

Speech by the CCBE President, Anne Birgitte Gammeljord, on the occasion of the CCBE Human Rights Award 2009

This is the third year that the CCBE Human Rights Award is being given.

This year, the award is given to the deceased Russian lawyer Stanislav Markelov.

We had hoped until recently that it would be possible to find someone who would and could collect the award on behalf of Mr. Markelov, but unfortunately that has not been possible, even though we have made great efforts in contacting both Mr. Markelov's widow, the Russian organisation Memorial, which as you will have read in the papers has just been awarded the Sakharov prize, and the Russian Rule of Law Institute of which Mr. Markelov was the founder.

Therefore, unfortunately, no one will collect the award today. Maybe that expresses more than words can do the difficulties that human rights lawyers face not only in Russia but in many other countries.

As you all know, the CCBE sends every year a number of letters to Heads of States around the world expressing our deep concerns on the lack of respect for human rights and the principles of the rule of law.

Such a letter was also sent on 21st January 2009 to President Dmitri Medvedev when we received information that Mr. Markelov had been assassinated on 19th January 2009 in the centre of Moscow on his return from a press conference, together with a journalist.

Mr. Markelov was about to appeal the refusal by the court of Dimitrovgrad to consider the early release of the Russian colonel Budanov, who was sentenced to 10 years in prison in 2003 for the abduction and murder of a Chechen girl, and released on January 15th this year just a few days before the assassination.

In our letters, we normally draw attention to article 16, article 18 and article 23 of the United Nations Basic Principles on the Role of Lawyers (1990).

Recently, in a conference on human rights issues, I found that a great number of the lawyers present did not know of the existence of these principles, and I therefore believe that this occasion is the right place to recall them:

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 18 states that:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

Stanislav Markelov has paid a price which no lawyer should ever be asked to pay in the defence of the rule of law and in defence of clients. He has paid with his life.

Because of his outstanding work on very sensitive cases in a very difficult environment, he truly deserves the CCBE award as a posthumous tribute.

I suggest that we all rise and have a minute's silence in memory of Mr. Markelov.