

Check against delivery!

Closing Remarks
by Ambassador Christian Strohal,
Director of the OSCE Office for Democratic
Institutions and Human Rights (ODIHR)

at the Supplementary Human Dimension Meeting
on the Role of Defense Lawyers
in Guaranteeing a Fair Trial
Tbilisi, 3-4 November 2005



Ladies and Gentlemen,

The vibrant discussions of these two days have clearly shown that the topic of this Supplementary Human Dimension Meeting is indeed important and timely. It was particularly rewarding to have here so many practitioners and leaders of the legal community.

The Meeting demonstrated how complex and closely intertwined are the issues we discussed: the right to a fair trial requires access to professional and competent legal counsel; admission to the bar and the bar regulation are linked with the availability of lawyers and their professional and ethics standards; the role that defence lawyers are allowed to play in criminal proceedings is crucial to ensuring the fairness of criminal trials and protection of human rights.

We heard from the participating States who are in the process of reform of the defence bar and from some who intend to undertake reform in the future.

We also heard numerous reports from individual lawyers on the situation for the defense bar, and on their abilities to do their jobs in their countries. Unfortunately, many of these reports have only served to highlight the fact that many participating States in the OSCE region still have a long way to go to ensure that defence lawyers enjoy the full protection of the law in defending their clients. These sometimes disturbing reports help to answer one of the questions posed by our Keynote Speaker, Sir Sydney Kentridge, when he asked: “why in 2005 do we need a meeting devoted to this topic?” The discussions during the last two days showed that there is still much work to be done before this topic will be passé.

This only underscores the need for exchange of experience and best practices among the participating States in carrying out reform.

At the same time, it also highlights the need for similar exchange, dialogue and cooperation *within* participating States, among the different groups and stakeholders in the criminal justice system.

At first glance it may have seemed that some questions raised and debated during this Meeting were rather dry and technical. But as we all know, the devil is in the details, and we should not forget that these technicalities determine the availability of effective legal assistance to the people – in

criminal but also in civil cases, enabling them to exercise and enjoy their rights, and creating a favorable climate for economic development.

I am grateful to the many speakers who pointed out the need to balance, on one hand, the public interest to have access to professional but also affordable legal services, and, on the other hand, the legal profession's interest in independence, self-governance, and upholding high professional standards for their members. In finding this balance, the States should also be mindful of their obligation, often enshrined in national constitutions, to ensure competent legal assistance for their poorest citizens. Too many citizens in the OSCE participating States go on trial without the benefit of professional counsel.

Ladies and Gentlemen,

Over the last years, the ODIHR has provided assistance in reform of the legal profession including strengthening the role of defence lawyers. Yesterday and today I heard calls for more ODIHR involvement in these issues. Of course my Office will continue to lend expertise and render whatever assistance is practical. You are encouraged to make full use of the experience and expertise available in the ODIHR.

So how can we take this meeting, and the numerous suggestions and recommendations made, forward together?

I would encourage the participating States to keep this issue high on the political agenda. Clearly one SHDM cannot solve these problems. There is a need for continuing, long term and consistent involvement, including legislative and administrative measures.

Serious attention should be paid to ensuring full implementation of the existing laws in practice so they are not simply empty words on a page. In addition to on-going work at the domestic level, this topic should continue to be addressed on the OSCE agenda.

This meeting has also shown that the OSCE commitments in the field of legal assistance and legal profession undertaken by the participating States in Copenhagen in 1990 and in Moscow in 1991 continue to be of great importance and relevance. There also appears to be room to expand the commitments on these issues to make them more comprehensive and to give

greater guidance to the participating States in guaranteeing the right to legal counsel, better bar regulation, and equality of parties in criminal proceedings.

Beyond, we will have to ensure that a comprehensive approach is taken on the criminal justice system as a whole. Ms Christian suggested that equality of arms might not be fully attainable, but that defence lawyers will continue to fight for it. I would add the following: the State has to fight for it as well.

And Sir Sidney pointed out that it is not only the great cases that demonstrate our commitment to the rule of law – indeed, it is the everyday cases, the anonymous ones, as it were, which serve as reality check, and as litmus test.

Ladies and gentlemen,

In conclusion, allow me a few words of thanks. We are grateful for the insight of the OSCE Chairmanship in recognizing the importance of this topic. I want to thank again our generous hosts, the Government of Georgia, for their hard work towards the success of this meeting; a special word of thanks goes to Ambassador Dolidze.

This meeting was defined by a remarkably high quality of the participants' input. I am grateful to all of you for making the journey and for your active participation and your excellent recommendations. I also want to thank again our Keynote Speaker, and our introducers.

My special thanks go also to the OSCE conference services and the ODIHR staff who started the preparations of this Meeting many months ago and worked for long hours here in Tbilisi. The rapporteurs, note-takers, and our moderator also deserve a special mention and thanks for their hard work. Finally, thanks to our interpreters without whom we would not have been able to have this meeting.

Thank you all, and have a safe journey home.