

OSCE Warsaw Human Dimension Conference

Plenary Session VI: Rule of Law II

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This statement was delivered by:

Tara Fiechter

Program officer, Lawyers for Lawyers

t.fiechter@lawyersforlawyers.nl

Lawyers play a vital role in upholding the rule of law. The right to a lawyer of one's own choosing is central to the right to a fair trial. Lawyers are essential agents of the administration of justice, often forming the 'last line of defence' for human rights. In order to carry out their vital role effectively, they should be free from any external pressure, harassment, or improper interference from state authorities and non-state actors.

Across the OSCE region, however, we are witnessing an alarming rise in attacks on lawyers. Many face threats, harassment, and even prosecution, simply for doing their job. These attacks are not just attacks against the lawyers themselves, but are attacks against the foundations of the rule of law.

There are a number of countries where the entry into or continued practice within the legal profession is conditioned or controlled by the executive branch. Often, lawyers face new certification procedures or even disbarment as means to control their abilities to represent clients in sensitive cases or as a tool of punishment for their activities.

Lawyers are also identified with their clients or their clients' causes, and as a result, face attacks on their physical integrity and reputation, intimidation, arbitrary prosecutions and sanctions, including lengthy prison sentences. In addition, lawyers who provide legal aid to the most vulnerable groups of society, including immigrants, may be discredited or even demonised for their legitimate work.

September 28 marked the ninth anniversary of the unlawful detention of human rights lawyer **Buzurgmeghr Yorov** from Tajikistan, who was prosecuted and sentenced under trumped up charges of 'extremism' and 'fraud', for representing political opposition. Similarly, in Belarus, lawyer **Maksim Znak** was arbitrarily detained in 2020 and sentenced to 10 years of imprisonment after a closed-door trial. He has been held

incommunicado since February 2023, which may amount to torture under international law. There are compelling reasons to fear for his health and well-being.

In Turkey, lawyers have long been facing difficulties when conducting their professional activities. These sustained and systematic attacks on the legal profession in Turkey will be topic of the side-event we are hosting this afternoon at 16:00, to which you are all cordially invited.

The resultant chilling effect of this harassment discourages lawyers from taking up politically sensitive cases, ultimately weakening access to justice. Without a free and independent legal profession, the rule of law cannot be upheld, and governments cannot claim to be fulfilling their obligations to protect fundamental rights.

We therefore urge the OSCE member states to:

- immediately cease the harassment, prosecution, or undue interference in the work of lawyers in retaliation of their expressed views or the cases that they work on;
- Restore the licenses and bar memberships of lawyers who were disbarred or suspended on similarly improper grounds;
- Take all possible measures to guarantee lawyers' rights, both in law and in practice, in accordance with the UN's Basic Principles on the Role of Lawyers.

Thank you.