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Closing Remarks by Ambassador Christian Strohal,
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Human Dimension Seminar
“Upholding the Rule of Law and Due Process in
Criminal Justice Systems”

Warsaw, 10-12 May 2006



Excellencies,
Ladies and Gentlemen,

I want to begin by thanking everyone for their strong participation and interest during this seminar. One thing that was constant during the discussions was the fact that one cannot discuss separately and apart each institution of a criminal justice system. The inter-relationship between all parts of the criminal justice system arose repeatedly during this Seminar.

At the Seminar we were able to welcome a total of 192 participants including representatives of seven international organizations, 45 NGO's as well as from almost all missions and institutions. 33 participating States were represented, and our Partners for Co-operation. I am particularly grateful to the many professionals, judges, prosecutors, defense lawyers and law enforcement experts who attended this meeting and contributed with very concrete and practical suggestions including with examples from their day-to-day professional experience. Also NGO representatives and members of professional associations were able to provide us with insightful and practical observations and recommendations.

I use this opportunity to thank the Rapporteurs who have gone into much greater detail regarding each session, and of course in particular the two key note speakers, the introducers for their very stimulating remarks.

I did want to highlight just a few key recommendations that I we find particularly significant. During the Working Group on the Judiciary the need to ensure that judicial proceedings are open to the public was stressed, including the value of civil society monitoring of court proceedings. This is more of a concern in an era of increasing number of terrorism cases which are sometimes closed to the public.

It was a good opportunity for participating States to reiterate their commitment to ensure the independence of the judiciary. Participants stressed that this independence should not be endangered if necessary measures are taken to combat judicial corruption. Also discussed was the fact that judicial appointment, promotion and dismissal should be defined by law and with open and transparent criteria.

In the Working Group on Policing the discussion was focused around the fact that police should be an instrument of democratic will, and a gateway to justice. Police should be recognized as an integral part of the criminal justice system and the institution that the common citizen is most likely to have contact with on a daily basis. Therefore issues of providing for transparent and independent complaint systems and public monitoring of police detention facilities become even more vital. It was a good opportunity to exchange good practices on how internal regulations of law enforcement agencies can be designed to comply with international human rights standards and foster public confidence in the work of the police.

The good work and the vital role of the SPMU was highlighted and I would like to add my personal thank to the SPMU for the valuable role played in the organization of this session as well as for the excellent working relationship my Institution enjoys with the SPMU on a wide range of issues in our everyday work.

The Working Group on Prosecutors was a vibrant and focused discussion on a number of key issues involving this powerful institution within the criminal justice system. One issue that arose repeatedly was concern about the usurpation of powers that should belong to the judiciary by prosecutors, including concern about the fact that six countries in the OSCE region still allow prosecutors to sanction arrest, rather than judges. Prosecutorial reform was raised and very concrete suggestions were made on allowing the procuracy to focus on their main duty: prosecution of criminal cases. During this session there was much discussion about defense lawyers and how equality of arms between the prosecution and the defense can be better protected.

Our final Working Group this morning on Defense Lawyers was a continuation of the discussion started during the Supplementary Human Dimension Meeting in Tbilisi held in November 2005 on “The Role of Defense Lawyers in Guaranteeing a Fair Trial.” One concern is when defense lawyers are penalized for the lawful performance of their duties. A recurring issue is bar admission practices and how to ensure that new lawyers are admitted to the bar under open and transparent procedures. Another continuing concern is how to protect the right to confidential communications between lawyers and their clients.

As always the Seminar was also an occasion to host numerous side-events which allow more focused and candid discussions. I would like to thank the main organizers of the four side-events for investing substantial efforts into these meetings.

The issues discussed during this Seminar are far reaching and fundamental issues to how each society within the OSCE region handles criminal cases. And, as we discussed during the Opening Session, the impact of how the criminal justice system functions in each country is not limited to the criminal justice system itself but reaches far wider into each society. I therefore look forward to the follow-up by the participating States on the recommendations made during this Seminar. The first occasion to come back to this aspect will be the Human Dimension Implementation Meeting that will take in Warsaw in the first two weeks of October. As every year there will be 2 sessions specifically dedicated to rule of law issues. I hope these discussions will further lay the ground for further preparations for the Ministerial Council in Brussels in December.

I want to thank again the Chairmanship of the OSCE, Belgium, for their involvement in this Seminar. And, finally, I want to thank all my staff who worked so hard to make this event a success.