities. The OSCE report on trial monitoring in Belarus 2011, for example, has been broadly used in practice in other countries.

Monitoring under umbrella of the OSCE has to be continued in other countries, like Azerbaijan, Ukraine and others, and we call upon all States to fully participate in such activities and implement the recommendations coming out of them.

Secondly,

The current developments show that human rights lawyers need additional guaranties and protection in order not to become victims of intimidation and reprisals themselves for their legitimate work in the human rights field.

The latest arrest of Intigam Alliev in Azerbaijan, a prominent human rights lawyer, expert of the Council of Europe HELP program, is a sad illustration in this regard. More than 40 cases pending in the European Court of Human Rights have been prepared by Intigam Aliyev, in connection with violations of electoral rights during the 2010 parliamentary elections. Individual rights to fair trial of those victims are now in jeopardy in Azerbaijan.

Once again, we call upon Azerbaijan to immediately and unconditionally release human rights lawyer Intigam Aliyev, as well as human rights defenders recently arrested Leyla Yunus, Arif Yunus, Rasul Yafarov, Anar Mamamdli and Bashir Suleymanli.

The existing national and international norms securing the role of lawyers do not reflect the current challenges and problems of lawyers working with human rights legal instruments. Those regulations are based on the traditional normative approach towards the applicable law. It makes it problematic for lawyers to apply human rights law, which is broader than the national regulatory framework. There is also a need to recognize the work of lawyers representing their clients in the international judicial and quasi-judicial bodies. Moreover, not only lawyers who are members of the Bar Associations but also lawyers working in of non-governmental organizations or individually need guaranties to fulfill their obligations towards individuals claiming violation of their rights and freedoms.

**We therefore call upon all States to:**

- Ensure that the promotion and protection of human rights are not criminalized, in line with obligations under international human rights law;
- Provide financial support to the ODIHR's trial monitoring program and support their missions in the countries;
- Apply the program in national training of judges, prosecutors and lawyers;
- Support the lawyers and human rights defenders in their trial monitoring activities;
- Strengthen professional guaranties to lawyers working in the field of human rights protection.

**We further call upon international and national professional lawyers' organizations to:**

- Amend international instruments in order to strengthen guaranties for lawyers' professional activities in the field of human rights protection;
- Support lawyers in application of international human rights standards in national litigations in order to decrease the workload of the European Court of Human Rights and the UN bodies;
- Recognize the legitimacy and importance of work of lawyers in international judicial and quasi-judicial bodies.

Thank you.