

Déclaration du Barreau de Paris

Human Dimension Implementation Meeting 2018,
Varsovie , 10-21 Septembre 2018/
September 12/ Working session 4: Rule of law I, including independence of the judiciary,
right to a fair trial, democratic lawmaking

The legal profession plays a crucial role in ensuring access to rights and justice.

Moreover, the Basic Principles on the Role of Lawyers, which constitutes the international reference text, consider that the lawyer is an "essential agent for the administration of justice". These Basic Principles on the Role of Lawyers are still the only international text that protects the founding principles of the profession, first and foremost independence, confidentiality, freedom of expression and the vital distinction between lawyer and his/her client or her/ his cause. Unfortunately, these fundamental principles are not always applied to many lawyers practicing in OSCE countries.

The most threatened lawyers are those who defend cases that would be considered "sensitive" in that respective country as. These "sensitive" cases vary from one country to another, but one can observe some constants: For example, the defense of journalists and bloggers, expropriations cases, defense of the human rights defenders, political opponents, trade unionists or defense of victims of torture by state authorities.

Lawyers may suffer direct physical retaliation measures such as kidnapping, imprisonment, psychiatric hospitalization, or assassination. There are also more subtle retaliation measures such as the use of disciplinary procedures with the permanent threat of disbarment.

Over recent years in Belarus, the Ministry of Justice has granted itself the power to summon lawyers to appear before a commission to verify their competence, which has become a key censorship tool.

The ultimate weapon against an inconvenient lawyer is to make him/her an ordinary criminal prosecuted under trumped-up charges of tax evasion, corruption, drug possession, extortion, as these crimes allow heavy convictions.

Lawyers who work on sensitive issues are also sometimes subject to such pressure from the authorities that they lose all profitable customers and then suffer intense economic pressure. There are also all insidious impediments to the practice of the lawyer when one prevents the communication, the visits to the client, when one organizes searches or phone tapping . We must not forget the argument of the fight against terrorism, which affects all countries even those whose rights of defense seemed deeply rooted.

The International Day of Lawyers in Danger was in 2018 devoted to Egyptian lawyers. It will be in January 24, 2019 devoted to the Turkish lawyers who are victims of a wave of repression of very large scale. In 2018, 570 lawyers were arrested, 1,480 face prosecution and 79 were sentenced to long sentences of imprisonment.

Increasingly, lawyers are becoming part of a highly targeted profession, and in numerous countries.

It is in this context that the Paris Bar calls on the OSCE to ensure compliance with the Basic Principles on the role of Lawyers, and in particular to encourage the independence of the Bars so that they can be strong enough to play their role of protection for individual lawyers.

Thank you.