



Konrad
Adenauer
Stiftung

Rule of Law Programme for South East Europe

Regional expert conference in the framework of the German EU Council Presidency:

Safeguarding Human Rights in Europe:

The Rights of Suspects/the Accused and their Defence in Criminal Proceedings in South East Europe

Bucharest,
13 – 15 May 2007

Welcome and Opening Remarks

14 May 2007

by

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Konrad Adenauer Foundation

- Check against delivery! -

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Bucharest, May 14-15, 2007

Your Excellency, Minister of Justice Chiuariu,
Dear Mr. Siegismund,
Esteemed experts from the countries of South Eastern Europe,
Distinguished guests,
Ladies and Gentlemen,

It is an honour and great pleasure for me to welcome you all to our regional expert conference on the rights of suspected and accused persons and their defence in criminal proceedings in South East Europe.

My name is Stefanie Ricarda Roos. I am the director of the Konrad Adenauer Foundation's Rule of Law Programme for South East Europe.

Looking at the list of participants, I am pleased that we have managed to attract such a sizeable number of key experts from national and international institutions, academia and civil society – both among our distinguished speakers and in the audience.

I am also pleased that we have been able to win, as a co-operating partner for this event, the Stability Pact for South Eastern Europe – Initiative to fight Organized Crime. With this conference, we plan to support the German EU Council Presidency's initiative to promote minimum standards for criminal proceedings throughout Europe. This initiative is based on the realization that, while cross-border cooperation in the field of criminal prosecution has improved in recent years, efforts to strengthen the effective protection of citizens' rights in

criminal proceedings have been rather scarce. For this reason, the Stability Pact's Initiative to fight Organized Crime in South Eastern Europe is an ideal partner in our endeavor to raise awareness that the promotion of procedural guarantees in criminal proceedings is equally important as joint efforts to improve the fight against crime. Thus, it is a special pleasure for me to welcome among us Mr. Sorin Sterie, Acting Head of the Regional Secretariat of the Stability Pact's Initiative to fight Organised Crime. Mr. Sterie is also going to share some opening remarks with us in a few minutes. I am particularly pleased that Mr. Sterie will also be the moderator for section one of today's conference programme.

Let me at this point extend a special welcome to several other distinguished speakers of our conference: The Romanian Minister of Justice Tudor Alexandru Chiuariu, who will deliver the first keynote lecture; the Romanian Deputy General Prosecutor Gabriela Scutea who will deliver a presentation during Workshop I; Mr. Eberhard Siegismund from the German Federal Ministry of Justice who will present Germany's proposal for a Council Framework Decision on certain procedural rights in criminal proceedings, and the former Romanian Minister of Justice, Valeriu Stoica. A very warm welcome to all of you, and also to the experts from the South-East-Europe region who will be presenting their country studies in the second part of Monday's programme. I will introduce them in person later on.

I ask for your understanding that it is impossible at this point to list all other distinguished experts who will contribute to this conference with

their views and expertise, but I am very much looking forward to all of your presentations and many stimulating discussions. At this time, let me thank all speakers for their contributions and the staff of both the Konrad Adenauer Foundation's Rule of Law Programme for South East Europe, and the Stability Pact for South Eastern Europe – SPOC Secretariat for making this event possible.

Esteemed participants!

The topic of our conference can be presented from many perspectives. As the director of a Rule of Law Programme, it is only natural that I present the topic from a rule of law point of view. This explains why we decided to develop a regional project on the promotion of the rights of suspects/the accused and their defence in criminal proceedings in South East Europe.

An eminent German criminal law professor, Dr. Roxin, once coined the phrase that the law of criminal procedure is the “seismograph of a Constitution”. By this, Roxin meant that criminal procedural law is not a purely technical device used to arrive at a decision. Rather, the law of criminal procedure is “an indicator of the legal and political culture of a people”. This is so for the following reason: A State-sanctioned sentence is the maximum interference by the State in the individual sphere. The law of criminal procedure is meant to be a barrier against arbitrary state interference. Its rules are devised to mediate in the historical antithesis between power and freedom, to speak with the

words of the well-known Italian legal philosopher Norberto Bobbio. It is the antithesis between the State's right to punish, in order to protect the community from crime, and the right to freedom of the individual. Criminal procedure law reflects a state's decision of how these interests should be balanced. It is a genuine political decision which is symptomatic for the relationship between the state and the individual in a respective society.

The protection of the freedom and rights of human beings and citizens within the state and vis-à-vis any form of state power is one of the core ideas of the rule of law or "the *Rechtsstaat*" as we say in Germany. It is for this reason that the promotion of a law of criminal procedure which is in accordance with basic rule of law principles is one of the goals of the Konrad Adenauer Foundation's Rule of Law Programme for South East Europe. And it is for this reason that we decided to support the German EU Council Presidency's initiative in the area of justice which aims at the adoption of a Council Framework Decision on certain procedural rights in criminal proceedings. For this initiative is motivated by the desire to promote the protection of citizens' rights in criminal proceedings. Mr. Siegismund from the German Ministry of Justice will present an up-date on this initiative to you later on.

Before I pass the microphone to Mr. Sterie from the Stability Pact, I would like to briefly say a few words about the Konrad Adenauer Foundation's Rule of Law Programme for South East Europe:

The Konrad Adenauer Foundation is an independent, non-profit German political foundation, related to the Christian Democratic movement. Its work is guided by the same principles that inspired Konrad Adenauer's work, in particular the promotion of processes of political democratization, and the promotion of European integration. The Foundation's work in promoting democracy is based on the belief that a functioning "state of the rule of the law" or "*Rechtsstaat*" is key to guaranteeing a sustainable democracy. The promotion of rule of law reforms, in particular the support for the establishment and strengthening of fundamental principles of the rule of law is, therefore, one of the core areas of the Foundation's work world-wide.

As the fundamental principles of the rule of law are not only a core element of a democratic system, but also a prerequisite for the countries of South East Europe to join the European Union, the Konrad Adenauer Foundation decided in 2005 to establish a regional Rule of Law Programme for the countries of South Eastern Europe. Programme participant countries are Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro, Romania, and Serbia. – It is a special honour for me to welcome experts from each of our programme participant countries here today. – The office of the Rule of Law Programme is based in Bucharest.

The Rule of Law Programme for South East Europe is designed as a programme to promote dialogue on rule of law issues within and among the countries in South East Europe. It concentrates primarily on five subject areas:

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- constitutional law, both institutional and substantive;
- procedural law, in particular constitutional, criminal and administrative procedural law insofar as it secures respect for fundamental rights;
- the protection of human and minority rights;
- the promotion of an independent, efficient, and transparent judiciary;
- and reconciliation with the past by legal means.

You can find a short description of the Rule of Law Programme among the conference materials.

Mr. Minister of Justice,

Ladies and Genetlemen,

I herewith declare the regional expert conference on the rights of suspects/the accused and their defence in criminal proceedings in South East Europe open. I want to extend my wishes that all of us have an interesting and successful conference which will make a contribution to European deliberations on procedural guarantees in criminal proceedings.

Mr. Sterie, the floor is yours!