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Securing access of detainees to lawyers

Motion for a resolution

tabled by Mr Ögmundur JÓNASSON and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Parliamentary Assembly notes that access to lawyers is crucial to utilise the rights enshrined in Article 3 and 6 of the European Convention on Human Rights, especially the rights to defence and fair trial. Interference with the consultation between lawyers and detainees regularly leads to findings of violations by the European Court of Human Rights.

Access to lawyers has to be secured in the conditions mandated by the Convention (in terms of frequency, duration and confidentiality of contacts) at all stages:

- in police and pre-trial detention;
- during court proceedings;
- while serving a prison sentence (for purposes of ongoing judicial procedures including ongoing pending cases, appeals and complaints about detention conditions).

The Assembly is therefore worried that some member States display tendencies to restrict access to lawyers for detainees and prisoners in different stages of proceedings. One example is Imrali Island Prison in Turkey, where lawyers have been barred under various pretexts from meeting their clients, including Abdullah Öcalan, since 27 June 2011. The Committee for the Prevention of Torture has sharply criticised this particular situation in several reports.

The Assembly therefore calls on all competent bodies of the Council of Europe to take steps aimed at rectifying the situation and to ensure the protection, continuity and confidentiality of lawyer-client consultations.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
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