

PRESS RELEASE

Council of Bars and Law Societies of Europe takes mass surveillance to court

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CCBE members voted to intervene in a pending case against the Dutch state in support of lawyers placed under surveillance by a government agency.

The national delegations of the Council of Bars and Law Societies of Europe (CCBE) on 19 May took the decision to intervene in the pending case before the District Court of The Hague brought by the Amsterdam-based law firm Prakken d'Oliveira and the Dutch Association of Criminal Defense Lawyers (NVSA) against the Dutch State.

The CCBE maintains a policy of intervening as a third party on request from a national member Bar in court cases that affect the core values of the profession. A Dutch lawyer will represent the CCBE in the proceedings before the courts.

The Dutch Minister of the Interior admitted in December 2014 that the Dutch intelligence and security agency (AIVD) had been spying for years on Prakken d'Oliveira, listening to calls with clients and third parties. The Minister however continues to refuse to take action to protect the right of clients to confidential communication with their lawyers. The plaintiffs request the Dutch intelligence service must immediately stop intercepting confidential communications.

Bert Fibbe, in charge of criminal law within the Dutch Bar, says "Surveillance of lawyers undermines the confidentiality of communication which clients must always be able to rely on when communicating with their lawyer. Moreover, the interception of lawyer-client conversations harms the core values of the legal profession, such as independence and confidentiality which are strongly protected in all EU Member States. The subject of the case pending before the District Court of The Hague has therefore clearly a European dimension, which is why according to the Dutch Bar it is important that the CCBE also intervenes in this case".

CCBE President Maria Ślęzak says: "The essential principle of lawyer-client confidentiality is

increasingly threatened for reasons that are not always made clear to the public. This is another unfortunate example. With our intervention in this case we wish to support our Dutch colleagues in their efforts to eliminate the interception of lawyer-client communications. Our goal is to put a stop to arbitrary surveillance and, through public debate and legal action, contribute to the creation of a legal framework that puts clear limits to the monitoring of private communications."

The CCBE has previously denounced surveillance of lawyer-client communications, and called since 2013 for the EU to establish a minimum level of legal protection afforded to professional secrecy from government electronic surveillance, including the use of electronic communications services or other cloud service for lawyer-client communications.

Note to editors

CCBE Statement on mass electronic surveillance by government bodies (including of European lawyers' data):
http://www.ccbe.eu/fileadmin/user_upload/NTC_document/EN_14142013_CCBE_Sta1_13820864_57.pdf

Dutch Intelligence Service (AIVD) taps Prakken d'Oliveira lawyers:
<http://www.prakkendoliveira.nl/en/news/dutch-intelligence-service-aivd-taps-prakken-doliveira-lawyers/>

About the CCBE

The CCBE represents the bars and law societies of 32 member countries and 13 further associate and observer countries, and through them more than 1 million European lawyers.

Founded in 1960, the CCBE is recognised as the voice of the European legal profession by the EU institutions, and acts as the liaison between the EU and Europe's national bars and law societies. The CCBE has regular institutional contacts with those European Commission officials, and members and staff of the European Parliament, who deal with issues affecting the legal profession. The CCBE is an international non-profit-making association incorporated in Belgium.

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