

Pro Bono Work in Luxembourg



by **Nicolas Thieltgen**

As in some of the other European countries in which Dechert has offices, Luxembourg has a well-established legal aid system that consists mainly of the provision of legal assistance to indigent people in judicial proceedings. Similar to the system in Belgium, all trainee lawyers in Luxembourg are obligated to accept legal aid cases in order to become qualified at the Luxembourg Bar. This legal assistance appointment system is managed by the Luxembourg Bar Association, and the Secretary of the Bar assigns the referrals to the trainees. Except in situations where there is a conflict of interest, trainees cannot refuse the referrals. While the trainees do receive some compensation for the work, they are paid at well-below market rates.

Dechert trainees are assigned referrals by the Luxembourg Bar in a wide variety of areas, including criminal, administrative, family and bankruptcy law. In particular, we are frequently assigned divorce and criminal cases. Additionally, we are currently handling many political asylum matters (mainly requests by refugees from the former Yugoslavia), evidencing that the question of migratory flows will be one of the major issues to face our government during this century.

Judicial proceedings, however, do not constitute the only pro bono matters that we are handling in Luxembourg. For instance, last summer, we were contacted through the London office by REDRESS, a London-based nonprofit organization whose mission is, among other things, to assist torture survivors worldwide to obtain justice and reparation and to promote effective and enforceable remedies for human rights violations. REDRESS is currently working on a project focused on developing a consistent approach in Europe to redressing human rights violations with several other international nonprofit organizations (e.g., Amnesty International, the Danish Center for Human Rights).

Phase 1 of this project was to undertake research of the laws and practices of the European Union member states with regard to the exercise of extraterritorial jurisdiction, the laws and practice relating to criminal and civil

remedies for human rights violations and the laws and practice relating to interim relief and the enforceability of judgments for human rights violations. When REDRESS contacted Dechert, they had completed their research on most of the European Union countries, but still needed assistance with Luxembourg law. We provided them with an extensive legal opinion, answering a long checklist of questions on Luxembourg criminal and civil procedure laws.

This research in the field of criminal procedure and human rights law proved to be very interesting, as few Luxembourg legal authors have written on these topics. It also gave us the opportunity to study the new Luxembourg law regarding the universal jurisdiction of Luxembourg criminal courts in cases of torture, which has opened new ways for people to obtain justice and reparations for violations of fundamental rights.

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