

ATHENS BAR ASSOCIATION

CONFERENCE

Rights of lawyers defending their clients according to ECHR requirements

1st June 2007

(1). **Welcome address** from **Mr Dimitrios Hadjimichalis**, Lawyer, Member of the Board of Athens Bar Association (in English)

(2). **Mr Sokratis Katsantonis**, Lawyer, Member of Athens Bar Association – **“Recourse to the ECHR a practical guide** “(in Moldovan)

- **What is The European Court Of Human Rights?**

The European Court of Human Rights is an international Court based in Strasbourg. It consists of a number of judges equal to the number of the member States of the Council of Europe that have ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (currently forty-five). The Court judges sit in their individual capacity and do not represent any State. They are entirely independent of their Country of origin and do not represent either applicants or States. (**Reported Cases of Court: Moldavian [judgment application] no 30475/03 and Case of Moldov Ahidromas V. Moldavian, Case of Biserica (church) adevarat Ortodoxa and others V. Moldova application no 952/03**).

- **The European Convention of Human Rights**

The European Convention on Human Rights is an International treaty, which only member states of the Council of Europe may sign. A person may lodge an application with the Court if he considers that he has personally and directly been the victim of a violation of the rights and guarantees set out in the convention or its protocols. The violation must have been committed by one of the states bound by the convention.

- **The European Court of Human Rights:**

The European Court on Human Rights applies the European Convention on Human Rights. Its task is to ensure that States respect the rights and guarantees set out in the Convention. It does this by examining complaints (applications) lodged by individuals or, sometimes, by States.

- **The applicant can be:**

- (1) a private individual or a legal entity such as a company or association
- (2) It is not necessary for the applicant to be a national of one of States bound by the Convention. The Violation the applicant is complaining of must simply have been committed by one of those States within “jurisdiction”, which usually means within its territory.
- (3) The applicant must have directly and personally been the victim of the violation he is alleging. The applicant cannot make a general complaint about a law or a measure, for example because it seems unfair, nor can he complain on behalf of other people (unless they are clearly identified and he is the official representative) etc.

(3.) "The differences between the Moldovan Deontology Code and the CCBE and Greek Deontology Codes"

GREEK DEONTOLOGY CODE

- Vocation of Lawyer (Article 1A)
- Professional Interests (Article 3 a). b)
- Rights of Lawyer (Article 4. par.4. 5. 6. 7. 8.)
- Incompatibility (Article 8)
- Publicity of Lawyers (Article 9)
- Prohibitions (Article 10)
- Obligations to the Association (Articles- 12. 13. 14. 15. 16. 17. 18. 19)
- Obligations to the colleagues (Articles- 21. 22. 23. 24. 25. 26. 27).
- Obligations to the Courts (Articles 30. 31. 32).
- Private life of Lawyers (Articles 39)
- Obligations to the collaborators (Articles 33. 34)
- Sealing of documents by the Lawyer (Article 11)
- Sanctions (Articles 40. 41).

MOLDOVAN DEONTOLOGY CODE

CCBE DEONTOLOGY CODE

Comparison of the Codes