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2 October 2007

Allegations of politically-motivated abuses of the criminal justice system in Council of Europe member states

Motion for a resolution
presented by Mrs BEMELMANS-VIDEC and others

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

1. According to European human rights standards, in particular the European Convention on Human Rights, the independence of the judiciary and the impartiality of the courts is the key to effective protection of all other fundamental rights.
2. Judicial cooperation between Council of Europe member states, including in matters of extradition, evidence etc., as foreseen in the relevant Council of Europe conventions, requires a high level of mutual trust. Effective cooperation requires the existence of a comparable level of legal guarantees of independence and professionalism in all the countries concerned.
3. The relevant Council of Europe conventions date back to a period in which there was a much greater degree of uniformity between the member states' political and judicial systems. They may require updating in order to ensure their efficacy in present-day conditions.
4. The protection of individual liberties and property rights by independent courts is also a key component of the investment climate in all countries. It is therefore in the interest of sustainable economic development of all Council of Europe member countries to address any shortcomings in this respect as a matter of urgency.
5. According to academic and media reports, the judiciary in a number of Council of Europe member states still lacks sufficient independence and is prone to politically-motivated interference.
6. Reportedly, in different countries and for a variety of reasons, successful companies (notably, in "strategic" and media fields), their executives, as well as political opponents of the government of the day, have fallen victim to well-orchestrated attacks involving the criminal justice system, the tax authorities, and other state bodies. Even lawyers and accountants working on behalf of such companies have allegedly suffered from various forms of pressure and persecution, including internationally.
7. The Assembly therefore resolves to examine, on the basis of concrete examples, possible abuses of the criminal justice system in member states and their impact on the functioning of relevant legal instruments of the Council of Europe with a view to making recommendations to improve relevant legal instruments of the Council of Europe, as well as national rules and practices.

Signed (see overleaf)

Signed: ¹:

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¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group