



“Pre-trial Emergency Defence”

The course for the subsequent trial and its outcome often is set already during on the first stage of pre-trial proceedings. Additionally this is the phase a suspect often is alienated and needs even more factual legal protection. Hence it is necessary to guarantee effective defence rights immediately after the suspect has been arrested and/or during the first interrogations in law but also in practice.

The Austrian Criminal Bar Association together with its partners from the European Criminal Bar Association and the Universities of Graz, Ljubljana, Vienna and Zagreb implemented the research project on “defence rights during the criminal proceedings – best practice and effective lawyer emergency services” aiming to evaluate the legal and practical standard on defence rights in criminal proceedings in four European countries: Austria, Croatia, Germany and Slovenia.

Based on legal country reports as well as quantitative and qualitative empirical research results the project shall enable to evaluate the effectiveness of the differing models of emergency defence lawyer services: In Slovenia there is no emergency service formally established, but a list of lawyers may be summoned from the regional bar chambers in case formal defence is obligatory. In Croatia a list of attorneys on duty for each county is established by the Croatian Bar Association and delivered to the competent police administration. In Austria there is an ongoing pilot project on an emergency defence lawyer service based on a contract between the Bar Association and the Ministry of Justice. In Germany there are 56 locally organised emergency lawyer systems.

The effectiveness of an emergency lawyer service depends not only on its structure, but even more on the knowledge about its existence. The presentation will give a glance on the findings of the knowledge of police officers, public attorneys, judges and defence lawyers about those services. Furthermore it will evaluate the instruction on the right to legal advice in daily practice, focusing on typical investigative measures at the first stage of criminal proceedings.

For more information:

richard.soyer@uni-graz.at (project director)

stefan.schumann@uni-graz.at (project manager / researcher)



Criminal Justice 2008

With financial support from the Criminal Justice Programme
European Commission – Directorate-General Justice, Freedom and Security

With financial support from the
Austrian Bar Association



With financial support from the
Austrian Ministry of Justice