
amnesty international

OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2006

STATEMENT IN WORKING SESSION 9: RULE OF LAW II

Rule of law, due process, independence of the judiciary, right to a fair trial and other issues

Recommendations:

Amnesty International calls on OSCE Participating States to:

- Ensure that prosecution and defence are treated before the courts in a way that gives them a procedurally equal position during the course of the trial and an equal position to make their case ("equality of arms"). This includes ensuring the right to adequate time and facilities to prepare a defence, and ensuring the defendant's right to call and examine witnesses
- End prolonged pre-trial detention and protracted criminal proceedings, by ensuring the right of all persons charged with a criminal offence to trial without undue delay, and by ensuring in law that detainees awaiting completion of criminal proceedings are tried within a reasonable time or released pending trial if the time deemed reasonable in the circumstances is exceeded.
- Ensure that persons awaiting retrial on criminal charges are not automatically detained, consistent with respect for the right to the presumption of innocence
- To ensure that any allegations of torture or other ill-treatment of a detainee are fully, independently, and impartially investigated, and that any statements made under torture or other ill-treatment are inadmissible as evidence in court proceedings
- To ensure that lawyers can fulfil their professional duties to their clients without state hindrance or interference
- AI calls on Participating States to implement recommendations made by CPT in connection with conduct of interrogations and procedural safeguards