



UiO : **PluriCourts**
University of Oslo



European
University
Institute

DEPARTMENT
OF LAW



Judges as Guardians of Constitutionalism and Human Rights

Colloquium organised by

the European University Institute (EUI) - Centre for Judicial Cooperation (CJC), the Centre for Comparative and European Constitutional Studies at the University of Copenhagen (CECS), and Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order at the University of Oslo (PluriCourts)

Florence, 6-7 November 2014

Conference room, Villa la Fonte, Via delle Fontanelle 18, 50014 San Domenico di Fiesole, Italia

This colloquium will bring together judges and academics to discuss lessons learned concerning the role of the judiciary in protecting constitutionalism and human rights. Especially in times of crisis the judiciary must step in to protect the constitution of a country, and the fundamental rights of the individual. Recent developments in various parts of the world allow for an exchange of very different manifestations of this need in completely different circumstances. The emphasis of the event is on diversity - both geographical and institutional - in approaches to safeguarding human rights and constitutionalism through judiciary. The countries examined at the colloquium range from mature democracies to countries in transition. The speakers represent domestic constitutional courts, regional human rights courts and bodies, international courts, and universities. The aim is to facilitate the exchange of ideas across borders and institutions.

Panel 1 discusses the challenges that the judges face in protecting fundamental rights of the individual. What are the major obstacles? In which way does judiciary safeguard human rights in different countries across Central Asia? How do the courts attain legitimacy? **Panel 2** centres around the role of the judiciary in assessing and, at times, curbing governments' practices introduced in the name of the fight against terrorism. Are the approaches of the UK and Israel Supreme Courts comparable? In which way do European institutions affect judicial activity related to counter-terrorism at the domestic level? **Panel 3** explores the role of judges in securing oversight of intelligence agencies. To which extent can the judiciary enable transparency and prevent the formation of official secrets? **Panel 4** focuses on countries transitioning to democracy. Are there any common lessons to be learned from the judicial activity during the Arab Spring and the democratic transitions in Central and Eastern Europe since 1989? How important is the cultural context? What kind of watchdog role did Egyptian judges have during the Mubarak regime? Finally, **Panel 5** is dedicated to judges as guardians of constitutionalism beyond state. How do international and/or regional courts and institutions interact with

each other and their domestic counterparts when it comes to strengthening constitutionalism? What are the avenues for cross-fertilization among different levels of courts?

Programme

*on Thursday, 6 November 2014, 09:00–18.00,
Conference room, Villa la Fonte, European University Institute, Florence:*

- 09:00 **Introductory statements**
- Professor Joseph H.H. Weiler (President, EUJ)
 - Professor Helle Krunke (CECS, University of Copenhagen)
 - Professor Andreas Føllesdal (University of Oslo)
- 09:30-10.15 **Opening address**
- Aharon Barak, (Interdisciplinary Center (IDC) Herzeliya, President of the Israeli Supreme Court (Ret.))
- 10:15 -11.45 **Panel 1: Judges as Guardians of the Fundamental Rights of the Individual**
- David Thór Björgvinsson (iCourts, former judge European Court of Human Rights)
 - Sergey Sayapin (KIMEP University, former ICRC Regional Delegation in Central Asia)
 - Or Bassok (Max Weber Fellow, EUJ)
 - Discussant: Helle Krunke (CECS, University of Copenhagen)
- 11:45-12:00 *Tea and coffee break*
- 12:00 -13.30 **Panel 2: The Judiciary and Counter-Terrorism**
- Lord Hope (Brick Court Chambers, former United Kingdom Supreme Court)
 - Alinde Verhaag (Head of the Case Analysis Unit at Eurojust)
 - Discussant: David Jenkins (CECS, University of Copenhagen)
- 13:30 – 15.00 *Lunch at Villa la Fonte*
- 15.00 – 17.00 **Panel 3: The Judiciary and the Surveillance State**
- Ulf Buermeyer (Judge, Berlin District Court)
 - Dr TJ McIntyre (Lecturer in Law at University College Dublin, Chairman of Digital Rights Ireland)

- Wolfgang Hoffmann-Riem (former judge of the German Constitutional Court)
- Discussant: Martin Scheinin (EUI)

17:00-18:00 *Wine reception*

***on Friday, 7 November 2014, 09:00–15.00,
Conference room, Villa la Fonte, European University Institute, Florence:***

9.00-11.00 **Panel 4: The Judiciary in Times of Democratic Transition**

- Zdenek Kühn (Czech Supreme Administrative Court)
- Antoni Abat Ninet, (CECS, University of Copenhagen)
- Bakhtiyar Tuzmukhamedov (Appeals Chamber, International Criminal Tribunals for the former Yugoslavia and for Rwanda, Russian Constitutional Court)
- Discussant: Ebrahim Afsah (CECS, University of Copenhagen and EUI Fernand Braudel Fellow)

11:00-11.15 *Tea and coffee break*

11.15-13.15 **Panel 5: Judges as Guardians of Constitutionalism Beyond State: Regional and International Perspective**

- Anita Ušacka (International Criminal Court, former Latvian Constitutional Court judge)
- Carlos Ayala (University of Oxford, former president of the Inter-American Commission on Human Rights)
- Paul Lemmens (University of Leuven, judge European Court of Human Rights)
- Discussant: Geir Ulfstein (University of Oslo)
- Closing words: Loïc Azoulay (EUI)

13:15 – 15.00 *Lunch for speakers only at Villa la Fonte*