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Election of judges to the European Court of Human Rights

(in accordance with Article 22 of the European Convention on Human Rights)

List and curricula vitae of candidates submitted by the Governments of Bosnia and Herzegovina, Croatia, the Czech Republic, the Netherlands, Poland, the Russian Federation, Sweden and the United Kingdom

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List and curricula vitae of candidates submitted by the Government of Bosnia and Herzegovina

REPRESENTATION PERMANENTE DE LA BOSNIE-HERZEGOVINE
AUPRES DU CONSEIL DE L'EUROPE

Mr Wojciech Sawicki
The Secretary General of the
Parliamentary Assembly of the Council of Europe

Strasbourg, 13 March 2012

Subject: Election of judge in respect of Bosnia and Herzegovina – list of candidates

Dear Mr Sawicki,

With reference to your letter of 8 September 2011, we have the pleasure to inform you that the Presidency of Bosnia and Herzegovina, by its decision adopted on 22 February 2012, has nominated the following candidates for the position as judge in respect of Bosnia and Herzegovina at the European Court of Human Rights:

1. Mrs Muharemagic Mirsa
2. Mr Vukoje Dragomir
3. Mr Vehabovic Faris

Enclosed with the abovementioned decision of the Presidency of Bosnia and Herzegovina are also the Curricula Vitae of the three candidates, which are in accordance with the model adopted by the Parliamentary Assembly of the Council of Europe.

The letter with description of the national selection procedure for the nomination of the three candidates will be sent subsequently.

Dear Mr Sawicki, we would like to inform that we are at your disposal for any additional information.

AMBASSADOR

Zdenko Martinovic

Copies: Mr Thorbjørn Jagland, Secretary General of the Council of Europe

Mr Luzius Wildhaber, Chair of the Advisory Panel of Experts on Candidates for election as Judge to the European Court of Human Rights

Mr Manuel Lezertua, Director Directorate of Legal Advice and Public International Law, Secretary of Advisory Panel

REPRESENTATION PERMANENTE DE LA BOSNIE-HERZEGOVINE
AUPRES DU CONSEIL DE L'EUROPE

Mr Wojciech Sawicki
The Secretary General of the
Parliamentary Assembly of the Council of Europe

Strasbourg, 1 April 2012

Subject: Election of judge in respect of Bosnia and Herzegovina – Description of national selection
procedure

Dear Mr Sawicki,

With reference to our letter sent to you on 12 March 2012, please find attached the letter of description of the
national selection procedure for the nomination of the three candidates.

The original description letter will be sent to you subsequently.

Dear Mr Sawicki, we would like to inform that we will be at your disposal for any additional information.

AMBASSADOR
Zdenko Martinovic

Sent to: - Mr Thorbjorn Jagland, Secretary General of the Council of Europe
- Mr Manuel Lezertua, Director, Directorate of Legal Advice and Public International Law, Secretary
of the Panel

SUBJECT: Election procedures for the Seat of Judge at the European Court of Human Rights

The election of the Judge of the European Court of Human Rights from BiH is conducted in accordance with the Decision on Procedures for appointment and naming of BiH representatives to international organisations and institutions (*Official Gazette* of BiH No 66/08). An open public invitation for applications for the position is announced in the three leading newspapers in Bosnia and Herzegovina. The criteria, i.e. conditions which must be met by a candidate to enter the shortlist, are prescribed in the Decision on Procedures for appointment and naming of BiH representatives to international organisations and institutions, in accordance with Article 21, Paragraph 1, of the European Convention on Human Rights, and the criteria determined by Resolution 1646 (2009) of the Council of Europe Parliamentary Assembly.

BiH Presidency and the bodies determined by BiH Presidency are involved in the procedures of the election of the Judge of the European Court of Human Rights. The authorized body (which in this particular case is BiH Ministry of Foreign Affairs) announces an open competition for this position, considers fulfilment of administrative conditions and deadlines of the applications received, and submits to BiH Presidency all applications of the candidates meeting the criteria stated in the Decision on Procedures for appointment and naming of BiH representatives to international organisations and institutions, in accordance with Resolution 1646.

In the public invitation, amongst the rest of the criteria of the Council of Europe Parliamentary Assembly Resolution No 1646 (2009), the conditions set for candidates for the Seat of Judge at the European Court of Human Rights include full proficiency in one of the two official languages of the Council of Europe, familiarity with the other official language, and their biography submitted in one of the languages of the peoples of Bosnia and Herzegovina and in English or French, following the standard template which is the integral part of Resolution 1646 (2009).

In accordance with Article 3 of the Decision on Procedures on appointment and naming of BiH representatives to international organisations and institutions (*Official Gazette* No 66/08), and Article 21, Paragraph 1 of the European Convention on Human Rights, the following criteria, i.e. conditions for fulfilment of duties, were listed in the public invitation:

The judge shall be of high moral character and must either possess the qualifications required for the appointment to high judicial office or be a juriconsult of recognized competence;
The judge must be fluent in one, and be able to communicate in the other official language of the Council of Europe (English and French); The judge shall sit at the Court in their individual capacity;
During their term of office the judges shall not engage in any activity which is incompatible with their independence, impartiality or the demands of a full-time office.

Apart from the above stated qualifications, the Candidates must submit their biography in one of the languages of the peoples of Bosnia and Herzegovina and in English or French, in accordance with the standard template which is an integral part of Resolution 1646 (2009).

The Ministry of Foreign Affairs of BiH, on the basis of authorization from BiH Presidency, announced the public invitation for the Seat of Judge at the European Court of Human Rights Candidate in the three leading daily newspapers (*Dnevni Avaz*, *Nezavisne Novine* and *Dnevni List*), while observing the elements stated in the BiH Presidency Decision and Resolution 1646 (2009) of the Parliamentary Assembly of the Council of Europe.

Based on Article 4 of the Decision on Procedures on appointment and naming of BiH representatives to international organisations and institutions, BiH Presidency selected three candidates for the Seat of Judge at the European Court of Human Rights from the list of applicants, in accordance with Article 4.2. of the 1646 Resolution. Furthermore, BiH Presidency insured that all candidates were of similar qualifications and that there was gender representation.

The candidates for the position of Judge, as stated in the public invitation, had to submit the following documents as evidence that they met the conditions above:

-verified copies of: University Degree (verified degrees, in the case of a university degree issued by a foreign university, or a degree obtained in a country other than BiH, after 06 April 1992); certificate of citizenship; ID card issued by CIPS; Bar exam certificate; evidence of required relevant work experience (certificate of employment or similar); evidence of knowledge of English and French; biography in one of

the languages of the peoples of Bosnia and Herzegovina and in English or French, in accordance with the standardised template for a Curriculum Vitae which is an integral part of Resolution 1646 (2009).

The Presidency of BiH, via the Ministry of Foreign Affairs of BiH, forwarded the list of the three candidates and their Curricula Vitae in English, to the Expert Advisory Panel which was formed by a Committee of Ministers of the Council of Europe, for further procedure.

Mirsa MUHAREMAGIC**CURRICULUM VITAE****I. Personal details**

Name, forename: Muharemagic Mirsa
 Sex: Female
 Date and place of birth: 27.01.1953 at Lopare, Bosnia and Herzegovina
 Nationality: Bosnian
 Civil status: married, two children

II. Education, diploma and other qualifications

1976 - Law studies, faculty of Law in Sarajevo, University of Sarajevo, 1976

1989 - Bar exam, Belgrade, Serbia

III. Relevant professional activities

- 1976-1979 - Legal adviser in Construction company "Tehnograd" Tuzla
- 1979-1993 - Executive secretary of the Coordination board for economy and legal system in Regional Chamber of Commerce Tuzla (currently Cantonal Chamber of Commerce Tuzla)
- 1993-2001 - Barrister – Tuzla
 - Member of Bar Associations of Bosnia and Herzegovina and Federation of Bosnia and Herzegovina, Sarajevo
- 1996-2000-2001 - Member of the Parliament of Federation of Bosnia and Herzegovina, Sarajevo
- 1998-2002 - President of the Committee for Human Rights in the Parliament of Federation of Bosnia and Herzegovina
- 2002-2005 - Ambassador extraordinary and plenipotentiary of Bosnia and Herzegovina to Hungary, Budapest
 - Ambassador extraordinary and plenipotentiary of Bosnia and Herzegovina to Romania and Republic of Moldova in the same period)
- 2005-2006 - Barrister
- 2006-2008 - Head of Department for Human Rights in the Ministry of Foreign Affairs of Bosnia and Herzegovina
- 2008-2012 - Deputy Permanent Representative in the Permanent Representation of Bosnia and Herzegovina to the Council of Europe, Strasbourg (at present)

IV. Activities and experience in the field of human rights

- 1993-2001 and 2005-2006 - Barrister (private legal practice – advocate, in civil and criminal affairs, for domestic and foreign citizens and companies; among others activities, human rights issues: rights of refugees and displaced persons, missing persons, returnees, property rights etc.)
 - member of the Bar Associations of Bosnia and Herzegovina and Federation of Bosnia and Herzegovina (participation in preparing regulations of many of legal acts, including Law on Bar Association of Bosnia and Herzegovina;)
- 1998-2002 – President of the Committee for Human Rights in the Parliament of Federation of Bosnia and Herzegovina (work on protection of human rights of citizens of Federation of Bosnia and Herzegovina, especially on examination of complaints on behalf of victims of alleged violations of human rights and primarily with focus on preventive role of the Parliament in that regard)

- 2006-2008 - Head of Human Rights Department in the Ministry of Foreign Affairs of Bosnia and Herzegovina (participation at different meetings, seminars (attendance at the Human rights Orientation organized by OSCE Mission to Bosnia and Herzegovina) and conferences; in the work on UPR (Universal Periodic Reviews) within UN Human Rights Council in Geneva; DH – meetings (CoE Committee of Ministers meetings dedicated to the execution of judgments of the European Court of Human Rights; meetings with the Commissioner for human rights, Mr Hammarberg, during his visits to Bosnia and Herzegovina in the period 2006-2010)
- 2008-2012 - Deputy Permanent Representative in the Permanent Representation of Bosnia and Herzegovina to the Council of Europe, Strasbourg (at present)
- participation in the work of the Committee of Deputies and all rapporteur groups of the Committee of Ministers of the Council of Europe; participation at all DH-meetings (CM meetings dedicated to the execution of judgments of the European Court of Human Rights); participation at the Council of Europe' Committee of Ministers meeting in Madrid 2010 and in Istanbul 2011); Communication with the Department on the execution of judgments of the Council of Europe; work with the Parliamentary Assembly (PACE); with all other working bodies and groups, namely GT- SUIVI. Interlaken and at the meetings on preparing Interlaken and Izmir Declaration, both on the future of the European Court of Human Rights; communication with Venice Commission;

V. Public activities

- 1996-2000-2001 - Member of the Parliament of Federation of Bosnia and Herzegovina, Sarajevo on behalf of SDP Party
- 1998-2002 - President of the Commission for Human Rights in the Parliament of Federation of Bosnia and Herzegovina

VI. Other activities

- 2002-2005 - Ambassador extraordinary and plenipotentiary of Bosnia and Herzegovina to Hungary
- Ambassador extraordinary and plenipotentiary of Bosnia and Herzegovina to Romania and Moldova in the same period

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
Serbian-Croatian-Bosnian	X			X			X		
b. Official languages:									
– English	X			X			X		
– French			X			X			X
c. Other languages:									

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm this to be the case and it would give me a great pleasure to be able to improve my knowledge of French in this way.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.

Mirsa Muharemagic

Faris VEHABOVIĆ
CURRICULUM VITAE*

I. Personal details

Name, forename	VEHABOVIĆ, Faris
Sex	Male
Date and place of birth	23 May 1967, Sarajevo
Nationality	BiH

II. Education and academic and other qualifications

1981-1985 High School Gymnasium Sarajevo

1987-1993 Faculty of Law, University of Sarajevo,

1998 Trainee in the European Commission of Human Rights in Strasbourg,

2000 Participant in summer school on Framework Convention on Minorities in Budapest organized by the International Group on Minorities Rights of the Council of Europe,

2001 Passed Bar exam,

2004 Summer School of Human Rights and Democratisation, University of Bologna and Balcanica Institute,

2003-2005 Interdisciplinary Postgraduate Studies in European Studies, University of Bologna and University of Sarajevo – Master Degree in European Studies

III. Relevant professional activities

a. Description of judicial activities

Ad hoc judge of the European Court of Human Rights since December 2010;

Judge of the Constitutional Court of the Federation of Bosnia and Herzegovina since 1 December 2007;

Member of the Council for the Protection of Vital National Interests within the Constitutional Court of the Federation since 14 February 2008.

Vice-president of the Constitutional Court of the Federation of Bosnia and Herzegovina since September 2008.

Registrar of the Constitutional Court of Bosnia and Herzegovina from 15 January 2001 to 30 November 2007.

Legal expert – Office of the Ombudsperson for Human Rights in Bosnia and Herzegovina from 1 March 1996 to 14 January 2001.

b. Description of non-judicial legal activities

Member of Association of Judges of the Federation of BiH

Lecturer of the Centres for Education of Judges and Prosecutors of the Federation of BiH and the Republika Srpska.

* Underlined text indicates posts or missions held at present.

c. Description of non-legal professional activities

Member of Board of the Center for Human Rights of the University Sarajevo.

Member of Association Alumny of the Centre for Interdisciplinary Postgraduate Studies (ACIPS)

IV. Activities and experience in the field of human rights

Selected by the President of the IV Section from the list of ad hoc judges and participated in a case of Esmā Palić v. BiH (missing person leading case) and author, together with President of the IV Section and currently President of the European Court of Human Rights, Mr. Bratza, of separate opinion.

Lecturer of Centers for Education of Judges and Prosecutors of the Federation of BiH and the Republika Srpska in a field of application of European Convention on Human Rights,

Lecturer of Centers for Education of Judges and Prosecutors of the Federation of BiH and the Republika Srpska in a field of case law and procedure before the European Court on Human Rights,

Lecturer of Centers for Education of Judges and Prosecutors of the Federation of BiH and the Republika Srpska in a field of case law and procedure before the Constitutional Court of Bosnia and Herzegovina,

Lecturer of the Council of Europe (Office in Sarajevo), OSCE, UN in a field of human rights protection, jurisprudence and procedure before the European Court on Human Rights and Constitutional Court of BiH.

Participant in a various project of Center for Human Rights of the University Sarajevo in respect of protection of human rights,

Participant in a various project of Association for Democratic Initiative in relation to human rights protection,

Lecturer to the international official serving in OSCE, International Police Task Forces in a field of constitutional structure of Bosnia and Herzegovina and European Convention on Human Rights,

Editor of Bulletin of the jurisprudence of the Constitutional Court of Bosnia and Herzegovina.

Author of many scholarly articles on human and constitutional rights.

Many lectures concerning Human Rights at different institutions and organisations, NGO's, judges and prosecutors.

V. Public activities

a. Public office

None.

b. Elected posts

None.

c. Posts held in a political party or movement

Has never been a member of any political party. Has never engaged in any political activity.

VI. Other activities

Organising of and participating at numerous human rights, democratisation and civil society related events (courses, seminars, round tables), as well as discussion on constitutional reform in BiH.

Engaged as an expert in a local self-government development in the Federation of BiH.

Engaged as a legal expert by the European Commission in preparation of the project of the constitutional reform in Bosnia and Herzegovina.

VII. Publications and other works

- Published more than 20 scientific papers (books, articles, reports, studies), textbooks (being a co-author), participated in international scientific and research projects;
- 1. Relationship Between Constitution of Bosnia and Herzegovina and the European Convention on Human Rights,
- 2. Legal analysis of initiatives for constitutional reform in Bosnia and Herzegovina,
- 3. Why there will be no systematic constitutional reform in Bosnia and Herzegovina;
- 4. Co-author of the project of translation of 93 key judgment of the European Court of Human Rights organized by the Council of Europe,
- 5. Co-author of the Regional Human Rights Report 2007,
- 6. Co-author of the Report on Human Rights in Bosnia and Herzegovina 2008 and 2010.
- 7. Constitutional Obstacles,
- 8. Position of Constituent People in the Constitution of Bosnia and Herzegovina,
- 9. Relations Between Constituent People, Others and National Minorities and Question of Protection of Collective Rights;
- 10. Jurisprudence of the Constitutional Court of Bosnia and Herzegovina concerning housing and right to work disputes.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: First languages: S-B-H (Serbian-Bosnian-Croatian)	..	..	..	..	..	..	..	..	..
b. Official languages: – English	X	..	..	X	..	..	X	..	..
– French	..	..	X	..	..	X	..	..	X
c. Other languages:									

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

Yes.

X. Other relevant information

Constitutional Court of the Federation of BiH, where I currently held position of a vice-president, has no appellate jurisdiction or any other competence that can lead to conflict of interest or necessity to appoint ad hoc judge in a case that I am elected as a Judge of the European Court of Human Rights.

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

Should I be elected Judge at the Court, I would reside in Strasbourg.

Dragomir VUKOJE
CURRICULUM VITAE*

I. Personal details

Name: Dragomir
 Surname: Vukoje
 Sex: Male
 Date of birth: 27 August 1951
 Place of birth: Trebinje, Bosnia and Herzegovina
 Nationality: Bosnia and Herzegovina
 Civil status: Married to Miroslava Babić, two children

II. Education and academic qualifications

2010-2011 The Board of the College of Law Sciences at the *Apeiron* University of Banja Luka, accepted the doctoral dissertation titled *The European Convention on Human Rights Norms Applicable to the War Crimes Cases*

2008 – 2010 The *Apeiron* University of Banja Luka, the College of Law Sciences (completing the LL.M); Master of Laws in the field of Crimes against Humanity

1970 – 1974 University of Belgrade, the Law School, Belgrade, Serbia

1966 – 1970 Secondary School in Trebinje

September 1993 Bar Exam, Podgorica, Montenegro

The most important International Trainings received:

September 2011: Belgrade, Serbia, Foundation for Humanitarian Law, ICTY Legacy.

June 2009: One-week judicial training held at the Swedish Supreme Court and organised by SIDA (Swedish International Development Agency).

October 2008: Judicial and co-operation training at the European Court of Human Rights in Strasbourg.

October 2008: Two-week judicial training in the United States organised by the US Department of Justice.

February 2007: One-week judicial training in the United Kingdom organised by the UK Embassy in Bosnia and Herzegovina in cooperation with the Council of the European Union.

March 2006 and 2008: Judicial trainings at the ICTY (International Criminal Tribunal for the Former Yugoslavia)

September, 2002: Two-month judicial training in France. Lectures were given at the Judicial and Prosecutorial School and the Paris Court of Appeals. Practical training was provided at the Supreme Court - Tribunal de Grande Instance (TGI) Saint Etienne.

November 1997- June 1998: Six-month judicial training in France. Lectures were given at the Judicial and Prosecutorial School in Paris. Practical training was provided at the TGI in Tarbes, including two-month intensive French course at Vichy, University of Clermont-Ferrand, and one-month French course at Alliance française, Paris.

June 1997: One-month programme organised by the Council of Europe and the French Ministry of Justice.

* Underlined text indicates posts or missions held at present.

III. Relevant professional activities

Judicial activities:

- 2010 *Ad hoc* judge of The European Court of Human Rights in Strasbourg - Official List of ad hoc judges, updated in May 2011
- 2009 Official BiH candidate for a judge of the International Criminal Court for the Former Yugoslavia in the Hague at the Assembly of States Parties held in January 2009 in New York.
- 2005 – present: - Judge of the Court of BiH (State Court) in Sarajevo, Appellate Division, Section I for War Crimes, Section II for Organised Crime
 - First president of the War Crimes Panel at the Court of BiH
- 1998 – 2005 Judge of the District Court in Trebinje, BiH
- 1993 – 1998 Judge of the Basic Court in Trebinje, BiH

Non-judicial activities

- 1975 – 1993 Attorney in *Elektrodistribucija* (power-supply company) in Trebinje

Non-legal professional activities

- 2009-2012 Appointed trainer to judges and prosecutors by the decision of the Public Institution Centre for Judicial and Prosecutorial Training of the Federation BiH
- 2010-2012 Member of the State Board of Bar Examiners for Economic Law

IV. Activities and experience in the field of human rights

Article II/2 of the Constitution of BiH prescribes that the rights and obligations envisaged in the European Convention on Human Rights and its protocols directly apply to Bosnia and Herzegovina, and that these acts have priority over all other laws. For that reason as a judge in the Appellate Section of the Department I for War Crimes and Department II for Organised Crime, Economic Crime and Corruption I have the opportunity to decide on grounds for appeals related to cases involving custody (contesting the legality of custody) when a complainant refers to violation of Article 5 of the European Convention on Human Rights (ECHR), as well as appeals related to violation of Article 6 of the European Convention on Human Rights. It is also worth noting that I encounter violations of human rights, that is, grave violation of International Humanitarian Law i.e. Article 3 of the European Convention on Human Rights prohibits torture. When acting in the capacity of a judge of Administrative Department I decide and deliberate on appeals related to violation of the right to property guaranteed by Article 1 of the 1st Protocol to the European Convention on Human Rights.

Finally, within the appellate framework related to the principle of *nullum crimen sine lege* (no crime without law) and jurisprudence of the European Court of Human Rights, the death penalty is prohibited under Article 2 of the Protocol VI, and Protocol XIII to the European Convention on Human Rights.

V. Public activities

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Code of Judicial Ethics aimed at promoting professional and ethical standards in functioning of the judicial system in Bosnia and Herzegovina. The Code secures that among other things, judges are free to participate in the civic, charitable and religious activities provided that they should avoid any activity or association that could reflect adversely on their impartiality or interfere with the performance of judicial duties (Article 2.2.3). Also, according to Article 2.2.3, judges should refrain from: (a) membership in political parties; (b) attendance at political gatherings and political fund raising events; (c) contributing to political parties or campaigns; (d) taking part publicly in controversial political discussions except in respect of matters directly affecting the operation of the courts, the independence of the judiciary or fundamental aspects of the administration of justice; (e) signing petitions to influence a political decision.

The foregoing clearly stipulates rather restrictive conditions for the judges' public activities, with the aim at securing their impartiality. Thus, in order to comply with deontology of the judicial profession I, being a judge,

have never in my life performed any activity that could raise doubt about my independence, impartiality or integrity. Therefore, my answers to items a., b. and c. below are negative.

- a. Public office
- b. Elected posts
- c. Posts held in a political party or movement

VI. Other activities

- a. Field: The Association of Citizens – Admirers of the French Language – The Trebinje Francophone Club
- b. Duration 2000 - 2006
- c. Functions President of the Club

VII. Publications and other works

- Standards of proof in the war crime cases – International Scientific Conference: Topical issues of the application of criminal legislation, Collection of Papers, the Faculty of Law Banja Luka, 4 and 5 February 2011;
- With Božidar Banović, PhD, co-authored a paper titled *The Prohibition of Torture as ius cogens of the International Criminal Law and International Human Rights Law*.
- The Historical Importance of the French Civil Code and Its Codification - Serb Legal Thought, Journal of Legal Theory and Practice; Banja Luka, Issue 41 (2007)
- New Legal Solutions and How They Contribute to Efficiency In Criminal Proceedings
Law and Justice, Journal of Case Law and Theory; Sarajevo, Issues 1-2 (December, 2004); Criminal Justice In France: An Outline of the Journal of Justice, Case Law and Theory; Banja Luka, Issue 12 (March, 2004)
- Judicial College of Bosnia and Herzegovina – June, 2008 (Neum, BiH). Lectured on the use of facts adjudicated by the ICTY decisions
- Judicial College of Bosnia and Herzegovina – June, 2007 (Neum, BiH). Lectured on the new Criminal Procedure Code
- Training Programme for Appellate Judges of Bosnia and Herzegovina; May, 2007 (Banja Luka, BiH). Lectured on sentencing in war crimes and organised crime cases before the Court of BiH.
- Training Programme for War Crimes Judges – September, 2006 (Vlašić, Bosnia). Moderated a panel on war crimes which included internationally distinguished speakers: Professor Dr Zoran Pajić from King's College of London and Professor Dr William Schabas, Director of the Irish Centre for Human Rights, National University of Ireland, Galway, Ireland.
- Regional Conference on National War Crimes Trials – October, 2006 (Miločer, Montenegro). Lectured on war crimes issues. Speakers at the conference included Clint Williamson, US War Crimes Ambassador, Sam Nazzaro, Permanent Legal Advisor to the US Department of Justice (OPDAT/US Embassy in Belgrade, Nicholas Ackerman, Regional Director of the US Department of Justice for Central and East Europe, Nataša Kandić, Director of the Humanitarian Law Fund, David Tolbert, ICTY Deputy Chief Prosecutor and Joseph Paonesa, US Marshals Service.
- Law School Symposium on Civil Law in Europe – October, 2004 (University of Sarajevo Law School). Lectured at an international symposium on the historical significance of the civil law in France
- Third Annual Conference on Substantive Criminal Law – June, 2004 (Neum, Bosnia). Lectured at the conference concerning solutions that would contribute to the efficiency of criminal proceedings.
- The first state level Conference “Processing of War Crimes – Achievements & Challenges” organised within the Support to WCC Project held in June 2006 in Sarajevo. The Conference is organised within the UNDP - Government of Japan Project “Support to the Establishment of the War Crimes Chamber”. I actively participated in the topic “Current Legislation on Transfer of Evidence and War Crime Cases (The Hague – BiH – Entities) – Survey of Regulations.

Other courses/programmes/study visits:

- *Analysis of the ECHR verdicts*; seminar held in Sarajevo on September 14-15, 2009
- Visited the ECHR in Strasbourg on three occasions (1997, 1998 and 2008)
- Member of a delegation of judges and prosecutors from Bosnia-Herzegovina visiting the United States from 11 to 25 October 2008;
The delegates visited the courts, prosecutors and investigative offices as well as law schools in Pittsburgh and Boston. The programme covered the investigation and trial management of complex organised crime cases.
- *Human Losses in BiH 91-95*; June 2007 (Sarajevo, BiH)
The results of the project were introduced and then evaluated by three independent experts: Patrick Ball, Philip Verwimp and Ewa Tabeau.
- *Independence of Judiciary and Transition Challenges*; June 2007 (Belgrade, Serbia)
- *Human Rights Protections in BiH Criminal Legislation*; May 2006 (Neum, Bosnia)
- Member of a delegation of the Court of BiH judges visiting the judicial institutions of England and South Wales; February 2006
- Member of a delegation of the Court of BiH judges visiting the ICTY – January 2006 (Den Haag, The Netherlands)
The delegates observed trials being conducted at the ICTY [the *Milošević* trial and the so-called *Vukovar Three* (Mrkšić, Radić, Šljivančanin)] and met with the Prosecution, Registry and the Judiciary.

War Crimes; November, 2005 (Sarajevo, Bosnia); Moderators: Judges Miletić and Rodrigues.
- *Criminal Procedure*; September 2005 (organised by the US Department of Justice). Moderators: Judge Manuel Real, David O. Carter and Prosecutor Steven Kessler.
- Seminar on War Crimes; March, 2005 (Sarajevo, BiH) Moderators: Dermont Groome, Antoinette Issa, Gabrielle McIntyre, Catherine Marchi-Uhel, Frederick Harhoff.

ICTY outreach to the local communities in Bosnia and Herzegovina – the ICTY's work on war crimes committed in Foča; October, 2004
- *International Humanitarian Law before ICTY and National Courts*; February 2002 (Sarajevo, BiH) International lecturers included Almiro Rodrigues, the former ICTY judge, Aryeh Neier, President of Open Society Institute of New York, Frank Orton, Human Rights Ombudsman in BiH, Eugene O'Sullivan and John E. Ackerman co-authors of the book *ICTY Practice and Procedure*, John Richard and William Day Jones, Defence Counsel before the ICTY.
- *Jurisprudence of the European Court of Human Rights*; September, 2002 (Banja Luka, BiH)
- *International Humanitarian Law before the ICTY and Domestic Courts*; February 2002 (Sarajevo, BiH) Lecturers included Aryeh Neier, President, Open Society Institute – New York, Prof. Eugene O'Sullivan, John E. Ackerman, co-author- and books *Practice and Procedure of the ICTY*, Prof. Peter Murphy, Prof. Zoran Pajić, Mr. John Richard Day Jones, Mr. Rodney Dixon and many others;
- *New Criminal Code of RS – the Main Restructuring Directions*; December, 2000. (Teslić, BiH)

- And about 30 other seminars.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
French	X		"	X		"	"	X	"
b. Official languages:									
– English	"	X	"	"	X	"	"	"	X
– French	X	"	"	X	"	"	"	X	"
c. Other languages:									

IX. *In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.*

I fully accept this condition.

X. *Other relevant information*

XI. *Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.*

I hereby confirm that I shall take up permanent residence as stated above.

List and curricula vitae of candidates submitted by the Government of Croatia

[Email addressed to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 12 April 2012]

Dear Sir,

Please find enclosed following documents related to the election of the judge on behalf of the Republic of Croatia:

- Conclusion of the Government of the Republic of Croatia
- Curricula vitae in English of the three candidates
- Report with a description of the procedure conducted and criteria for selecting three candidates from the Republic of Croatia for the position of judge at the European Court of Human Rights
- Public tender for candidate selection from the Republic of Croatia for the position of judge at the European Court of Human Rights.

Yours sincerely,

Anica Djamić
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

The Government of the Republic of Croatia

Pursuant to Article 31, paragraph 3 of the Act on the Government of the Republic of Croatia (Official Gazette No 150/2011), at its session held on 22 March 2012, the Government of the Republic of Croatia adopted the

CONCLUSION

on the election of candidates of the Republic of Croatia for judge
at the European Court of Human Rights.

Jasna Omejec, Ph.D. in Law, Ksenija Turković, Ph.D. in Law, Alan Uzelac, Ph.D. in Law
are selected as candidates for judge at the European Court of Human Rights.

Class: 080-02/12-01/266 No: 5030115/1-12-01
Zagreb, 22 March 2012

PRIME MINISTER
Zoran Milanović
(m.p.)

Report with a description of the procedure conducted and criteria for selecting three candidates from the Republic of Croatia for the position of judge at the European Court of Human Rights

The Candidate Selection Committee of the Republic of Croatia for the position of judge at the European Court of Human Rights was established by the Decision of the Government of the Republic of Croatia (OG 139/09, 95/2010 and 119/2011).

The Decision prescribes the tasks and composition of the Committee, including the obligation of publishing a public tender for the selection of candidates when the requirements stipulated by the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe and the Protocols thereto have been met. The Decision stipulates the obligation to publish a public tender in two daily papers in the Republic of Croatia, in the Official Gazette and on the Ministry of Justice website.

Based on the Decision, the Committee tasks include: conducting the candidate selection process for the position of judge and *ad hoc* judges of the Republic of Croatia at the European Court of Human Rights, adopting the proposal on the selection of three candidates for the position of judge and *ad hoc* judges of the Republic of Croatia at the European Court of Human Rights, and submitting the proposal to the Government of the Republic of Croatia. The Decision also prescribes that the Ministry of Justice provides professional, administrative and technical support to the Committee.

The Committee is composed of a Representative of the Justice Committee of the Croatian Parliament in the capacity of the Committee Chairperson and one representative from each of the following institutions: Constitutional Court of the Republic of Croatia, Supreme Court of the Republic of Croatia, Ministry of Justice and one representative chosen between faculties of law in Zagreb, Split, Rijeka and Osijek. Both genders are represented in the Committee (two female and three male members).

In July 2011, the Republic of Croatia received a notice from the Secretary General of Parliamentary Assembly of the Council of Europe stating that the term of the Croatian judge at the European Court of Human Rights ends on 31 October 2012. Therefore a timely procedure had to be initiated for the selection of another Croatian judge to be elected by the Parliamentary Assembly of the Council of Europe at its plenary session in June 2012.

The requirements which applicants for the position of judge at the European Court of Human Rights must fulfill were determined at the Committee session. The requirements are that the applicants shall: be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognized competence; be younger than 70; assume the obligation to discontinue all activities which could be incompatible with their independence, impartiality or the requirement of working full time during their term, if selected. In addition to the above, applicants should possess an active knowledge of one, and a passive knowledge of the other, official language of the Council of Europe according to Resolution 1646 (2009) of the Parliamentary Assembly of the Council of Europe.

In accordance with the national legislation, the Committee further established additional requirements: the applicant must have at least 15 years of work experience as a judicial official or the same number of years as an attorney at law or as a notary public, or the applicant must be a university professor of law, must have passed the bar exam and have at least 20 years of work experience, and an established professional career in a certain field of law, including the publication of professional and scientific papers. The additional requirements were also determined for jurisconsults of recognized competence: the applicant must be perceived as a respected legal professional by the general and scientific public through his/her papers and public contributions, must be a doctor of law with at least 12 years of work experience or a master of law with at least 15 years of work experience.

Committee members agreed to indicate in the public tender that applicants of both genders can apply under equal conditions, that they must enclose a CV in Croatian and in either English or French with their written application to the standard CV form which constitutes an integral part of Resolution 1646 (2009) of the Parliamentary Assembly of the Council of Europe, that the application should indicate the experience they have in the field of human rights, and that the Committee may, if it deems necessary, interview the applicants who are short-listed and test their knowledge of official languages of the Council of Europe.

The Committee agreed on the public tender text which is enclosed as an integral part of this Report and concluded to publish the tender in the Official Gazette and select dailies – “Jutarnji list” and “Večernji list”, with the term for submitting written applications within 30 days from the publication date. The tender was published on the Ministry of Justice website, and all courts, faculties of law, the Croatian Bar Association and the Croatian Association of Notaries were informed.

The public tender for candidate selection was published on 4 November 2011 in the Official Gazette (No 124/11) on 5 November 2011 in "Večernji list" and "Jutarnji list". In the prescribed term of 30 days for the submission of candidate applications, Ministry of Justice received a total of 10 properly submitted applications.

Following the term for the submission of applications, a Committee session was held in December 2011. It was concluded that all tender applications were received within the application submission term. Consequently, Committee members reviewed and analyzed each of the candidate applications determining that all ten applicants fulfilled the requirements set out in the public tender.

Afterwards the Committee discussed additional criteria for selecting three candidates among the ten applicants who all fulfilled the formal tender requirements.

It was concluded that additional criteria for reaching a decision on the selection were: in-depth knowledge of the Convention both theoretically and in practice, extensive knowledge of human rights and other documents of the Council of Europe, including other instruments for human rights protection, participation in professional gatherings pertaining to human rights, a high reputation in legal circles as a human rights expert, participation in working groups for drawing up documents and regulations in the field of human rights, publications and papers, gender criteria and the criteria of representation between academic institutions and judicial officials. The stated additional criteria are based on the Resolution 1646 (2009) of the Parliamentary Assembly of the Council of Europe and the standardized CV form representing its integral part.

On 16 December 2011 the Committee adopted the proposal on the selection of the following three candidates: Jasna Omejec, Ph.D. in Law, Đuro Sessa, LL.M., and Ksenija Turković, Ph.D. in Law, who entirely fulfilled the requirements from the public tender and conformed to the additional criteria established by the Committee.

The Committee concluded there was no need for an interview with the three short-listed candidates since they are known to the general public and Committee members for their professional activities and decided to submit the proposal on the selection of candidates to the Government of the Republic of Croatia.

In the course of the national candidate selection procedure, Croatian Parliamentary elections were held and new Government was formed (on December 23, 2011). The new Government received the proposal of the Committee on the selection of candidates.

At its session held on 22 March 2012 the Government of the Republic of Croatia adopted a Conclusion on the selection of candidates from the Republic of Croatia for the position of judge at the European Court of Human Rights. The Conclusion to a large extent accepted the non-binding proposal of the Committee and selected those candidates who, according to their experience, area of expertise, education and recognition by the profession and expert circles, are of highest possible quality – Jasna Omejec, Ph.D. in Law, Ksenija Turković, Ph.D. in Law and Alan Uzelac, Ph.D. in Law.

Zagreb, March, 2012

Based on item V, paragraph 2 of the Decision of the Government of the Republic of Croatia about the founding of a Candidate Selection Committee of the Republic of Croatia for the position of judge at the European Court of Human Rights (OG 139/2009, 95/2010 and 119/2011), the Candidate Selection Committee of the Republic of Croatia for the position of judge at the European Court of Human Rights is hereby issuing a

PUBLIC TENDER

**for candidate selection from the Republic of Croatia for the position of judge
at the European Court of Human Rights**

Requirements which applicants for the position of judge at the European Court of Human Rights must fulfil include:

1. high moral character in accordance with provisions of Article 21, paragraph 1 of the Convention of the Council of Europe for Protection of Human Rights and Fundamental Freedoms;
2. they must either possess the qualifications required for appointment to high judicial office or must be jurisconsults of recognized competence; in accordance with provisions of Article 21, paragraph 1 of the Convention of the Council of Europe for Protection of Human Rights and Fundamental Freedoms;
3. less than 70 years of age, in accordance with provisions of Article 23, paragraph 2 of the Convention of the Council of Europe for Protection of Human Rights and Fundamental Freedoms;
4. active knowledge of one, and passive knowledge of a second official language of the Council of Europe, according to the Resolution 1646 (2009) of the Parliamentary Assembly of the Council of Europe. The Resolution was posted on the official website of the Ministry of Justice, at www.pravosudje.hr;
5. the obligation to discontinue all activities which could be incompatible with their independence, impartiality or the full-time requirement during their term, in accordance with provisions of Article 21, paragraph 2 of the Convention of the Council of Europe for Protection of Human Rights and Fundamental Freedoms.

Qualifications required for appointment to high judicial office are: the applicant must have at least 15 years of work experience as a judicial official or the same number of years as an attorney at law or a notary public, or the applicant must be a university professor of law, must have passed the bar exam and have at least 20 years of work experience, and an established professional career in a certain field of law, including professional and scientific papers.

Requirements for jurisconsults of recognized competence are: the applicant must be perceived as a respectable legal professional in the general and scientific public with his/her papers and public contributions, must be a doctor of law and have at least 12 years of work experience or a master of law with at least 15 years of work experience.

Applicants of both genders can apply under equal conditions.

Applicants must enclose a CV in Croatian and in either English or French to their written application in the standard CV form which constitutes an integral part of the Resolution 1646 (2009) of the Parliamentary Assembly of the Council of Europe, and certificates about the level of proficiency in official languages of the Council of Europe.

The Candidate Selection Committee of the Republic of Croatia for the position of judge at the European Court of Human Rights may, if it deems it necessary, interview the applicants and test their knowledge of official languages of the Council of Europe.

In their written applications, the applicants must also state reasons for applying and explain why they believe they would be good candidates for a judge at the European Court of Human Rights, and list their experience in the field of human rights.

The Candidate Selection Committee of the Republic of Croatia for the position of judge at the European Court of Human Rights may, if it deems it necessary, interview the applicants who are short-listed.

The Candidate Selection Committee of the Republic of Croatia for the position of judge at the European Court of Human Rights will submit the adopted proposal on the selection of three candidates from the Republic of Croatia for the position of judge at the European Court of Human Rights to the Government of the Republic of Croatia for approval, then forward it to the Parliamentary Assembly of the Council of Europe.

In conformity with the procedure adopted by the Council of Europe Ministerial Committee on 10 November 2010, prior to sending the list of candidates to the Parliamentary Assembly, it is necessary to obtain an opinion of the Expert Advisory Panel about the eligibility of proposed candidates.

The judge will be selected by the Parliamentary Assembly of the Council of Europe for a period of nine years, without the possibility of reappointment. Regardless of the appointment time, a judge's term terminates on his/her 70th birthday.

The deadline for submitting written applications with enclosed CVs is thirty (30) days from the date of tender publication in the Official Gazette. Applications must be sent to the Ministry of Justice of the Republic of Croatia, Dežmanova 6 and 10, 10000 Zagreb, with the remark: "Candidate applications for the position of judge at the European Court of Human Rights".

**Candidate Selection Committee of the Republic of Croatia
for the position of judge at the European Court of Human Rights**

Jasna OMEJEC

CURRICULUM VITAE*

I. Personal details

Name, forename: OMEJEC, Jasna
 Sex: Female
 Date and place of birth: 9 January 1962, Osijek, Croatia
 Nationality: Croatian

II. Education and academic and other qualifications

Date	5 October 1994
Place of education	Zagreb
Name of institution	Faculty of Law, University of Zagreb
Title awarded	Doctor of Law

Date	2 June 1988
Place	Zagreb
Name of institution	Faculty of Law, University of Zagreb
Title awarded	Master of Law

Date	28 November 1985
Place of education	Osijek
Name of institution	Faculty of Law, University of Osijek
Qualification awarded	BSc in Law

III. Relevant professional activities*a. Judicial activities*

Dates (from – to)	<ul style="list-style-type: none"> • 7 December 2007 – ongoing second term of office • 7 December 1999 – 7 December 2007 (first term of office)
Name of employer	The Constitutional Court of the Republic of Croatia
Occupation held	<u>Judge of the Constitutional Court of the Republic of Croatia</u>
Position held	<ul style="list-style-type: none"> • <u>President of the Constitutional Court of the Republic of Croatia</u> (12 June 2008 □ ongoing term of office) • Deputy-president of the Constitutional Court of the Republic of Croatia (6 December 2005 – 6 December 2007) • Deputy-president of the Constitutional Court of the Republic of Croatia (9 December 2003 – 6 December 2005) • Vice-president of the Constitutional Court of the Republic of Croatia (7 March 2002 – 9 December 2003) • Vice-president of the Constitutional Court of the Republic of Croatia (7 March 2001 – 7 March 2002)

* Underlined text indicates posts or missions held at present.

*Main activities
and
responsibilities*

- As a judge of the Constitutional Court of the Republic of Croatia she:
 - decides on the conformity of laws with the Constitution and of other regulations with the Constitution and law (*abstract control of legal norms*);
 - decides on constitutional complaints about the violations of human rights and fundamental freedoms and the violations of the right to local and regional self-government guaranteed in the Constitution (*concrete control of constitutional rights violations in individual cases*);
 - monitors the exercise of constitutionality and legality;
 - resolves conflicts of jurisdiction between the bodies of legislative, executive and judicial authority;
 - decides on the impeachment of the President of the Republic and on giving prior consent for detention and the institution of criminal proceedings against the President of the Republic;
 - supervises the constitutionality of programmes and activities of political parties and decides on banning their work;
 - supervises the constitutionality and legality of elections and national referendum and decides concrete electoral disputes which are not within the jurisdiction of the courts;
 - performs other duties determined in the Constitution.
- As the President of the Constitutional Court of the Republic of Croatia she:
 - is not a judge rapporteur and does not conduct the Constitutional Court proceedings; she is not a member of the Constitutional Court Chambers and does not sit in these bodies (only presides over the plenary sessions of the Constitutional Court);
 - acts on behalf of and represents the Court before the state bodies of the Republic of Croatia and before other national and international bodies and institutions in the country and abroad;
 - safeguards the independent status of the Court in relation to all state bodies,
 - safeguards independence in the allocation of funds as established in the State Budget;
 - performs tasks related to Court administration.

b. Non-judicial legal activities

*Dates
(from – to)
Name of
employer
Occupation
held*

1 October 1990 – 6 December 1999

Faculty of Law, University of Zagreb

- full professor at the Administrative Law Department (23 September 2009 □)
- associate professor at the Administrative Law Department (27 October 2004 – 22 September 2009)
- assistant professor at the Administrative Law Department (30 April 1997 – 26 October 2004)
- senior assistant at the Administrative Law Department (22 December 1994 – 29 April 1997)
- assistant at the Administrative Law Department (1 October 1990 – 21 December 1994)

*Main activities
and
responsibilities
Note*

- Administrative Law
- European Public Law

• Under Article 10 paragraph 2 of the Constitutional Act on the Constitutional Court of the Republic of Croatia and the Contract with the Faculty of Law, University of Zagreb (no.: 01–4117/1–1999 of 7 December 1999 and no.: 112–02/07–15–87, entry no.: 251–55–07–1 of 7 December 2007), during her term of office as judge of the Constitutional Court she is performing regular teaching duties in the scope of 25% of the annual schedule set for the study course Administrative Law.

<i>Dates (from – to)</i>	17 April 1986 – 30 September 1990
<i>Name of employer</i>	Faculty of Law, University of Osijek
<i>Occupation held</i>	<ul style="list-style-type: none"> • assistant at the Administrative Law Department (8 December 1988 – 30 September 1990) • junior assistant at the Administrative Law Department (17 April 1986 – 7 December 1988)
<i>Main activities and responsibilities</i>	Administrative Law

c. Non-legal professional activities

In accordance with the Constitution of the Republic of Croatia, judges of the Constitutional Court of the Republic of Croatia cannot perform any other professional duty.

IV. Activities and experience in the field of human rights

As judge of the Constitutional Court of the Republic of Croatia she deals with specific cases of the protection of human rights and fundamental freedoms guaranteed in the Constitution and Convention. She is well acquainted with the case-law of the European Court of Human rights. She is able to apply all the independent and derived interpretative principles resulting from the Convention or created in the case-law of the European Court of Human Rights, which all together form the interpretative body of the Convention and result in a method for solving a specific case.

As judge of the Constitutional Court, university professor and member of the Venice Commission of the Council of Europe, she holds lectures on the protection of human rights and fundamental freedoms, constitutional jurisprudence, the European mechanism for the protection of Convention rights and the case-law of the European Court of Human Rights in Croatia and abroad (Albania, Andorra, Germany, Hungary, “the former Yugoslav Republic of Macedonia”, Montenegro, Portugal, Romania, Russia, Serbia, Slovenia, Turkey). She has also held lectures or read papers on national mechanisms for the protection of human rights, i.e. on the Convention mechanism for the protection of human rights, outside Europe: in South America (Peru and Brazil), Asia (South Korea and Kazakhstan) and Africa (South Africa and Egypt).

Since the academic year 2006/2007, she has headed the elective subjects “Principles of European Administrative Law” and “Application of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe in the Work of the Government and Public Administration” at the postgraduate doctoral and specialist study *Public Law and Public Administration* at the Faculty of Law, University of Zagreb.

V. Public activities

a. Public office

- OSCE international legal expert
- Member of the Croatian Academy of Legal Sciences (2001 >)
- Member of the Public Administration Institute (1997 >)
- Member of the University Lecturers' Club (1995 >)
- Member of the Croatian Legal Centre (1994 >)
- Editor of expert journals and expert seminars

b. Elected posts

- Member from the Republic of Croatia of the Commission for Democracy through Law (Venice Commission) of the Council of Europe (2010 >)
- Substitute member from the Republic of Croatia of the Commission for Democracy through Law (Venice Commission) of the Council of Europe (2005 – 2010)

- President of the Supervisory Board of the Croatian Academy of Legal Sciences (2004 –2005, 2009–2010, 2010>)
- member of the Professional Council of *Narodne novine* for legal education and information (2003–2010)
- member of the Commission of the Government of the Republic of Croatia for equality issues (1998)

c. Posts held in a political party or movement

- Member of the Croatian Social-Liberal Party (1990–1997)
- Member of the Liberal Party (1997–1999)

VI. Other activities

a. Field: International Scientific-Research Project "Statelessness / Citizenship in the Former Yugoslavia", UNHCR, Geneva, Switzerland

b. Duration: 1995.

c. Function: Head of the Project in respect of the Republic of Croatia

VII. Publications and other works

- Books:

Vijeće Europe i Europska unija. Institucionalni i pravni okvir (The Council of Europe and the European Union. Institutional and Legal Framework), Novi informator, Zagreb, 2008, 458 pp.

Pravo okoliša (Environmental Law) (co-authors: O. Lončarić-Horvat, L. Cvitanović, I. Gliha, T. Josipović, D. Medvedović, J. Omejec, M. Seršić), 3rd revised and supplemented edition, Ministry of Environmental Protection and Physical Planning - Organizator, editor: Olivera Lončarić Horvat, Law Library 37, Zagreb, 2003 (third revised and supplemented edition), 348 pp.

Note: the first academic textbook on the Convention law in Croatian language (comprising of approximately 1000 pages) is expected to be published in March 2012 by Novi informator publishing house.

- She has published more than 30 scientific and expert papers. In the field of Convention law she has published the following works (a shortlist):

Zabrana diskriminacije u praksi Europskog suda za ljudska prava (Prohibition of Discrimination in the Case-Law of the European Court of Human Rights), *Zbornik Pravnog fakulteta u Zagrebu* (Collected Papers of Zagreb Law Faculty), Zagreb, Vol. 59, no. 5 (2009), pp. 873-979

Ustavno i konvencijsko jamstvo prava vlasništva (The Constitutional and Convention Guarantee of the Ownership Right), *Liberum amicorum in honorem Jadranko Crnić* (1928 – 2008), *Novi informator*, Zagreb, 2009, pp. 139–187

(Ne)djelotvornost domaćih pravnih sredstava protiv zlostavljanja u smislu članka 3. Konvencije za zaštitu ljudskih prava i temeljnih sloboda (The /In/Effectiveness of Domestic Legal Expedients against Ill-Treatment within the Meaning of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms), in Collection of papers: *Aktualna pitanja kaznenog zakonodavstva – 2008* (Current Issues in Penal Legislation – 2008), Inženjerski biro d.d., Zagreb, June 2008, pp. 3-35

Primjena Konvencije za zaštitu ljudskih prava i temeljnih sloboda u radu domaćih sudova (Prvi dio) (The Implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms in the Work of Domestic Courts /part one/), *Hrvatska pravna revija* (Croatian Law Review), Inženjerski biro d.d, Zagreb, year VII, no. 7-8 (July-August 2007), pp. 1-9, and Primjena Konvencije za zaštitu ljudskih prava i temeljnih sloboda u radu domaćih sudova (II. dio) (The Implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms in the Work of Domestic Courts /part two/), *Hrvatska pravna revija* (Croatian Law Review), Inženjerski biro d.d, Zagreb, year VII, no. 9 (September 2007), pp. 1-15

Status državnih službenika: pravna stajališta i praksa Europskog suda za ljudska prava, Europskog suda pravde i Ustavnog suda Republike Hrvatske (The Status of Civil Servants: Legal Views of the European Court of Human Rights, the European Court of Justice and of the Constitutional Court of the Republic of Croatia), *Hrvatska javna uprava* (Croatian Public Administration), journal for the theory and practice of public administration, Public Administration Institute, Faculty of Law, University of Zagreb, Polytechnic of Social Sciences in Zagreb and Novi informator Zagreb, Zagreb, year 6, no. 2 (2006), pp. 47-81

Имплементация решений Европейского Суда по правам человека в практике Конституционного суда Республики Хорватии, *Sravnitelnoe Konstitucionnoe Obozrenie* (Comparative Constitutional Review), ежеквартальный российский научный журнал, Институт права и публичной политики (Institute of Law and Public Policy), Moscow, Vol. 54, Number 1 (2006), pp. 150–172 (in Russian).

Odnosi Ustavnog suda Republike Hrvatske i Europskog suda za ljudska prava pri odlučivanju o duljini sudskih postupaka u Republici Hrvatskoj (1.dio) (Relations between the Constitutional Court of the Republic of Croatia and the European Court of Human Rights in Deciding on the Length of Judicial Proceedings in the Republic of Croatia /part one/), *Informator*, instructive and informative paper for economic and legal issues, no. 5332, Zagreb, 13 April 2005, and Odnosi Ustavnog suda Republike Hrvatske i Europskog suda za ljudska prava pri odlučivanju o duljini sudskih postupaka u Republici Hrvatskoj (2.dio) (Relations between the Constitutional Court of the Republic of Croatia and the European Court of Human Rights in Deciding on the Length of Judicial Proceedings in the Republic of Croatia /part two/)", *Informator*, instructive and informative paper for economic and legal issues no. 5333-5334, Zagreb, 16 April 2005

'Razumni rok' u interpretaciji Ustavnog suda Republike Hrvatske ('Reasonable Time' in the Interpretation of the Constitutional Court of the Republic of Croatia), in the book: *Ustavni sud u zaštiti ljudskih prava. Interpretativna uloga ustavnog suda* (The Constitutional Court in the Protection of Human Rights. The Interpretative Role of the Constitutional Court), editors: Jadranko Crnić and Nikola Filipović, Library Law 24, Organizator, Zagreb, 2000, pp. 131-150.

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First language:									
– Croatian	✓			✓			✓		
b. Official languages:									
– English	✓			✓			✓		
	Active use in writing and speaking (see statement on readiness to pass an English language examination to receive a certificate of the proficiency necessary to perform the duty of a judge of the European Court of Human Rights)								
– French		✓							
	Able to read professional literature and the case-law of the European Court of Human Rights								
c. Other languages:									
– languages of countries in the region: Bosniac, Montenegrin, Serbian	✓			✓			✓		
	Active use in writing and speaking								
– German		✓							
	Able to use professional literature								
– languages of countries in the region: Macedonian, Slovenian		✓							
	Able to understand colloquial speech and use professional literature								

IX. I confirm my intention of following intensive French language classes prior to and at the beginning of my term of office if elected a judge of the Court (*see certified written statement enclosed*).

X. Other relevant information

- Actively uses two scripts: Latin and Cyrillic.
- Uses operative systems: *Windows XP, Lotus Notes Domino* and software applications: *Word, WordPro, E-mail, Internet, PowerPoint*

XI. I confirm that I will take up permanent residence in Strasbourg, France, if elected a judge of the Court (*see certified written statement enclosed*).

Ksenija TURKOVIĆ**CURRICULUM VITAE*****I. Personal details**

Name, forename: Turković, Ksenija
 Sex: Female
 Date and place of birth: February 13, 1964 / Zagreb, Croatia
 Nationality/ies: Croatian

II. Education and academic and other qualifications**a) Education and Academic Qualifications:**

- Yale Law School, New Haven, Connecticut, USA
Doctor of Juristic Science (J.S.D.), April 1996
 Doctoral Dissertation: "The Principle of Legality and the Organization of Authority: A Comparative Approach to the Principle of Legality"
- Yale Law School, New Haven, Connecticut, USA
Master of Laws (LL.M.), May 1989
- Faculty of Law, University of Zagreb, Zagreb, Croatia
J.D., May 1987, *summa cum laude*, rank: 1/400 (first in class)

b) Bar Exams/Admissions:

- New York State Bar admission/membership, 1996-2008
- New York State Bar Exam, completed in November 1993
- Croatian Bar Exam, completed in February 1990

c) Additional Academic & Other Qualifications/Training:

- Summer School on Cinema and Human Rights, European Inter-University Centre & Human Rights Film Network, Venice, Italy, August/September 2005 (21 days)
- Visiting Scholar, Yale Law School, New Haven, Connecticut, USA, 2002/03 (one-year post-doctoral studies)
- International Seminar on the Rome Statute of the International Criminal Court, International Institute of Higher Studies in Criminal Sciences, Syracuse, Italy, September 1998 (14 days)
- Salzburg Seminar, Session 284 – International Environmental Negotiation, Salzburg, Austria, May 1990 (14 days)
- Goethe Institute, intensive German language course (Mittelstufe III), Düsseldorf, Germany, June/July 1990 (2 months)

III. Relevant professional activities**a. Description of judicial activities**

1989-1990 Court of Appeals - Civil and Criminal Divisions, Zagreb, Croatia
Law Clerk. Assisted in trial preparations. Drafted briefs, memoranda, judgments.

1987-1988 District Court - Civil and Criminal Divisions, Zagreb, Croatia
Law Clerk. Assisted in trial preparations. Drafted briefs, memoranda, judgments.

* Underlined text indicates posts or missions held at present.

b. Description of non-judicial legal activities

- 2010 to present University of Zagreb, Zagreb, Croatia
Vice-rector for legal affairs & international relations
- 2009 to present Member of the expert team for the preparation of the meritum for the application for the case on Genocide Convention, Croatia v. Serbia in front of the International Court of Justice
- 1998-2000 Hunton & Williams, New York, New York
Legal Counsel
Represented a client in front of the ICTY, The Hague, Netherlands
- 1995-1996 Sullivan & Cromwell, New York, New York
Associate in General Corporate Practice
Drafted legal documents and performed legal research in area of Derivatives, Mutual and Offshore Funds, Project Finance and Securities
- 1987 to present University of Zagreb Law School, Zagreb, Croatia
- Full Professor (since 2008); Associate Professor (1998-2008); Assistant Professor (1990-1998)
 - Courses: Criminal Law, International Criminal Law, Comparative Law, Medicine and Law, Bioethics, Criminology and Victimology, Law and Cinema, Psychiatric Clinic, Criminology and Social Pathology
 - Jean Monnet Program 2011, module on „Criminal Law and Victimology

Other Academic Institutions:

- Co-chair of Health Law, University of Zagreb School of Medicine (since 2006)
- Chair of Medicine and Criminal Law and International Criminal Law at the Postgraduate Criminal Law Studies, Faculty of Law, University of Osijek (since 2008)
- Lecturing Forensic Dentistry at the School of Dental Medicine, University of Zagreb (since 1997)
- Inter-University Center, Dubrovnik, Croatia
 - Co-director and Lecturer at the course „International Criminal Law“ (since 2007)
 - Lecturer at the course, „Victimology and Victim Rights“ (1998, 2004, 2005, 2006, 2009, 2010)
 - Lecturer at the course “European Law” (2004)
- Lectured „Misdemeanour Laws and Criminal Policy“ at Zagreb Police Academy (2003/04)

Other relevant legal activities are listed under *IV. Work and Experience in the Field of Human Rights.*

c. Description of non-legal professional activities

- Vice-Rector for International Relations, University of Zagreb (since 2008)
- Head of Criminal Law Department, Faculty of Law, University of Zagreb (2008 - 2010)
- Associate Dean for Academic and Student Affairs, Faculty of Law, University of Zagreb (2005-2007)
- ECTS Coordinator, Faculty of Law, University of Zagreb (2007-2008)
- Member of the Committee on Monitoring Implementation of Bologna Process, University of Zagreb (since 2006)

IV. Activities and experience in the field of human rights

Council of Europe related activities and experience:

- Member of the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence – CAHVIO (2009-2011)
- Vice-president of the Group of Specialists on Child Friendly Justice, Ad hoc Advisory Group – CJ-S-CH (2009/10)
- Consultant on “child-friendly justice” – wrote an expert report “Elements for European Guidelines on Child-friendly Justice with Particular Focus on Children’s Access and Place in Criminal Justice System,” Strasbourg, 29 May 2008, cdpc/docs (2008) 06 – e
- Member of the Group of Specialists on Counterfeit Pharmaceutical Products – PC-S-CP (2007 to 2009)
- Member of the Group of Specialists on Remedies for Crime Victims – CCJ-S-VICT (2007)
- Vice-president of the Committee of Experts on the Protection of Children against Sexual Exploitation & Abuse – PC-ES (2006/07)

Work on Croatian national strategies related to protection of human rights:

- Member of the Committee drafting the National Strategy on Assistance and Protection of Victims of Crimes for the period of 2012-2016, Ministry of Justice (2011 to present)
- Member of the Committee drafting the National Strategy on Combating Drug Abuse for the period of 2012-2018, Ministry of Justice (2011 to present)
- President of the Commission drafting the National Program on Protection and Promotion of Human Rights for the period of 2008-2011, adopted by the Croatian Government in November 2007 (2007)
- Member of the Committee drafting the National Strategy on the Prevention of Family Violence for 2004-2007 and 2008-2010, Ministry of Family (2004 to 2008)

Other relevant activities:

- Member of the Working Group (appointed by Croatian Government) for the harmonization of the Croatian legal system with the European Convention on Human Rights (1997)

Membership in expert groups drafting new legislative acts related to human rights:

- President of the Expert Committee drafting new Croatian Criminal Code, Ministry of Justice (2009-2011), law adopted by the Parliament in October 2011
- Member of the Expert Committee drafting new Croatian code on juvenile justice, Ministry of Justice (2009-2011)
- Member of the Expert Committee drafting amendments to Mental Health Act, Ministry of Justice (2000 to present)
- President of the Expert Committee drafting law on state compensation for victims of violent crimes, Ministry of Justice (2007)
- Member of the Expert Committee drafting law on gender equality, Ministry of Family (2008)

Activities in organizations dedicated to protection and promotion of human rights:

- Management Board of the European Union Agency for Fundamental Rights (FRA), Croatian observer (2010 to present)
- President of the Board, Croatian Center for Human Rights, an independent national human rights institution (since 2007)
- Member of the Board, Institute Open Society Croatia (2005/06)
- Center for Genocide and War Crimes, Zagreb, Croatia (1991-1993)
 - Worked with International League for Human Rights, Helsinki Watch and EEC Monitors on refugee issues in Croatia and Bosnia & Herzegovina
 - Compiled information for the future prosecution of war crimes (assisted in interviewing persons released from camps)

Consultant on issues related to human rights:

- Ad hoc consultant on legal issues related to HIV/AIDS testing and counseling, World Health Organization – Division for Europe (the issues were treated from the perspective of human rights of people living with HIV/AIDS) (2007, 2009)
- Ad hoc national consultant, Twinning Project HR/2004/IB/JH/06 “Combating Trafficking in Human Beings in Croatia” (2007)

Research projects related to promotion and protection of human rights:

Coordinator and researcher:

- IPA project „Improving the Capacity of the University System to Create a Framework for battling Discrimination, Corruption aimed at Improving Academic Integrity” (2011 to present)
- „Croatian Health Law in the Light of European Standards,” - reviewing current laws, proposing changes and offering interpretations taking into account European standards that have already emerged as well as comparative good practices (2007 to present)
- Research on „Violence in the Family in Croatia“ for Ministry of Family on prevalence rates, recidivism, causes of family violence, protection of rights of the victims (2009)
- “Treatment of People Leaving with HIV/AIDS in Croatian legal system” for UNAIDS Croatia – study was done from the perspective of human rights of persons living with HIV/AIDS, researche resulted in a booklet and number of proposals how to change and adapt croatian legal system to better protect rights of persons living with HIV/AIDS, coordinator and main researcher (2005/06)

Researcher/Mentor:

- Mentor of the project “Challenging stereotypes and discrimination against women – sexual violence in the legal proceedings in Croatia,” B.a.B.e. – NGO in Special Consultative Status with the Economic and Social Council of the UN (2007-2009)
- Consultant and main researcher on the project “Transitional justice – research on assistance and protection of victims of violent crimes in Croatia”, UNAIDS (2006-2009); the project resulted in establishing special offices for victims at 4 district courts in Croatia
- Member of a research team of the Open Society Croatia and later NGO called IDEM creating and implementing “index of open society” – created and interpreted part related to the rule of law (2004-2007)
- “Bioethics and Law”, researcher, Ministry of Science and Education (1999-2001)

Organising international conferences/workshops related to human rights issues:

- *„The Challenges of Democracy and the University“*, 22nd annual conference organized by the University of Zagreb and Alliance of Universities for Democracy, Hoste, Center for Advanced Academic Studies of University of Zagreb, Dubrovnik, Croatia, October, 2011 (approximately 120 participants)
- 18th World Congress on Medicine and Law – *„Health, Law and Ethics at the Outset of Third Millenium – The Human Rights Based Approach“*; President of the Scientific Committee, Zagreb, Croatia, August, 2010 (approximately 500 participants)
- 9th World Congress on Bioethics - Member of the „Honorary Committee,“ , delivered key note speech on „Informed Consent in Multicultural Society“, Rijeka, Croatia, 2008 (approximately 800 participants)
- NATO Workshop on “The Role of Humanitarian Victimology in Preventing Terrorism” organized within the NATO Program “Security through Science,” *Co-director* (with Uwe Ewald, Max Planc Institut, Freiburg) (26 participants from 13 countries, Zagreb, Croatia, 2004)

Human rights education:

- Head of the unit of the UNESCO Chair on Medicine, Law and Bioethics, Faculty of Law, University of Zagreb – lecturing on *Bioethics and Law*, prepearing textbook on bioethics and law (2009 to present)
- Member of the UNESCO Chair for Education, University of Zagreb, organizing international round tables on different issues related to higher education, including those on right to education (2009 to present)
- Delivering lectures at „Little School of Human Rights“, organised by student organization ELSA-Zagreb (2006, 2010, 2011)
- Participated in Course for lawyers on the ECHR, organized by Centar for Peace Studies and Interrights; prepared and delivered module on Artical 2. of the ECHR (2008)

V. Public activities

a. Public office

Management Board of European Union Agency for Fundamental Rights (FRA), Croatian observer (2010 to present)

President of the Board, Croatian Center for Human Rights, an independent national human rights institution (2007 to present)

Vice-Rector for Legal Affairs and International Relations, University of Zagreb (2010 –to present)

Vice-Rector for International and Interinstitutional Cooperation, University of Zagreb (2008 -2010)

Member of the Management Board, Inter University Center, Dubrovnik, Croatia (2008 to present)

Member of the Management Board, Konfucius Institute, Zagreb, Croatia (2011 to present)

b. Elected posts

None

c. Posts held in a political party or movement

I have not been a member of any political party/movement

VI. Other activities

a. Field

Projects in the Area of Criminal Law:

National projects:

- “Croatia nad International Criminal Justice”, researcher, Ministry of Science (2002-2008)
- “Sentencing Policy in Croatia”, Academy of Legal Sciences & Croatian Association of Criminal Sciences and Practice, researcher (2004)

International projects:

- Writing a chapter in „The Crime of Agression – The Comentary,“ Claus Kreiß & Stefan Bariga (eds.), (2011 to present)
- FP6 Project „Human Security in the Western Balkan Region: The Impact of Transnational Terrorist and Criminal Organizations on the Peace-Building Process of the Region,“ (HUMSEC) (2006-2008)
- Project 2005/AGIS/139 „The Public Prosecution Service - Key Player in a Just and Effective Criminal Justice System – A Comparative Research Study across Europe”, researcher (2005-2008)
- Member of Croatian research team for ICRC publication, Customary International Humanitarian Law (ed. Jean-Marie Henckaerts i Luise Doswald-Beck, 2005)

Projects in the Area of Criminology and Victimology:

National projects:

- Prepared and adapted methodology for implementing international victim survey in Croatia, State Bureau of Statistics (2008/09)

International projects:

- “State and Organized Crime”, Institute for Criminology, Faculty of Law University of Ljubljana, researcher (2005/06)
- “Analyzing victim’s needs and expectations in post-conflict societies: an international quantitative victim survey in nine countries in different conflict/post-conflict situations,“ Max Planc Institute for Foreign and Comparative Criminal Law, researcher – collecting data (2004/06)
- National Coordinator for European Sourcebook of Crime and Criminal Justice Statistics (1997 to present)
- National Coordinator for the 2000 International Crime Victim Survey (UNICRI);

Projects in the Area of Education:

TEMPUS projects:

- “Reforming Croatian Legal Education”, Grant co-ordinator (2005/06)
- “Foreign Languages in the Field of Law”, maniging the part of the project on organising legal courses in english (2006-2009)

LLL for Judges:

- Developed and updated modules for Judicial Academy on (2004 to present):
 - Victims' Rights
 - Violence in the Family
 - Business Crimes (co-author)
- Participated as a lecturer in the program of the Ministry of Justice & ICTY educating Croatian judges for conducting national trials of war crimes (2004)

Bioethics:

- Member of Ethical Committee – University of Zagreb School of Medicine
- Member of Ethical Committee – University Hospital Centre Zagreb, Croatia
- Member of Ethical Committee – Psychiatric Hospital Vrapče, Zagreb, Croatia

VII. Publications and other works

Published four textbooks (co-author), three books (editor with contribution), one law commentary (principal author) and over 40 papers in international and domestic journals (of which over 20 in referred journals) in the areas of criminal law, medical law and ethics, criminology and victimology.

1. *Rethinking Croatian Rape Laws: Force, Consent and the 'Contribution of the Victim,'* in RETHINKING RAPE LAW: INTERNATIONAL AND COMPARATIVE PERSPECTIVES (ed. C. McGlyn & V. Munro, Routledge-Cavendish Publishing, 2011) (co-author with I. Radačić)
2. The Value of the ICTY as Historiographical Tool, u "ICTY: Towards a Fair Trial?", International Criminal Law Series of Intersentia Antwerp (www.intersentia.be) in co-operation with Neuer Wissenschaftlicher Verlag Vienna (2009)
3. *The Framework of a Reform of Criminal Sanctions in the Republic of Croatia*, 16 CROATIAN ANNUAL OF CRIMINAL LAW AND PRACTICE, 809 (2009)
4. Right to Refuse Medical Treatment in Croatia, 44 Medicina (2008), also available on http://hrcak.srce.hr/index.php?show=toc&id_broj2407
5. *The Prosecution Service Function within the Croatian Criminal Justice System*, EUR J CRIM POLICY RES, DOI 10.1007/s10610-008-9067-6 (2008)
6. *Crimes Against the Values Protected by International Criminal Law*, (p. 99-140); *Sexual Crimes* (p. 145-179); *Crimes against Matrimony, Family and Youth*, (203-213); *Health Crimes* (247-265), in POSEBNI DIO KAZNENOG PRAVA (TEXTBOOK ON SPECIAL PART OF CRIMINAL LAW) (ed. Petar Novoselec, Faculty of Law, University of Zagreb, 2007)
7. HIV/AIDS IN THE LEGISLATION OF THE REPUBLIC OF CROATIA (Media print d.o.o., Zagreb, 2006)
8. *Euthanasia in Croatia*, u EUTHANASIA IN INTERNATIONAL AND COMPARATIVE PERSPECTIVE (ed. Marc Groenhuijsen, Floris van Laanen, Wolf Legal Publishers, 2006)
9. *What Victimology has to Offer in Fight against Terrorism*, u LARGE-SCALE VICTIMISATION AS A POTENTIAL SOURCE OF TERRORIST ACTIVITIES: IMPORTANCE OF REGAINING SECURITY IN POST-CONFLICT SOCIETIES (ed. Uwe Ewald and Ksenija Turković, Amsterdam, IOS Press, 2006)
10. MENTAL HEALTH ACT – COMMENTARY WITH ADDENDUM, (principal author, other authors M. Dika, M. Goreta, Z. Đurđević), Faculty of Law, University of Zagreb, Psychiatric Hospital Vrapče (2001), p. 1-127, 208-321, 323-389, 437-640

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	fair	Very good	Good	fair	Very good	Good	fair
a. First language: croate	x	..	..	x	..	..	x	..	..
b. Official languages:									
– English	x	..	..	x	..	..	x	..	..
– French	..	x	..	..	..	x	..	..	x
c. Other languages :									
German	..	x	..	..	..	x	..	x	..

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

In the event that I do not meet the level of language proficiency required for the post of judge in an official language, I hereby confirm my intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, my term of duty if elected a judge on the European Court of Human Rights.

X. Other relevant information

Married, mother of two children.

Memberships

American Bar Association (1996-2008), World Society of Victimology, World Society of Medicine and Law, European Society of Criminology, Croatian Law Academy, Croatian Association of Psychiatry and Law (*president*), Croatian Society of Comparative Law, Croatian Association of Criminal Sciences and Practice

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I hereby confirm that I and my family will take up permanent residence in Strasbourg if elected a judge on the European Court of Human Rights.

Ksenija Turković

Alan UZELAC

CURRICULUM VITAE*

I. Personal details

Name: Alan Uzelac
 Sex: male
 Born: 15 June 1963 in Zagreb
 Nationality: Croatian

II. Education and academic and other qualifications

Zagreb University

- study of law (graduated in 1988) – *dipl. iur* (master of laws).
- study of philosophy and comparative literature (graduated in 1990) – M.A.

Johannes Gutenberg Universität (Mainz, Germany)

- study of political science, literature and philosophy (1986/87) – exchange student.

Zagreb University, Post-graduate studies in civil law – *mr. sc.*, master in legal science (1992, thesis: „Truth in Civil Proceedings“)

Harvard University (Massachusetts, USA): visiting researcher at the European Law Research Center of Harvard Law School (Fulbright scholarship, 1996/97).

Zagreb University – *dr. sc.*, doctor of laws (1999, dissertation „Burden of proof“).

Assistant Professor (1999), Associate Professor (2002), Full Professor (2007), and Full Professor with tenure (2011) at the Faculty of Law, University of Zagreb (Chair for Civil Procedure).

Teaching of courses:

- Undergraduate and graduate level: Civil Procedure, Organisation of Judiciary, Alternative Dispute Resolution (mediation and arbitration), Comparative Civil Procedure.
- Post-graduate level: Protection of Human Rights in Europe; European Court of Human Rights, Court Proceedings in Matters of Family Law.

Teaching and life-long learning at the universities and other academic institutions in Austria, Belgium, France, Germany, Italy, the Netherlands, Switzerland, Hungary, Norway and the USA.

Researcher and leader of several scientific and professional projects, currently active in the following projects:

- “The Role of the Judge and the Parties in Civil Litigation: Towards an efficient procedure under the rule of law in China and the EU”, international project of China-EU School of Law (group of researchers from Austria, Croatia, Hong-Kong, Italy, China, the Netherlands and Romania);
- Ius Commune Research School – senior researcher, „Foundations and Principles of Civil Procedure in Europe“ – project led by Universities in Amsterdam, Leuven, Maastricht and Utrecht (editor of five books from *Ius Commune Europaeum* series, see infra at III.c).

III. Relevant professional activities**a. Description of judicial activities**

- Internship at Municipal and County Court in Zagreb (1990-1992); Bar (judicial) Exam passed at the Ministry of Justice in Zagreb on 21 December 1992.
- ICC – International Arbitration Court at the International Chamber of Commerce in Paris: Internship at the Court Secretariat (1994).
- Secretary General of the Permanent Arbitration Court at the Croatian Chamber of Commerce (1992-2002); during the office involved in the administration of 185 national and 147 international arbitration proceedings.
- Arbitrator listed on panels of several arbitral institutions in Croatia and other countries.
- Member of the State Judicial Council (since 2011).

* Underlined text indicates posts or missions held at present.

b. Description of non-judicial legal activities

- Leader or member of various drafting groups and committees for legislation and other normative acts regulating judiciary and judicial authorities (inter alia: Law on Courts, Law on State Judicial Council; Court Rule-Book, Law on Arbitration, Law on Mediation, Anti-Discrimination Law, Legal Aid Act).
- Delegate of the Republic of Croatia in the Committee of Experts for the Efficiency of Justice of the Council of Europe (CJ-EJ); participation in drafting of various CoE documents, inter alia of the Recommendation on Enforcement (Rec(2003)17), and of the Legal Aid Best Practices (CJ-EJ(2002)2); member of the working group that produced the draft Resolution (2002)12 establishing the European Commission for the Efficiency of Justice (CEPEJ).
- Member of the CEPEJ (2003-2006); member of the Bureau of the CEPEJ in two mandates (2003-04; 2005-06).
- Chairman of the Task force on the timeframes of the proceedings of the CEPEJ (TF-DEL) – 2005-2006; Member of the Groupe de pilotage of the SATURN Centre.
- Leader of the Legal Clinic of the Faculty of Law of the University of Zagreb.

c. Description of non-legal professional activities

- Organising Director of the international seminar „Public and Private Justice: Dispute Resolution in Modern Societies“, regular event at Inter-University Centre in Dubrovnik, established in 2006.
- Leader and Lecturer at the Conference „New Croatian Procedural Law in the Light of the Case-Law of the European Court of Human Rights“ – organised within the project OBNOVA 01-0041: “Judiciary and Law Faculties” in 2003.
- Co-editor and organiser of the international conference “Croatian Arbitration Days“ (1993-2002, in total 10 conferences with varying topics).
- Co-editor of the series of books published with Intersentia (Antwerpen/Portland/Oxford/Cambridge) – „Public and Private Justice“ (2007); „Civil Justice between Efficiency and Quality: From *Ius Commune* to the CEPEJ“ (2008); „Access to Justice and the Judiciary. Towards New European Standards of Affordability, Quality and Efficiency of Civil Adjudication“(2009); „Enforcement and Enforceability“ (2010); „The Landscape of the Legal Professions in Europe and the USA“ (2011). The book „Enforcement and Enforceability“ was translated into Russian and published by Infotropic (Moscow/Berlin, 2011).

IV. Activities and experience in the field of human rights

The candidate extensively writes and lectures on relevant human rights topics, in particular on the right to a fair trial within a reasonable time, right to an effective legal remedy, prohibition of discrimination, and right to legal aid and effective enforcement of judicial and other decisions (see the list of published works). He is a co-lecturer of the post-graduate courses on Protection of Human Rights in Europe and the European Court of Human Rights at the specialist and doctoral studies of European law. Within the work of Legal Clinic, he works on various projects of human rights protection aimed at specific groups (Roma minority, people with disabilities).

From 2000 onwards he participated in expert missions for various organisations (OSCE, UNHCR, Helsinki Committee, World Bank, Council of Europe) in the field of support for judicial reforms in various countries (Bulgaria, Russia, Georgia, Morocco, Serbia, Kosovo, Bosnia and Herzegovina, Montenegro), working on the topics such as: right to a fair trial and access to court, effective enforcement of judicial decisions, accelerating court proceedings, right to legal aid.

In Croatia, dr. Uzelac lectured at several dozens of seminars for judicial and legal professionals – judges, lawyers, notaries and others – on the topics regarding efficiency of justice, principles of fair trial, alternative dispute resolution, procedural human rights and comparative civil procedure. He collaborated in various projects with the Centre for Human Rights, the Government’s Office for Human Rights and with several civil society organisations on the issues of fight against discrimination, human rights education, efficiency of justice, legal aid and assistance etc.

V. **Public activities**

a. **Public office**

- None.

b. **Elected posts**

- Member of the State Judicial Council elected from the ranks of law professors.
- Member of the Scientific Council of the Croatian Academy of Arts and Science for Judiciary, Administration and Local Self-Government
- Member of the Commission for top-level national internet domain (.hr)

c. **Posts held in a political party of movement**

- None.

VI. **Other activities**

Field: Development of Professional Standards at the University

- President of the Drafting Group for the Code of Ethics of Zagreb University (2007).
- Deputy President of the Ethical Council of Zagreb University (2008-).

Field: Participation in the work of the international associations

- International Association for Procedural Law: Member of the IAPL Council – since 2006.
- Wissenschaftliche Vereinigung für Internationales Zivilprozeß: Member of the Board (Rat) since 2007.

VII. **Publications and other works (selection)**

The candidate is the author or co-author of five books, editor or co-editor of eight collections of papers or manuals (five of them published abroad); he has published over 70 papers in reviews and books (over 40 being published in internationally recognized peer-reviewed law publications). His papers and books were published in English, French, German, Russian, Bulgarian and other languages. Here is the selection of 10 relevant works, in chronological order.

1. Uzelac, Alan, European Court for Human Rights, in: van Rhee/Wijffels (ur.), European Supreme Courts: A Portrait through History, Third Millenium Information, London (publication scheduled for Spring 2012).
2. Uzelac, Alan, Efficiency of European Justice Systems. The strength and weaknesses of the CEPEJ evaluations. // *International Journal of Procedural Law*. 1 (2011) , 1; 106-146.
3. Uzelac, Alan, Pravo na pošteno suđenje: opći i građanskopravni aspekti čl. 6. st. 1. Europske konvencije za zaštitu ljudskih prava i temeljnih sloboda. [Right to a fair trial: general and civil aspects of Art 6/1] // In: Radačić, I. (ed.), Usklađenost hrvatskih zakona i prakse sa standardima Europske konvencije za zaštitu ljudskih prava i temeljnih sloboda, Zagreb: Centar za mirovne studije, 2011, 88-125 (published in a slightly altered form also in: Uzelac, A., Pravo na pravično suđenje u građanskim predmetima: nova praksa Europskog suda za ljudska prava i njen utjecaj na hrvatsko pravo i praksu, Zbornik Pravnog fakulteta u Zagrebu, 60:1/2010, 101-148).
4. Enforcement and Enforceability - Tradition and Modernity, / C.H. van Rhee & A. Uzelac (ur.), Anwerp/Oxford/Portland, Intersentia (Ius Commune Series no. 84), 2010. (translated as: Исполнительное производство: традиции и реформы, Перевод с английского, / C.H. (Remco) van Rhee, A. Uzelac, B.B. Ялков, В. О. Аболонив (ur.) Moskva-Berlin: Infotropic, 2011;
5. Uzelac, Alan, In the Quest for the Holy Grail of Effectiveness: Legal Remedies for the Violations of the Right to a Trial Within a Reasonable Time in Croatia // The right to trial within a reasonable time and short-term reform of the European Court of Human Rights: round table organised by the Slovenian chairmanship of the Committee of Ministers of the Council of Europe, Bled, Slovenia, 21-22 September 2009. Ljubljana : Ministry of Foreign Affairs ; Ministry of Justice, 2009. 41-70 (also published in *Revista de Processo (RePro, Sao Paulo)*, 35:180/2010, 159-193; Croatian language version is in print).
6. Uzelac, Alan. Anti-discrimination Court Proceedings // in: A Guide to the Anti-Discrimination Act / Šimonović, Tena (ed.). Zagreb : Ured za ljudska prava Vlade RH, 2009. 95-109.
7. Uzelac, Alan. Reforming Mediterranean Civil Procedure: Is there a Need for Shock Therapy? // Civil Justice between Efficiency and Quality: From Ius Commune to the CEPEJ / van Rhee, C.H., Uzelac, Alan (eds.). Antwerpen/Oxford/Portland : Intersentia, 2008, 71-99.

8. Uzelac, Alan. Turning Civil Procedure upside down: From Judges' Law to Users' Law // The French Code of Civil Procedure after 200 years. The civil procedure tradition in France and abroad / van Rhee, C.H. ; Heirbaut, Dirk ; Storme, Marcel (eds.). Mechelen : Wolters Kluwer Belgium, 2008, 413-427.
9. Uzelac, Alan. The Rule of Law and the Croatian Judicial System: Court Delays as a Barrier on the Road to European Acession // A European Space of Justice / Frosini, Justin Orlando/Lupoi, Michele/Marchesiello, Michele (eds.). Ravenna : Longo, 2006. 87-108.
10. Uzelac, Alan. Etablissement des normes européennes communes d'exécution: travaux récents du Conseil de l'Europe concernant les procédures d'exécution et les huissiers de justice. // Rencontres européennes de procédures: Signification, Notification, Exécution, Paris Sorbonne (ENP), 2002, 8-23.

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First language: Croatian <i>(please specify)</i>	x	..	..	x	..	..	x	..	..
b. Official languages:									
– English	x	..	..	x	..	..	x	..	..
– French	..	x	..	..	..	x	..	..	x
c. Other languages:									
German	x	..	..	..	x	..	..	x	..

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm that I have, in the case of need, intention to follow intensive language and other classes prior to, and if need be also at the beginning of, my term of duty if elected a judge on the Court.

IX. Other relevant information

For more information please see <http://alanuzelac.from.hr>.

X. Declaration

I confirm that I will, if elected a judge on the Court, take up permanent residence in Strasbourg.

Prof. Dr. Alan Uzelac
Zagreb, December 1, 2011

List and curricula vitae of candidates submitted by the Government of the Czech Republic

Permanent Representation of the Czech Republic to the Council of Europe
53, allée de la Robertsau
67000 Strasbourg, France
tel.: +33 (0)3 90 00 79 80, fax: +33 (0)3 88 37 33 62

No. 1089/2012

Strasbourg, 17 April 2012

Dear Secretary General,

I have the honour to inform you that the Government of the Czech Republic approved the following list of candidates for election as judge to the European Court of Human Rights:

Ms. Mahulena Hofmannová
Mr. Zdeněk Kühn
Mr. Aleš Pejchal

Enclosed you will find the candidates' curricula vitae as well as information about the selection procedure.

Yours faithfully,

Tomáš Boček
Ambassador

Mr Wojciech Sawicki
Secretary General of the Parliamentary Assembly
Council of Europe

DESCRIPTION OF THE NATIONAL PROCEDURE FOR DRAWING UP THE LIST OF CANDIDATES IN THE CZECH REPUBLIC

The procedure for drawing up the list of candidates for the post of Judge at the European Court of Human Rights was codified by Resolution No. 1063, of 26 August 2009, of the Government of the Czech Republic, which lays down the timetable, criteria applicable to candidates, role of the Ministry of Justice, composition and role of the selection committee and the rules of procedure which are to be strictly followed. The rules reflect the criteria laid down by the Convention for the Protection of Human Rights and Fundamental Freedoms and the related recommendations adopted by either the Parliamentary Assembly or the Committee of Ministers of the Council of Europe.

Organisation of the candidate selection procedure is the responsibility of the Ministry of Justice, which calls for candidatures, organises interviews with candidates, draws up the list of candidates and presents this list for approval by the Government.

In a departure from the nomination practice previously followed, a completely open call for candidatures is issued, and any citizen of the Czech Republic may submit a candidature. The Ministry of Justice is required to publicise as widely as possible the call for candidatures, and must inter alia publish this call on its web pages and make an announcement about it to the courts, the different units of the public prosecutor's department, the professional lawyers' organisations (the Bar, notaries, bailiffs) and the Deans of the Faculties of Law of the Czech Republic's public universities. The call is also notified to judges' and prosecutors' organisations. The minimum time limit for submission of candidatures is two months, unless the selection procedure has been restarted following rejection of the draft list by the Government.

Candidates must fulfil the following fundamental (or required) conditions:

- hold Czech nationality;
- be of high moral character;
- be eligible for appointment as a judge of the Supreme Court or of the Constitutional Court, or be a well-known lawyer;
- offer guarantees of independence and impartiality;
- have sufficient knowledge of the issues relating to international protection of human rights, and particularly the case-law of the Court;
- have active knowledge of at least one of the official languages of the Court.

Active knowledge of the other official language is among the additional or recommended criteria (or, in other words, this is an explicit criterion of preference). An assessment may be made of the linguistic knowledge of a candidate, although no further details of this possibility are given in the rules applicable to the selection procedure. While the fundamental criteria include a requirement to offer guarantees of independence and impartiality if elected, the additional criteria include that of not entailing the need to appoint an ad hoc judge. The candidate ordinarily has to express his or her view of his or her situation. The third and last additional criterion is that of age: candidates should be of an age which will enable them to fulfil the whole term of office for which they are applying, i.e. a period of nine years, or the remaining portion of the term of office if a judge is being replaced before his or her term expires.

The selection is made by a committee comprising the Minister of Justice, who chairs it, the Government Agent before the Court, one member appointed by the Minister for Foreign Affairs, another two members appointed by the Minister of Justice, chosen from figures in the legal world; other persons who may also be members of the committee – if they so wish – are the Presidents of the Constitutional Court, Supreme Court and Supreme Administrative Court, and the Ombudsman. Nobody who is a candidate him or herself may be a member of the committee.

The committee interviews all the candidates whose candidatures have not been dismissed for failing to fulfil the fundamental conditions or for being incomplete, unless the candidate duly justifies the absence of certain documents which should ordinarily be part of the candidature. If the committee, having rejected, possibly following interviews, all those candidates who do not fulfil the fundamental criteria, has fewer than three possible candidates remaining, or if both sexes are not represented among the candidates remaining, the committee must decide on the procedure to follow to find the other candidates needed. If there seem to be two candidates in third place, the committee has to give preference to one who is of the sex not represented among the candidates placed first and second.

Presentation of the list of candidates is, by its nature, a responsibility of the Government, which therefore decides on the selected candidates. If the list thus established is not approved by the Government, the selection procedure must be started again. If the final list still does not include a candidate of the sex with a percentage of representation among the members of the Court below 40%, the list must be accompanied by a memorandum explaining the procedure followed and giving the reasons why it has not been possible to draw up a list including candidates of the underrepresented sex.

The procedure for drawing up the list of candidates for the 2012 election to the post of Judge at the Court in respect of the Czech Republic fully complied with the rules described in detail above. The call for candidatures was issued on 8 August 2011. The deadline for the submission of candidatures was 31 October 2011. After the first batch of interviews, which took place on 12 December 2011, the committee was in the situation of having only two possible candidates remaining. It therefore decided to extend the deadline initially set for the submission of candidatures to 16 January 2012. At its second meeting, on 19 January 2012, the committee drew up the list of three candidates which was approved by the Government of the Czech Republic on 15 February 2012 (Resolution No. 102).

Prague, 27 February 2012

Mahulena HOFMANNOVÁ**CURRICULUM VITAE*****I. Personal details**

Name, forename: Hofmannová, Mahulena (Prof. JUDr., CSc.)
 Sex: female
 Date and place of birth: 10 May 1957 in Prague, Czechoslovakia
 Nationality/ies: Czech and German

II. Education and academic and other qualifications

- 1976–1980 Studies at the Law Faculty of the Charles University, Prague, Czechoslovakia.
- 1981 Rigorosum (international law), degree JUDr.
- 1980–1984 Post graduate studies - “Aspirantura” - in the field of international law, Czechoslovak Academy of Sciences, Prague, Czechoslovakia.
- 1984 State exam: English language.
- 1984 Defence of the post graduate thesis „Dálkový průzkum Země z kosmu a mezinárodní právo“ (Legal Framework of Remote Sensing of the Earth from Outer Space), research degree CSc. (candidate of sciences) in international law.
- 2005 Submission of the “habilitation thesis” “Von der Transformation zur Kooperationsoffenheit? Die Öffnung der Rechtsordnungen ausgewählter Staaten Mittel- und Osteuropas für das Völker- und Europarecht” (The Position of International and European Law in the Legal Systems of the Transformation Countries of Central and Eastern Europe), Faculty of Law, University of Cologne, Germany.
- 2006 Degree “Privatdozentin”; *venia legendi* in Public International Law, European Law, Eastern European Law and Comparative (Foreign) Constitutional Law.
- 2006–2011 Professor (Jean Monnet) at the Faculty of Law, University Giessen, Germany, in European Law and Transition Studies.
- 2009, 2010, 2011 Courses at the Centre international d’Antibes: French language.
- Since 2011 Professor (SES Chair) at the Faculty of Law, Economics and Finance, University of Luxembourg, in Satellite Communications and Media Law.

III. Relevant professional activities

a. Description of judicial activities: none

b. Description of non-judicial legal activities:

- 1984-1992 Research Fellow at the Institute of State and Law of the Czechoslovak Academy of Science, Prague, Czechoslovakia: international law, law of mass media and telecommunications.
- 1990-1992 Scholarship of the Alexander von Humboldt Foundation at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany.
- 1992-2006 Research Fellow at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg: comparative constitutional law, legal developments in the countries in transition, human rights law.

* Underlined text indicates posts or missions held at present.

- Since 2000 Lecturer at the Faculty of Law of the Charles University, Prague, Czech Republic: public international law, European Convention on Human Rights (ECHR), constitutional law of transformation countries.
- 2006-2011 Professor (Jean Monnet) at the Faculty of Law, University Giessen, Germany, in European Law and Transition Studies; courses on the ECHR, comparative constitutional law of transformation countries, protection of minority rights and regional languages.
- Since 2011 Professor (SES Chair) at the Faculty of Law, Economics and Finance, University of Luxembourg: satellite communications and media law.

c. Description of non-legal professional activities: none

IV. Activities and experience in the field of human rights

- 2002-2008 Member of the Committee on Human Rights and Practice of the International Law Association.
- Since 2007 Member (in respect of the Czech Republic) of the Committee of Experts of the Council of Europe European Charter for Regional or Minority Languages.
- Since 2009 Member (nominated by the Czech Branch) of the Committee on the Rights of Indigenous Peoples of the International Law Association.
- Since 2009 Member of the Joint Working Group of Experts of the Joint Program of the Council of Europe with the European Union 'Minorities in Russia: Developing Languages, Culture, Media and Civil Society'.

V. Public activities

a. Public office: none

b. Elected posts

- Since 2007 Member (in respect of the Czech Republic) of the Committee of Experts of the Council of Europe European Charter for Regional or Minority Languages.

c. Posts held in a political party or movement: none

VI. Other activities

a. Field:

- Since 2011 on the list of ad hoc judges of the European Court of Human Rights submitted by the Czech Republic.

b. Duration

c. Functions

VII. Publications and other works

Total number of books and articles: 6 books, ca 100 articles

10 selected titles:

1. Die ECRM aus rechtswissenschaftlicher Sicht (The European Charter for Regional or Minority Languages from a Legal Perspective). In: F. Lebsanft, M. Wingender (eds.), Die Sprachpolitik des Europarats: Die „Europäische Charta der Regional- oder Minderheitensprachen“ aus linguistischer und juristischer Sicht, De Gruyter, 2012, 9-21.
2. Monitoring International Obligations: The Czech Republic under the Supervision of the Council of Europe Language Charter, Czech Yearbook of International Law 1(2010), 201-215.

3. Zum zweiten „Lissabon-Urteil“ des Tschechischen Verfassungsgerichts (Second „Lisbon-Decision“ of the Czech Constitutional Court), Europäische GrundRechteZeitschrift 2010, 153-156.
4. Von der Transformation zur Kooperationsoffenheit? Die Öffnung der Rechtsordnungen ausgewählter Staaten Mittel- und Osteuropas für das Völker- und Europarecht (The Position of International and European Law in the Legal Orders of the Transformation Countries of Central and Eastern Europe), Beiträge zum ausländischen öffentlichen Recht und Völkerrecht, Band 206, 2009, 585 pp.
5. Ochrana národnostních menšin na Slovensku (Protection of National Minorities in the Slovak Republic). In: R. Petráš et al. (eds.), Menšiny a právo v České republice, Auditorium Praha 2009, 359-377.
6. The 2001 Law on National Minorities of the Czech Republic European Yearbook of Minority Issues 2003, 623–628.
7. The Czech Republic (with D. Jílek). In: R. Blackburn/ J. Polakiewicz (eds.), Fundamental Rights in Europe: The ECHR and its Member States, 1950-2000, Oxford University Press 2001, 241-258.
8. Verfassungsgerichtsbarkeit in der Tschechischen Republik (Constitutional Jurisprudence in the Czech Republic) (with G. Brunner and P. Holländer), Nomos-Verlag Baden-Baden 2001, 512 pp.
9. Legal Effects of the Judgments of the European Court of Human Rights in German Law. In: P. Šturma (ed.), International Obligations in the Framework of Control Mechanisms in the Field of Human Rights: A System of Internal Measures to their Implementation, Vodnář Praha 1999, 143-153.
10. The Evolving Regime of the New Property Law in the Czech and Slovak Federal Republic, The American Journal of International Law and Policy 1992, 605-616.

Other recent works:

- Ready for Ratification. Early Compliance of Non-States Parties with the European Charter for Regional or Minority Languages. Vol. 1.
In: Eva Chylinski, Mahulena Hofmannová (eds.): A handbook with 20 proposed instruments of ratification, www.ecmi.de, European Centre for Minority Issues, Flensburg, 2011, 153 pp.
- Ready for Ratification. Early Compliance of Non-States Parties with the European Charter for Regional or Minority Languages. Vol. 2.
In: Eva Chylinski, Mahulena Hofmannová (eds.): A handbook with 20 proposed instruments of ratification, www.ecmi.de, European Centre for Minority Issues, Flensburg, 2012, 305 pp.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
Czech	x"	"	"	"x	"	"	x"	"	"
b. Official languages:									
– English	"x	"	"	x"	"	"	x"	"	"
– French	"	"x	"	"	"	"x	"	"x	"
c. Other languages:									
Russian	"x	"	"	"x	"	"	"x	"	"
German	"x	"	"	"x	"	"	"x	"	"
Polish		x"	"	"		"	"		"
Slovak	x				x"			x"	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

X. Other relevant information

Married, two children (26 and 23 years old).

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I shall take up permanent residence in Strasbourg if elected a judge on the Court.

Zdeněk KÜHN

CURRICULUM VITAE*

I. Personal details

Name, forename: Kühn Zdeněk
 Sex: Male
 Date and place of birth: 8 October 1973, Nymburk, Czechoslovakia
 Nationality/ies: Czech national

II. Education & Qualification

University of Michigan Law School, Ann Arbor, MI, USA

- S. J. D. (Doctor of Juridical Sciences), October 2006 (Dissertation: The Changing Face of the Judiciary in Central Europe; published in 2011 by Brill)
- Master of Laws (LL.M.), May 2002, GPA 3.813

Charles University Law School, Prague, Czech Republic

- Ph.D., June 2001, Dissertation: Legal Principles in Adjudication
- JUDr. (Juris Utr. Doctor), May 2000, Dissertation: Case Law in Common Law Countries
- Magister ("Master"), May 1997, *Summa cum laude*

Bar Exam of the Czech Republic

Summa cum laude (December 2000); eligible to act as a lawyer under Czech law

III. Relevant Professional Activities**a. judicial activities**

Supreme Administrative Court of the Czech Republic
Judge (since January 1, 2008)

European Court of Human Rights
Judge *ad hoc* appointed for cases relating to rent control pending against the Czech Republic (since 2007)

Administrative Tribunal of the Council of Europe
Substitute Judge (2009-2012)

b. non-judicial legal activities

Charles University Law School, Prague, Czech Republic
Associate Professor of Legal Theory and Political Science (since 2006)
Assistant Professor of Legal Theory and Political Science (since 1997)

New York University, Prague, Czech Republic
Lecturer for NYU overseas students, 'Contemporary Issues in Law: Law and Human Rights in Central Europe' (since 2003)

Legislative Council of the Government of the Czech Republic
 A member of the independent advisory body to the Czech government (2006-2007)

The Constitutional Court of the Czech Republic
 Advisor to Justice of the Court (2004-2007)

Heller Ehrman White & McAuliffe LLP
 A Legal Expert on Czech and Slovak law in the case In Re: Assicurazioni Generali S.p.A. Holocaust Insurance Litigation, United States District Court Southern District Of New York, an author of the "Declaration in Opposition to Defendant Assicurazioni Generali S.p.A.'s Motion To Dismiss, Strike, and/or For Judgment on All Plaintiffs' Claims, on Choice of Law and Related" (2003)

* Underlined text indicates posts or missions held at present.

The Parliament of the Czech Republic
Adviser to a Deputy of the Czech Parliament (1999-2001)

Law Firm Stoklasek & Partners
Prague, the Czech Republic (1997-2001), cooperation with the Belgian Law Offices
Bertouille and Partners, Brussels

IV. Activities and Experience in the Field of Human Rights

Lectures on human rights at Charles University, NYU, University of California, University of South Carolina, at Czech and British summer law schools, lectures for NGOs, at the judicial academies of the Czech Republic, Slovakia, Croatia, "the former Yugoslav Republic of Macedonia", Republic of Moldova
Co-director of International Seminar on constitutionalism and human rights in Europe and the United States, IUC Dubrovnik, since 2004
Editor of the leading Czech commentary on anti-discrimination law, co-author of the leading Czech textbook on anti-discrimination law
A legal expert on the lawsuit of the relatives of holocaust victims in 2003 USA (see above, professional activities)

V. Public Activities

No public office, no elected posts, no party membership

VI. Other Activities

Member of the editorial board of the Croatian Yearbook of European Law and Policy (since 2003), of Jurisprudence, Czech legal journal dealing with the case law and case notes (since 2001), Právník (since 2010)
Member of the legal team of the European Bank for Reconstruction and Development dealing with the judicial reform in the Republic of Moldova (since 2011)

VII. Publications

Over 100 articles published in Czech, almost 30 articles published in English, Russian, Arabic and Chinese.
Three Czech books, two edited books, one book published in English (Brill 2011)
Major publications:

1. Kühn Z. The Judiciary in Central and Eastern Europe: Mechanical Jurisprudence in Transformation? Martinus Nijhoff, Brill 2011, 296 pp.
2. Bobek M., Boučková P., Kühn Z. (eds.), Rovnost a diskriminace [Equality and discrimination]. C.H. Beck, Praha 2007
3. Kühn Z., Worlds Apart. Western and Central European Judicial Culture at the Onset of the European Enlargement. 52 American Journal of Comparative Law pp. 531 - 567 (2004) (published also in Chinese, Beijing, Tsinghua University Press 2011)
4. Kühn Z.: Making Constitutionalism Horizontal: Three Different Central European Strategies, In: Andras Sajó, Renata Uitz (eds.), The Constitution in Private Relations: Expanding Constitutionalism, Eleven International Publishing, Utrecht 2005, pp. 217-240 (published also in Russian in *Sravnitelnoe Konstitutsionnoe Obozrenie* vol. 55, no. 2, 2006, pp. 37-56)
5. Kühn Z.: The Judicialization of European Politics, In: Erik Jones, Paul Heywood, Uli Sedelmeier, Martin Rhodes (eds.). Development in European Politics, Macmillan/Palgrave 2006, pp. 216-236
6. Kühn Z.: Comparative Law in Eastern Europe, in: Zimmerman R., Reimann M. (eds.), The Oxford Handbook of Comparative Law, Oxford University Press 2006, pp. 215-236 (published also in Arabic in Beirut in 2010)
7. Kühn Z.: The European Arrest Warrant, Third Pillar Law and National Constitutional Resistance / Acceptance: The EAW Saga as Narrated by the Constitutional Judiciary in Poland, Germany, and the Czech Republic, 3 Croatian Yearbook of European Law & Policy pp. 99-134 (2007)
8. Kühn Z.: Wachauf and ERT: On the Road from the Centralised to Decentralised Judicial Review. In: M.P. Maduro, L. Azoulay (eds.), The Past and the Future of EU Law: Revisiting the Classics on the 50th Anniversary of the Rome Treaty, Hart 2009, pp. 151-161
9. Marcin Matczak, Matyas Bencze and Zdenek Kühn: Constitutions, EU law and judicial strategies in the Czech Republic, Hungary and Poland. Journal of Public Policy, Cambridge University Press, April 2010, vol. 30 part 1, pp. 81-99
10. Kühn, Z. Judicial Administration Reforms in Central-Eastern Europe: Lessons to be Learned, in: Judicial Independence in Transition, Springer 2011, pp. 128-149

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	Good	fair
a. First language: Czech (<i>native</i>)									
b. Official languages:									
– English	X	..	..	X	..	..	X	..	..
– French	..	X	..	..	..	X	..	..	X
c. Other languages:									
Russian	X	..	..	..	X	..	..	X	..
Spanish	..	X	..	..	..	X	..	..	X
German	..	X	..	..	..	X	..	..	X

IX. Declaration

As I do not meet the level of language proficiency required for the post of judge in French, I confirm my intention to follow intensive language classes of French prior to, and if need be also at the beginning of, my term of duty if elected a judge on the Court.

X. Other Relevant Information

The Hessel Yntema Prize, Berkeley, California for the best article by a scholar up to 40 published in vol. 52 of the *American Journal of Comp. Law* (2007)

XI. I will take up permanent residence in Strasbourg if elected a judge on the Court.

Praha, 26 February 2012
Zdeněk Kühn

Aleš PEJCHAL

CURRICULUM VITAE*

I. Personal details

Name, forename Pejchal Aleš
 Sex Male
 Date and place of birth 30 June 1952, Prague, Czech Republic
 Nationality/ies Czech

II. Education and academic and other qualifications

1976 – Law degree, Faculty of Law, Charles University, Prague, Czech Republic.

1978 – Juris Doctor (JUDr.), Faculty of Law, Charles University, Prague, Czech Republic.

1980 – Advocate, Member of the Czech Bar Association.

III. Relevant professional activities**a. Description of judicial activities**

Arbitrator at the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic – since 2007.

b. Description of non-judicial legal activities

Junior lawyer – from 1976 to 1980.

Advocate, partner at the Pejchal, Nespala and Co. law firm – since 1980.

Member of the Control Council of the Czech Bar Association - from 2002 to 2005.

President of the Private Law Section of the Czech Bar Association – from 2002 to 2009.

Member of the Board of Directors of the Czech Bar Association - since 2005.

Member of the Multi-jurisdictional Law Firms Committee of the Council of Bars and Law Societies of Europe (CCBE) – since 2007.

President of the Study and Legislative Collegium of the Czech Bar Association – since 2009.

Vice-president of the Czech Bar Association – since 2009.

Member of the Human Rights Committee of the Council of Bars and Law Societies of Europe (CCBE) – since 2009.

**c. Description of non-legal professional activities
(Please underline the post(s) held at present)**

Lecturer in constitutional and civil law at the Academy of Performing Arts in Prague - from 1995 to 1997.

IV. Activities and experience in the field of human rights

In the course of my legal practice I have systematically provided legal assistance in the field of human rights and fundamental freedoms. I have frequently represented clients before the European Court of Human Rights, either alone or in collaboration with colleagues from my law firm.

* Underlined text indicates posts or missions held at present.

A judgment from 3. March 2000 in the case of Krčmář and others v. the Czech Republic, in which I represented seven clients, was the first judgment against the Czech Republic in which the European Court of Human Rights found a violation of the Convention and simultaneously awarded just satisfaction.

The European Court of Human Rights pronounced important legal clauses in many judgments concerning applications submitted by my law firm. For example:

- Krčmář and others v. the Czech Republic (3 March 2000): “A party to the proceedings must have the possibility to familiarise itself with the evidence before the court, as well as the possibility to comment on its existence, contents and authenticity in an appropriate form and within an appropriate time, if need be, in a written form and in advance.”
- Bulena v. the Czech Republic (20 April 2004): “Pour la Cour, il résulte de ces principes que, si le droit d'exercer un recours est bien entendu soumis à des conditions légales, les tribunaux doivent, en appliquant des règles de procédure, éviter à la fois un excès de formalisme qui porterait atteinte à l'équité de la procédure et une souplesse excessive qui aboutirait à supprimer les conditions de procédure établies par les lois.”
- Družstevní záložna Pria and others v. the Czech Republic (31 July 2008): “It is true that in such a sensitive economic area as the stability of the financial market the Contracting States enjoy a wide margin of appreciation (see *Olczak v. Poland* (dec.), no. 30417/96, § 85, ECHR 2002-X (extracts)) and that in certain situations – especially in the context of a credit union crisis such as the one facing the Czech Republic at the relevant time – there may be a paramount need for the State to act in order to avoid irreparable harm to a credit union, its depositors and other creditors, or credit unions and the financial system as a whole. Nevertheless, if such margin were limitless, the rights embodied in Article 1 of Protocol No. 1 would become illusory. Therefore, it has to be construed so as to guarantee to individuals that the essence of their rights is protected.”

V. Public activities

a. Public office

Member of the governmental Commission for the Settlement of the Relationship between the State and Churches and Religious Societies – from 1999 to 2002.

Member of the Consultative Advisory Body of the President of the Czech Republic for the areas of law and legislation – since 2003.

Member of the Legislative Council of the Government of the Czech Republic – since 2011.

b. Elected posts

Member of the Control Council of the Czech Bar Association - from 2002 to 2005.

Member of the Board of Directors of the Czech Bar Association - since 2005.

Vice-president of the Czech Bar Association – since 2009.

c. Posts held in a political party or movement
(Please underline the post(s) held at present)

none

VI. Other activities

a. Field

b. Duration

c. Functions

Charity - since 1992 - Co-founder and Member of the Board of Directors of the Child Brain Foundation (“Nadace Dětský mozek”) which supports children and adults who suffer from central nervous system dysfunction.

Humanities - from 2003 to 2007 - President of the Association of the National Library in Prague.

VII. Publications and other works

Books - examples:

“100+1 advocate” (“100+1 advokát”), 1997.

“Media and power” (“Média a moc”), co-author, 2000.

“Fundamental words” (“Základní slova”), co-author, 2008.

“History of the Legal Profession in Bohemia, Moravia and Silesia” (“Dějiny advokacie v Čechách, na Moravě a ve Slezsku”), co-author and leader of the project, 2009.

I have written a large number of professional articles, essays, feuilletons and poetry. I can mention the following important professional titles:

“The Restitution Laws in Czechoslovakia and the Czech Republic” (“Restituční zákonodárství v Československu a České republice”), Advocacy Bulletin (Bulletin advokacie), 2/2004.

“Life in Europe at the Dawn of the 21st Century” (“Život v Evropě na počátku 21. století”), International politics (Mezinárodní politika), 6/2005.

“The Stability of Proprietary Relationships in light of the Case-law of the Supreme Court and the Constitutional Court on the Restitution of Property” (“Stabilita vlastnických vztahů ve světle restituční judikatury Nejvyššího a Ústavního soudu”), Advocacy Bulletin (Bulletin advokacie), 7-8/2005.

“The Civil Procedure as an Instrument for Finding and Formation of Law” (“Civilní proces jako nástroj nalézání i tvorby práva”), Advocacy Bulletin (Bulletin advokacie), 10/2005.

“The Cathedral and the Rules of the Justice Game” (“Katedrála a pravidla hry na spravedlnost”), Legal Overview (Právní rozhledy), 10/2007.

“Restitution of Property in light of the Case-law of the European Court of Human Rights” (“Restituce ve světle judikatury Evropského soudu pro lidská práva”). *In: The Lost Heritage of Cultural Assets. The documentation, identification, restitution and reparation of cultural assets of WWII victims. Proceedings of the international academic conference in Český Krumlov, 2007.*

“On Freedom and Legal Aid” (“O svobodě a právní pomoci”), Advocacy bulletin (Bulletin advokacie), 7-8/2011.

XIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: Czech	X			X			X		
b. Official languages: – English – French	X	X		X		X		X	X
c. Other languages: Russian German Slovak	X X X			X X X				X X X	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm.

X. Other relevant information

In 2008 I was awarded the “Lawyer of the year 2007” prize in the fields of human rights law, constitutional law and civil law.

“The lawyer of the year” is a yearly all-justice professional competition organized by the Czech Bar Association, the Notarial Chamber of the Czech Republic, the Chamber of Executors, the Czech Union of Judges, the Czech Union of Prosecutors, the Association of In-House Lawyers of the Czech Republic, the Association of Czech Lawyers, and EPRAVO.CZ, a.s under the auspices of the Ministry of Justice of the Czech Republic.

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm.

List and curricula vitae of candidates submitted by the Government of the Netherlands

Permanent Representation of the Kingdom of the Netherlands to the Council of Europe

Mr Wojciech SAWICKI
Secretary General of PACE
Council of Europe
Strasbourg

Date April 10, 2012

Re Dutch candidates for the office of judge at the European Court of Human Rights

Dear Mr Sawicki,

With reference to article 22 of the European Convention on Human Rights I would like to present (in alphabetical order) the following candidates for the office of judge at the Court in respect of the Netherlands:

- Ms. Adriana van DOOIJEWERT
- Mr. Johannes SILVIS
- MS. Taru SPRONKEN

CV's of the candidates (in both official languages) are enclosed.

Yours sincerely,

Ellen Berends
Ambassador

Senate of the States General

1999-2000 session

Annexe to the Proceedings

Questions posed by members of the Senate in accordance with article 140 of its Rules of Procedure, and the Government's written answers to them

7

Questions posed by Senator Erik Jurgens (Labour) and communicated to the Minister of Justice on 16 May 2000

1

Does the advertisement that recently appeared in the *Nederlands Juristenblad* (Dutch Lawyers Journal) concerning 'Vacancies at the Court of Justice of the European Communities' mean that the Government has established a procedure for nominations to European judicial bodies, as promised in the Government's answer to Senator Jurgens' question received on 30 December 1999 (Annexe to the Proceedings of the Senate, 1999-2000 session, no. 2)?

2

If so, will the Government communicate the details of this procedure to the Senate?

Answer

Answer by Mr Benk Korthals, Minister of Justice (received on 21 July 2000)

1

Yes.

2

Attached is the procedure for nomination to a position in a European judicial body.

PROCEDURE FOR NOMINATION TO A POSITION IN A EUROPEAN JUDICIAL BODY

1. ANNOUNCEMENT OF THE VACANCY

The vacancy will be advertised:

- in the *Nederlands Juristenblad*;
- in the listing of international vacancies published by the Ministry of the Interior and Kingdom Relations;
- in the journal *Trema* (published for the Dutch judiciary) and, depending on the nature of the vacancy, in *SEW: Tijdschrift voor Europees en Economisch Recht* (Journal of European and Economic Law).

2. CONTENTS OF THE ADVERTISEMENT

The contents of the advertisement will consist of:

1. an announcement and description of the position, including the international requirements for appointment under the relevant provision of the international agreement concerned;
2. an outline of the application procedure;
3. substantive requirements:
 - the requirements laid down in the applicable international agreement;
 - for a position as judge, in principle, judicial experience;
 - thorough knowledge of the relevant field of law (EC and EU law or the ECHR);
 - ability to express oneself effectively in spoken and written French and/or English;
 - relevant international experience and ability to take account of differences in legal culture among the countries of the European Union and the Council of Europe;
4. an invitation to third parties to suggest in writing candidates whom they consider suitable.

3. STATUS OF THE SHORT LIST

- The selection panel will recommend at least three persons, presenting their names in alphabetical order.
- This short list will be descriptive in character, indicating the qualifications of each of the candidates. No preference will be expressed for any one candidate. The Government may make a choice on the basis of the description of the candidates' qualifications.
- The Government must give clear reasons if it chooses a candidate who was not among those recommended. However, the Government has the final say.

4. COMPOSITION OF THE SELECTION PANEL

The selection panel will consist of the following three persons:

1. the President of the Supreme Court (*Hoge Raad*) or the Procurator General at the Supreme Court;
2. the Vice-President of the Council of State (*Raad van State*) or the President of the Administrative Jurisdiction Division (*Afdeling bestuursrechtspraak*) of the Council of State;
3. a person (other than the person whom the appointee will succeed) with knowledge of European law and extensive experience within either the organisation of which the judicial body forms part or a comparable international organisation.

5. THE NOMINATION PROCEDURE AS A WHOLE

1. The nomination procedure will be followed whenever there is a vacancy, unless the Government has decided to reappoint the incumbent.
2. The consultations that are part of the nomination procedure will in principle begin at least one year before a vacancy to which a Dutch national is to be appointed is expected under the applicable international rules.
The full procedure will consist of:
3. the drafting and placement of an advertisement;
4. the appointment of a selection panel;
5. the submission of the selection panel's short list;
6. consultations concerning the short list;
7. submission of the short list to the Cabinet;
8. presentation of the Dutch Government's nominee to the international body in question;
9. the decision by the international body in question.

Done by the Minister of Justice and the Minister of Foreign Affairs.

[signed]

Benk Korthals
Minister of Justice

Jozijs van Aartsen
Minister of Foreign Affairs

EXPLANATORY NOTES

General

Until the present procedure for nomination to European judicial bodies was drawn up, no transparent, uniform procedure had been adopted for the selection of candidates for European judicial bodies, which would provide the greatest possible safeguards that candidates are selected for these bodies on the basis of objective criteria of qualifications and suitability. The bodies in question are the Court of Justice of the European Communities (based in Luxembourg), the Court of First Instance of the European Communities (based in Luxembourg) and the European Court of Human Rights (based in Strasbourg).

The Benelux Court in Brussels does not fall under the present procedure because a special procedure already exists for appointments to this court: its judges are selected from among the judges of the Benelux countries' highest judicial bodies. The many other international judicial and quasi-judicial bodies are also not included; procedures for appointment to these bodies vary so greatly (for instance, there is generally no requirement that a Dutch national be appointed) that there is no point in adopting a uniform procedure for all of them.

Every agreement on the procedure at national level for putting forward candidates for positions at international judicial institutions must of course take account of the applicable rules for appointment to each of those institutions. The rules for the bodies in Luxembourg and Strasbourg addressed by this procedure are not identical.

The judges and Advocates-General in Luxembourg are appointed by common accord of the governments of the member states. For the judges this means in practice that each member state designates one candidate for the Court of Justice and one for the Court of First Instance; if these candidates are acceptable to the other member states, they are appointed for six-year terms. For the Advocate-General positions, the member states have agreed a system of rotation. For these positions, too, each member state whose turn it is under the system only need put forward one candidate. Governments thus have considerable influence over the appointment of judges and Advocates-General from their countries.

The judges in Strasbourg, by contrast, are elected by the Parliamentary Assembly of the Council of Europe. Each member state is expected to submit a list of three candidates from whom the Parliamentary Assembly will choose. The Assembly is of course not bound by any preference of the governments, even if a government should express one. Governments thus have only limited influence on the appointment of judges from their countries.

This procedure for nomination to European judicial bodies will be followed for the first time to fill vacancies in Luxembourg: one for a judge on the Court of Justice of the European Communities and one for an Advocate-General at that Court. On the basis of the experience with these two nominations, the procedure will be evaluated and may be modified. The procedure, with any modifications, will then be followed when a vacancy in Strasbourg needs to be filled.

In drawing up this nomination procedure, the Ministers of Justice and Foreign Affairs have consulted and arrived at a consensus with the Vice-President of the Council of State, the President of the Supreme Court and the Dutch judge on the Court of Justice of the European Communities.

Notes to each point

Point 1: Announcement of the vacancy

Placement of the advertisement in the *Nederlands Juristenblad* is prescribed in keeping with the procedure for recruiting judicial officers for Dutch judicial bodies. Under the recruitment procedure for Dutch courts the advertisement is placed only in the *Nederlands Juristenblad*. Under the present procedure for European judicial bodies the advertisement will also be placed in *Trema*, to ensure the greatest possible awareness among members of the judiciary of the search to fill the vacancy. Placement in *SEW* is advisable in the case of vacancies in Luxembourg.

Point 2: Contents of the advertisement

For the courts in Luxembourg, the requirements for appointment under the international agreement concerned include the condition that a judge's independence must be beyond doubt. Judges on and

Advocates-General at the Court of Justice of the European Communities must also possess the qualifications required for appointment to the highest judicial offices in the Netherlands or be jurisconsults of recognised competence. Judges on the Court of First Instance of the European Communities must possess the ability required for appointment to high judicial office in the Netherlands. For the European Court of Human Rights in Strasbourg, the requirements are that the judges be of high moral character and that they either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.

To occupy the position of a judge on one of the European judicial bodies, judicial experience is in principle required. This does not mean that judicial experience is an absolute requirement, however; it only means that a lack of judicial experience must be compensated for by the candidate's other qualifications for the post. For the position of Advocate-General, judicial experience weighs in a candidate's favour.

Depending on the vacancy, knowledge of French or English is required. For the positions in Luxembourg, knowledge of French is required; for the positions in Strasbourg, knowledge of French or English. In cases where an otherwise suitable candidate does not have sufficient mastery of French or English, the candidate should be given the opportunity to remedy this shortcoming. The interview with the selection panel will make clear whether the candidate has limitations, and if so what limitations and whether the candidate is willing and able to remedy them.

Third parties are invited to suggest in writing candidates whom they consider suitable. However, all candidates, including those who do not apply themselves but are invited later for an interview at the suggestion of a third party, must complete the entire application procedure. It should be clear from the start that all applicants have been assessed in relation to one another. It must be the case – and must be seen to be the case – that the candidate was not 'parachuted' in at the last minute.

Steps must be taken to ensure that suitable candidates for positions in European judicial bodies do not decline an appointment purely because they are unsure about returning later to their original position in the Netherlands. Explicit attention should be paid to this subject in interviews with candidates who are in public office, and clear agreements should be made on this point.

Point 3: Status of the short list

The selection panel's short list will not be made public.

Point 4: Composition of the selection panel

European law, the international dimension and all facets of the administration of justice at national level (civil, criminal and administrative law) should be represented in the selection panel. At the same time, in the interests of efficiency, the panel's size should be restricted.

The nature of the vacant position will determine the composition of the selection panel. The President of the Supreme Court and the Procurator General at the Supreme Court will agree in each case which of them will sit on the panel, as will the Vice-President of the Council of State and the President of its Administrative Jurisdiction Division. The person who represents European law and the international dimension on the panel will be designated on a case-by-case basis.

It is inadvisable for the person whose term of office is ending to take part in deciding whom to recommend to succeed him or her. In general it is not a good idea to let someone choose his or her successor. However, it is advisable to have a person with relevant international experience in this or some other body help decide on the short list. This should be someone who is thoroughly familiar with the European Union and its culture as a whole, or with the Council of Europe and its culture. Such a person is after all presumably well qualified to judge whether a candidate will be capable of performing effectively in a European court.

The selection panel is of course free to ask advice from others; the decision whether to do so, and if so from whom, must be left to the panel itself. Possible sources of advice include: the chairs of the assemblies of presidents of the District Courts and of the Courts of Appeal, the president of the Dutch Association for the Judiciary (*Nederlandse Vereniging voor Rechtspraak*) and the dean of the Netherlands Bar Association (*Nederlandse Orde van Advocaten*).

Point 5: The nomination procedure as a whole

The substantive decisions on the short list will be taken jointly by the Ministers of Foreign Affairs and Justice, thus ensuring the involvement of the two ministers concerned in the policy aspects (points 2, 3, 4 and 6 of point 5) of the procedure.

It goes without saying that the nomination procedure need not be followed for appointments in Luxembourg if the Government is able to reappoint the incumbent and intends to do so. For appointments in Strasbourg, a list of candidates must always be submitted. With regard to reappointment to courts in Luxembourg, the rule of thumb is that incumbents are reappointed after their first six-year term unless they do not wish to be reappointed or there are compelling arguments not to do so, whereas incumbents are not reappointed after their second six-year term unless there are compelling arguments to do so and the incumbent consents. As the goal should be to allow at least a year for the nomination procedure, consultations within the Government and subsequently with the incumbent about a possible reappointment should be concluded in good time before the beginning of the last year of the incumbent's term.

The selection panel submits its short list to the Ministers of Foreign Affairs and Justice (as noted in point 5 of the procedure). The Minister of Foreign Affairs is responsible for coordinating the various policy aspects of the procedure, submits the short list to the Cabinet on both ministers' behalf (point 7), and presents the Dutch Government's proposed appointee(s) to the international body in question (point 8). The Minister of Justice is responsible for the logistical and administrative aspects of the procedure, such as placing the advertisement and providing an address for replies. This is the most practical arrangement, as the Minister of Justice has appropriate experience with judicial nomination and appointment procedures.

The international institutions may appoint someone other than the Dutch Government's nominee.

Benk Korthals
Minister of Justice

Jozas van Aartsen
Minister of Foreign Affairs

Adriana Van DOOIJEWERT

CURRICULUM VITAE*

I. Personal details

Name, forename Van Dooijeweert, Adriana Christina Johanna
 Sex Female
 Date and place of birth 19.08.1953, The Hague
 Nationality Dutch

II. Education and academic and other qualifications

Grammar School in The Hague (Gymnasium Haganum).
 Law School at Leiden University, specialisation Public Law.
 Publisher's exam, Royal Dutch Society of Publishers,
 Training as a judge (appointed as a Judge by HM the Queen in 1987)

III. Relevant professional activities

a. Description of judicial activities

- Vice-president of the Tribunal for Social Security cases in 's-Hertogenbosch (1981-1991)
- Vice-president of the Division of Public Law of the Court of First Instance of 's-Hertogenbosch (1992-1998)
- President of the Chamber of Legal Uniformity in Cases concerning the Aliens Act (Court of First Instance The Hague) (1998-2001)
- Member of the Board of the Court of First Instance of The Hague, subsequently head of the Divisions Family Law, Civil Law, Criminal Law. At the same time acting President (2002-2008)
- Coordinating Vice-president, investigating judge, Division of Criminal Law (The Hague) , Current half-time position since 2008 (see below under: 'non- judicial legal activities')
- Member of the expert group on Human Trafficking

b. Description of non-judicial legal activities

Chair of the Dutch Advisory Committee on Migration Affairs. (Legal based formal independent committee which advises government and parliament on strategic and legal issues concerning migration.(asylum and regular migration) Current half-time position since 2008, (see above under: 'judicial activities').

Member of the Consulting Board of the Council for the Judiciary

Chair Complaints Commission Parnassia (Psychiatric Hospital in The Hague)

Chair Commission on Admission of judicial experts, National Record of Judicial Experts

Chair Commission of Admission Dutch Order of EDP-auditors

c. Description of non-legal professional activities

IV. Activities and experience in the field of human rights

As a judge (specialized in cases concerning the Dutch Aliens Act, but also in criminal law and cases concerning the rights of psychiatric patients) I presided on and decided in numerous cases concerning human rights. (i.e. Articles 3 and 8, but also 5 and 6) .

I took part in the intensive seminar on the ECHR given by Egbert Myjer, including a work visit to Straatsburg. In the range of seminars given throughout the years I attended several seminars on the topic of Human Rights organized by the Dutch Institute for Training the Judiciary. The last one I attended in November 2011 was a seminar on Human Trafficking.

* Underlined text indicates posts or missions held at present.

As a member of The International Association of Refugee Law Judges I participated in many of its conferences. At its latest Annual conference in Bled (autumn 2011), I presented a speech on the effects of the recent Dutch migration policy concerning female asylumseekers and immigrants.

As Chair of the Advisory Committee on Migration Affairs, I am responsible for the published advisory reports and recommendations which particularly touch upon the field of Human Rights. This concerns issues such as human trafficking, detention of illegal residents, expulsion of asylumseekers, restriction of admittance for family reunification etc.)

V. Public activities

a. Public office

Apart from the office as a judge and as chair of the Advisory Committee on Migration Affairs (see above): none

b. Elected posts

none

c. Posts held in a political party or movement

Chair of the local department of the Liberal Party in Waddinxveen. (1984 -1986)

VI. Other activities

a. Field

b. Duration

c. Functions

VII. Publications and other works

- Numerous judicial decisions, some of the most important ones (when I was President of The Chamber of Legal Uniformity) are published in "De REK in nootverband ", SDU uitgevers, Den Haag, 1999. ISBN 90-54-09235-1

- Articles: De vreemdelingenkamer, de toekomst van de achterstand (About the position of the courts that decide on cases on the basis of the Aliens Act and the proposals to change the procedure of this Act), Justitiële Verkenningen 9/98.

- Tijd en Asiel (Time and Asylum) in: 60 jaar Vluchtelingenverdrag (60th Anniversary of the Geneva Convention), Nijmegen, October 2011. ISBN 97 98 013098 98129

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: - Dutch.	x			x			x		
b. Official languages: - English	x				x			x	
- French		x				x		x	
c. Other languages: German		x				x			x

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

If necessary, of course

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

With pleasure !

Johannes SILVIS**CURRICULUM VITAE*****I. Personal details**

Name, forename	Silvis, Johannes
Sex	Male
Date and place of birth	14/11/1953 Winschoten, the Netherlands
Nationality/ies	Dutch

II. Education and academic and other qualifications

1977	Bachelor-degree Law studies Erasmus University Rotterdam
1979	Doctoraal degree Law, with specialisations in Penal Law and Constitutional Law 1979
1979/1980	Higer Education Joint Study Programme on Comparative Law and Policy in the Federal Republic of Germany, the Netherlands and the United Kingdom, 1979/1980
1980-1993	University lecturer, Faculty of Law, University of Utrecht
1998-2004	Lecturer (on course basis) OSR (Education for Lawyers and other Higher Legal professionals)
2001-2005	Lecturer (on course basis) SSR (School for Magistrates)
2005-2006	Public Administration: Curriculum for Court Directors and Court management (Management Development, NSOB 2005/2006)

III. Relevant professional activities**a. Description of judicial activities**

1991-1994	Honorary Judge in the District Court of Utrecht
1994-9/1998	Judge in the District Court of Rotterdam 1997 Investigating judge in this Court
9/1998-9/2001	Vice-president District Court of Rotterdam
9/2001-7/2005	Judge in the High Court of Appeal of The Hague (N.B. detached from 3/2003 until 3/2005; during that period Counselor in the Ministry of Justice, Directorate Legislation, see non-judicial legal activities) ;
6/2005-7/210	Vice-president in the High Court of Appeal in the Hague
7/2010-current	<u>Advocate – General of the Supreme Court of the Netherlands</u>

b. Description of non-judicial legal activities

1986-1992	Editor of the socio-medical-legal journal TADP
1983-1992	Editor Recht en kritiek (socio-legal magazine)
1988-1989	Chairman/co-founder of the 'Legal Science Shop' (University of Utrecht, Faculty of Law)
1992-1994	Member Advisory Board Ars Aequi Libris (non-commercial legal book publisher)
1991-1993	Member Advisory Board Journal of Law and Society (Oxford/Cardiff)
1993-1994	Member of the Scientific Committee of the GERN (CNRS, Paris.)
2001-2004	Member of a number of Evaluation Committees of Studies in the field of Criminal Justice (special investigation methods, legislation concerning the investigating judge, legislation on criminal forfeiture and financial investigation) WODC (Scientific Research and Documentation Centre of the Ministry of Justice)
2003-2005	Counsellor in the Ministry of Justice, Directorate Legislation

* Underlined text indicates posts or missions held at present.

7/2004-12/2004	Chairman EU-Council Working group (E14) on Penal Cooperation in the EU (during Dutch Presidency)
2004-2010	Editor JIN (Jurisprudentie in Nederland, SDU) - Journal on Dutch Case Law
2003-2005	Chairman Committee on Criminal Procedure and Legislation (Ministry of Justice)
11/2011-current	Chairman Scientific Committee of the Dutch Union of Magistrates

c. Description of non-legal professional activities

(I take organizational / administrative posts in the legal field to be non-legal professional activities)

2006-2010	Chairman Penal Section in High Court of Appeal of the Hague and Member of the Board of Directors of the High Court of Appeal of the Hague
2008-2010	Chairman of the Consultative Body of Chairpersons of the Penal Law Section in the Dutch Courts (LOVS)
2009	Member Visitation Committee Dutch Courts (initiated by the Dutch Council for the Judiciary)- Report: Visitatie Gerechten 2010
2009	Member of the Working Group The Judiciary in 2020 (Prospective Study initiated by the Dutch Council for the Judiciary).

IV. Activities and experience in the field of human rights

1991-2010 Most of my former judicial activities relate to matters of human rights as an integrative element in these activities, Dilemmas concerning human rights form a continuous puzzle in the workflow of a judge.

2010-current In many of the advisory opinions of an Advocate General to the Supreme Court ('conclusies' in dutch) matters of human rights are key elements. Some of my recent opinions dwell on issues like:

- o Rights of victims in criminal procedure (position during charge/trial)
- o Free speech /presumption of innocence/ slander
- o Free speech/ discrimination/racism
- o Reasonable time in criminal procedure (a repetitive issue)
- o The right to question witnesses in court
- o Impartial tribunal

Some other miscellaneous activities in the domain of human rights:

1992-1993 Coordinator of a study on Druguse and Human Rights in Europe, Report for the European Commission 1992 (see publications)

9/2009 Moderator of a Working Group on Article 6 ECHR (fair trial) and Criminal Procedure; Jurop: Conference for Presidents of Appealcourts in Europe (Quedlinburg (Germany))

V. Public activities

a. Public office -

b. Elected posts

1984-1988 Member of the Faculty Council in the Faculty of Law, University of Utrecht

1989-1991 Member of the University Council (and member of the Presidium) in the University of Utrecht

c. Posts held in a political party or movement

VI. Other activities

- a. Field
- b. Duration
- c. Functions

VII. Publications and other works

More than 100 articles and book contributions (incl. book reviews and editorials) on legal and constitutional issues. Over a 100 annotations on Dutch Case Law (published in : Journal for Case Law in the Netherlands, Jurisprudentie in Nederland (JIN), SDU, 2004-2010), most of these also published in yearbooks (see 'Vooropgestelde arresten' – 'Case Law Precedents').

- 2007-2009 J. Silvis, Vooropgestelde arresten. Ontwikkelingen in de strafrechtelijke jurisprudentie (2007, 2008, 2009) (Yearbooks Case Law Precedents. Developments in Dutch Penal Case Law)
- 2007-2008 Co-editor (with P.T.C. van Kampen and A.L.J. van Strien) SDU-commentaar Strafvordering: Vooronderzoek (2007/2008), 1700 p. (Systematic Commentary on Dutch Penal Procedure, Pretrial Stage).
- 2008 Co-editor of Strafrechter en Profiel, (2008), Project Deskundigheidsbevordering, LOVS (on competences of the penal judge)
- 1995 C. Kelk, L. Koffman, and J. Silvis, Sentencing Practice, Policy, and Discretion, in: Criminal Justice in Europe: A Comparative Study by Phil Fennell et al (eds), Clarendon Press Oxford, 1995, pp. 319-331.
- 1995 Jos Silvis and Katherine S. Williams, Managing the Drug Problem: Tolerance or Prohibition? Criminal Justice in Europe: A Comparative Study by Phil Phennell et al (eds), Clarendon Press Oxford, 1995, pp 149-170.
- 1993 J. Silvis, Neo-retributivisme en de rechtvaardige orde van Rawls en Nozick, in: De knikkers van het spel. Facultaire gedachten over materiële rechtvaardigheid. (Lemma) Utrecht 1993, pp. 83-97. (theory on legitimation and purpose of punishment)
- 1992 Jos Silvis, Aart Hendriks, Norbert Gilmore (eds.), (1992), Drug Use and Human Rights, Report for the European Commission, 231 p. (Nr. 91 CVVE1269-0).
- 1992 Jos Silvis, Richtlijnen voor straftoemeting: naar Amerikaans voorbeeld? in: Richtlijnen Openbaar Ministerie, Ars Aequi libris, Nijmegen 1992, pp.98-119. (on Guidelines and sentencing)
- 1981 J. Silvis, 'Humanitaire normering van Benelux-uitleveringsrecht', in: Nederlands Juristenblad, 1981, 1145-1150 (on extradition and the humanitarian clause).

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	Fair	very good	good	fair	very good	good	fair
a. First language:	x			X			x		
– Dutch (mother tongue)	..	..	..	..	..	..	..	..	..
b. Official languages:									
– English	x	..	..	x	..	..	..x	..	..
– French	x	..	..	..	..x	..	..	..x	..
c. Other languages:									
– German	..x	..	..	..	x	..	..x	..	..

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I do confirm to take up permanent residence in Strasbourg if elected a judge on the the Court.

Ms Taru SPRONKEN**CURRICULUM VITAE¹****I. Personal details**

Name, forename Spronken, Taru
 Sex Female
 Date and place of birth 19 February 1956, Beek (Limburg), The Netherlands
 Nationality/ies Dutch

II. Education and academic and other qualifications

1979 Graduate of Faculty of Law, Utrecht University, 16 January 1979
 1979 Admitted to the Bar (The Netherlands)
 1987 Lecturer and Assistant Professor of Criminal Law, Maastricht University
 1995 Admitted to the Judiciary (The Netherlands)
 2001 Doctorate, Maastricht University; "Verdediging. Een onderzoek naar de normering van het optreden van advocaten in strafzaken"
 (Defence. A study into the role and regulation of professional conduct of advocates in criminal cases), defended 21 April 2001
 2002 Professor of Criminal Defence (Bijzonder hoogleraar Verdediging in Strafzaken), Maastricht University
 2005 (to date) Professor of Criminal Law and Criminal Procedure, Maastricht University

III. Relevant professional activities**a. Description of judicial activities**

1995-2007 Substitute Judge at Maastricht District Court, the Netherlands.
 Member of the Private Law and Family Law sections, sitting in full court (three judges) as well as a single judge and a judge sitting in Youth Court (juveniles). Hearing cases and writing judgments (divorce, guardianship, parental access, maintenance) and acting as an examining magistrate (*rechter-commissaris*) hearing witnesses in civil cases.
 2005-2010 Substitute Judge in the Court of Appeal of Arnhem, the Netherlands.
 Sitting in full court (three judges) in the Criminal Law section. Hearing criminal cases in appeal and writing judgments.
 2010 (to date) Substitute Judge in the Court of Appeal of Den Bosch, the Netherlands. Sitting in full court (three judges) in the Criminal Law section. Hearing criminal cases in appeal, reviews of decisions not to prosecute, writing judgments. Frequency: once a month, dealing with 4-15 cases per session.

b. Description of non-judicial legal activities

1979-to date Practising Lawyer admitted to the Maastricht Bar and the Bar of the Netherlands
 First eight years (1979-1986) in private practice based in Maastricht. General practice (family law, private law, labour law, social security law, administrative law, immigration law, criminal law, prison law). Gradually specialising in immigration law (asylum law - Vietnamese and Tamil refugees), detention law (prisoners' complaints proceedings) and criminal law including applications to the European Court of Human Rights ("ECtHR") (*Kostovski v. the Netherlands*, ECtHR, Grand Chamber 20 November 1989, no. 11454/85).

¹ Current positions are underlined.

Co-ordinator of Advocatenpraktijk Universiteit Maastricht (1987-2003). Setting up and co-ordinating an independent law firm within Maastricht University in which students of Maastricht University assist with cases. Developing clinical teaching method. Training staff of practising lawyers. Continuation of general practice with focus on criminal law and the European Convention on Human Rights ("ECHR")

Since 2000, practising with the Advocatenpraktijk Universiteit Maastricht, providing legal advice to lawyers instructed in litigation of ECHR-related cases before Dutch courts. Providing legal advice to clients who intend to make an application to the ECtHR. Bringing complaints and representing clients before the ECtHR, and, where appropriate, performing a filtering function by dissuading clients from bringing unfounded complaints to the ECtHR.

- 1987-2002 Lecturer and Assistant Professor of Criminal Law at Maastricht University. Teaching criminal procedure courses i.e. criminal law and human rights at bachelor and master levels. Research into criminal defence, writing PhD thesis.
- 2002-2005 Professor of Criminal Defence (Bijzonder hoogleraar Verdediging in Strafzaken) at Maastricht University. In addition to teaching and practising with the Advocatenpraktijk Universiteit Maastricht, writing numerous publications on criminal defence.
- 2005-to date Professor of Criminal Law and Criminal Procedure, Maastricht University
- Leading education and research in the Criminal Law department. Teaching in Dutch Law courses as well as in the Maastricht University European Law School (Concepts of European Criminal Procedure). Current research focus is on the implications of EU cooperation in criminal matters for procedural rights in criminal proceedings and human rights and criminal proceedings in general.
- 2007-to date Director of Master in Forensics, Criminology and Law, Maastricht University
- Setting up and co-ordination of a new master's programme and teaching within this programme on the Law of Evidence. This master's programme focuses on a multidisciplinary approach to crime and the administration of criminal justice (evidence, criminology, forensic psychology, forensic psychiatry, forensic accountancy, criminalistics (forensic science) and DNA, position of professional actors and legal ethics). There is a Dutch and an English track master programme.

IV. *Activities and experience in the field of human rights*

Expertise as Counsel

Developed a practice in human rights and appeared as Counsel in many cases before the former European Commission and Court of Human Rights in Strasbourg as well as the Human Rights Committee in Geneva. Since 2000 providing legal advice to lawyers instructed in litigation of ECHR-related cases before Dutch courts and giving legal advice to clients who intend to make an application to the ECtHR.

Appeared as Counsel in hearings before the European Court of Human Rights in the following leading cases:

- *Kostovski v. the Netherlands*, ECtHR, Grand Chamber 20 November 1989, no. 11454/85
- *Van Mechelen a.o. v. the Netherlands*, ECtHR 23 april 1997, Nos. 21363/93; 21364/93 and 21427/93

both relating to anonymous testimonies and the rights of the defence;

- *Geerings v. the Netherlands*, ECtHR 1 March 2007, no. 30810/03, relating to the confiscation of assets and the presumption of innocence;

- *Van der Heijden v. the Netherlands*, ECtHR, Grand Chamber 3 April 2012, no. 42857/05. relating to intra-familial privilege and art. 8 ECHR.

Teaching

Master Course Criminal Proceedings and Human Rights, Maastricht University since 2003 and teaching Effective Criminal Defence and Law of Evidence in Master in Dutch Law and Master in Forensics Criminology and Law

Various post-graduate courses on criminal proceedings and human rights *inter alia* an annual course at OSR Utrecht on the Strasbourg proceedings, 1996-2001

Research projects

Developing an international comparative research-line and network of researchers from various European countries that have been involved in the projects mentioned below.

1. *Procedural Rights in criminal proceedings: Existing Level of Safeguards in the European Union (conducting research)*. This study assessed the levels of provision of procedural rights afforded to suspected persons in criminal proceedings throughout the EU, commissioned by the European Commission based on a questionnaire sent by the Commission to the Ministries of Justice and Home Affairs in the Member States containing questions regarding existing criminal justice arrangements in the Member States. In the report specific reference is made to the procedural rights covered by the Proposal for a Council Framework Decision ("FD") on certain procedural rights in criminal proceedings throughout the EU of 28 April 2004, in order to establish which Member States met the Commission's proposed minimum standards and to identify any potential lacunae in relation to each of the areas of procedural rights covered by the proposed FD.

Publication: 2005, details below under publications.

2. *"Legal protection of persons suspected of crime at the investigative stage in the EU", (co-ordinator, initiator and conducting research)* financed under the AGIS programme of the European Commission. Duration of the project: May 2005-May 2007. Partners Warwick Law School (Prof. Hodgson) and University of the West of England, Bristol (Prof. Cape). Through the establishment of a co-ordinated international research group, this study provided a contextual understanding of the criminal defence role across different European jurisdictions, considering the legal and procedural rules in place and the implications of the pre-trial process on the trial stage.

Publication: 2007, details below under publications.

3. *"Status Quaestionis, Questionnaire on the Provision of Legal Interpreting and Translation in the EU" (participant and expert)* with financial support of the AGIS programme 2006 of the European Commission. This project provided more detailed and objective information on existing provisions on legal interpretation and translation throughout the EU by means of an EU-wide questionnaire. The results were published in Erik Hertog and Jan van Gucht (eds.), *Status Quaestionis, Questionnaire on the Provision of Legal Interpreting and Translation in the EU*, Intersentia Antwerp-Oxford-Portland 2008, SBN 978-90-5095-804-2.

4. *EU Study on Procedural Rights: Existing Level of Safeguards in Member States – 2009 update (co-ordinator and conducting research)*. This study – commissioned by the European Commission - was a follow up to the study "Procedural Rights in Criminal Proceedings: Existing level of safeguards in the EU", carried out in 2005. This follow up study obtained up-to-date information on the same subject for all 27 Member States and to analyse that information with specific reference to the provisions of the draft Framework Decision on Procedural Rights in Criminal Proceedings in the EU, rejected in 2007, *inter alia* because of the argument of some Member States that the ECHR adequately protects the rights of suspects and accused persons within the EU.

Publication: 2009, details below under publications.

5. *"Effective defence rights in the EU and access to justice: investigating and promoting best practice", (main applicant and co-ordinator)*. This study was financed under the Criminal Justice 2007 Action Grants of the European Commission. This project was a joint initiative of JUSTICE, the University of the West of England, Open Society Justice Initiative and Maastricht University. The goal of the research-project was to explore, backed by empirical investigation, the right to effective defence in criminal proceedings for indigent defendants across nine European jurisdictions and to provide empirical information on the extent to which procedural rights that are indispensable for an effective defence are provided in practice, such as the right to information, the right of access to a lawyer and the right to an interpreter. The study sought to define the content and scope of the right to effective defence and the corresponding government obligation to ensure

the implications of this right in general, and to indigent defendants in particular, based on the case law of the European Court of Human Rights and best practice standards from countries in the EU.

Publication: 2010, details see below under publications.

6. EU-wide Letter of Rights in Criminal Proceedings: Towards Best Practice

(co-ordination and research). A study funded by the European Commission and the German Government (Partners German Federal Ministry of Justice, Austrian Ministry of Justice, European Criminal Bar Association, Deutsche Richterbund and the Council of Europe). The goal of the research project was to explore: 1. Whether and to what extent suspects are informed in writing about their rights in criminal proceedings in the 27 Member States of the EU; 2. How this practice related to the requirements of a fair trial and more specifically the right to information under Art. 6 para. 3 of the European Convention on Human Rights; 3. Whether it is possible to develop a model Letter of Rights to be applicable throughout the EU.

Publication: 2010, details below under publications.

7. Prevention of Torture in the Peoples Republic of China *(participant and co-ordinator of the research)*. The project runs from 2009-2012 and is funded by the European Commission. Partners are Great Britain China Centre, The Rights Practice, Renmin University School of Law.

The overall objective of this research is to contribute to the prevention of torture and other forms of ill-treatment in China as well as to move China towards the consideration of signing the Optional Protocol to the Convention against Torture (CAT).

The specific objective of this project is to strengthen the legal and practical mechanisms for enhanced accountability of law enforcement agencies in the prevention of torture through promoting external monitoring, ethical investigations and robust complaint mechanisms. The main activities are research into policy and legislative reform with regard to the exclusionary rule; development of practical mechanisms to prevent torture in detention (lay visiting schemes and complaint procedures); police training (interrogation methods).

8. Project "Procedural rights of suspects in police detention in the EU: empirical investigation and promoting best practice". *(co-ordinator and project-leader)*

Project financed by the European Commission Criminal Justice Programme 2010 JUST/2010/JPEN/AG/1578.

The overall goal of this two year project (June 2011-June 2013) is to contribute to the successful implementation of the Strasbourg case law regarding legal assistance during police interrogation (*Salduz* case law) and EU legislation on the procedural rights of suspects in criminal matters in the target countries and EU wide. In particular, the project aims to strengthen protection of suspects' rights at the most critical stage of criminal proceedings, that of police detention.

The project objectives are:

1. Empirical research into the application of provisions purporting to safeguard criminal suspects during police detention in three EU Member States (UK (with a focus on England and Wales), France, the Netherlands);
2. Development of practice-oriented training materials for judicial actors involved in the police detention process: lawyers, police officers, prosecutors and judges using the outcomes of the empirical data;
3. Development and dissemination of recommendations for practical measures to ensure better enforcement of the EU procedural rights' instruments that are envisaged in the Stockholm Programme.

Partners are: Avon and Somerset Constabulary UK, JUSTICE UK, Open Society Institute-Budapest/Open Society Justice Initiative; University of Warwick (UK), University of the West of England (UK).

9. Project Legal Standing ('locus standi') before the EU and Member States' courts

(conduct research). Research project on behalf of the European Parliament

The aim of this study that runs from December 2011 - July 2012 is to provide an in-depth and objective comparative analysis of national legal theory approaches and concrete provisions regulating *locus standi* before civil, criminal and administrative courts of some selected legal systems, as well as *locus standi* before EU courts.

My part of the research considers the *locus standi* of victims of crime in criminal proceedings.

10. Project Translation parts of Effective Criminal Defence Rights into Chinese

Partners: Public Interest and Development Law Institute of Wuhan University, funded by the Open Society Foundations – China Programme.

Since 1996, China has established over 3000 legal aid centres throughout the country which provide free legal services including criminal defence services to the poorest of China's 1.3 billion citizens. Nonetheless, a majority of criminal defendants receive legal representation that falls below accepted standards. Accordingly a Chinese version of the book E. Cape, Z. Namoradze, R. Smith and T. Spronken, *Effective Criminal Defence in Europe*, published by Intersentia Antwerp-Oxford-Portland in 2010 focused on European models, is relevant as a legal resource for legal aid defenders in China in that it provides an exhaustively researched analysis that identifies and articulates widely recognised effective criminal defence strategies that can be used both to energise discussion of local criminal defence standards and also as a model for meaningful reform of those standards that local legal aid defenders feel are not adequate. In short, we see it as a way to share the experience of the European criminal defence community with their colleagues in China. This project will be finalised in June 2012.

Presentations on conferences and expert meetings

- Presentation "Position Paper ECBA on procedural safeguards", Conference ECBA Paris, 1 May 2004
- Presentation "Results Questionnaire European Arrest Warrant", Conference ECBA Paris, 1 May 2004
- "Defence Rights", presentation Expert Meeting on Criminal Law and European Dimensions, 26-27 August 2004, Maastricht
- "Imposition of Defence Counsel and Fair Trial", presentation together with Robin Grey QC, Autumn Conference ECBA Practical Defence in European Criminal Law, November 2004, Maastricht
- "The right to free translation of relevant documents", presentation Conference on court interpreters and translators "Instruments for lifting language barriers in intercultural legal proceedings", The Hague, 18-21 November 2004
- "Fair administration of justice and the right to legal assistance", contribution to the seminar of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on 18 January 2005 in Brussels, Belgium (speaker on invitation of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament)
- Participant and speaker to the International Symposium on Art. 306 of the Chinese Criminal Law, 20-21 May 2006, Tsinghua University in Beijing on defence rights
- "Legal advice at the investigative stage: the importance of context and culture" with Prof. Ed Cape, University of the West of England in conference "The European Arrest Warrant: the Reality of a Vision" 15-17 June 2006, The Hague
- DAV Conference Fundamental Rights in Europe, Deutsche Anwalt Verein, 16 September 2006 Viadrina University Frankfurt/Oder Germany
- BRAK Conference on "Procedural Rights in Criminal Proceedings in the European Union", 24 January 2007, Brussels
- "Procedural Safeguards", presentation International Symposium Federal Ministry of Justice in co-operation with the Ministries of Justice Luxembourg, Portugal, Slovenia and with the Academy of European Law Trier (ERA), 20-22 February 2007, Berlin
- Participant and speaker to the International Symposium on Legal Services Reform and Professional Ethics for Lawyers in China, Institute of Law CASS, Beijing, 8-9 December 2007
- Participant to the Seminar on Rule of Law and Harmonious Society, Institute of Law CASS, Beijing, 10-11 December 2007

- "Telephone tapping of lawyer-client conversations: a continuing story", presentation ECBA Spring Conference "Professional Secrecy and in absentia trials: Ethical dilemmas and practical solutions for criminal defence lawyers", 25-26 April 2008, Amsterdam,
- "Lawyer – client confidentiality in Europe", presentation Conference of Association of Professional Responsibility Lawyers (APRL, USA) , 7 May 2008, Amsterdam,
- "Legal privilege in relation to investigative methods in criminal proceedings and money laundering", presentation Conference The European Code of Criminal Procedure 20-23 November 2008, , Warsaw
- Expert's Meeting on Procedural Rights, 26-27 March 2009 organised by the European Commission
- Conferentie Het recht op bijstand van een advocaat tijdens het verhoor, Vrije Universiteit Brussel, 12 juni 2009
- Justice in the EU - from the Citizens Perspective, conference organised by the Swedish government in their presidency of the EU, keynote speaker workshop "How can procedural rights for suspects in the EU be enhanced" Stockholm 22-23 July 2009, on invitation of Beatrice Ask, Minister of Justice Sweden
- Round Table on Application of Criminal Procedural Rights of the European Convention on Human Rights in European Union Law Portorož (Slovenia), 12-13 October 2009, keynote speaker on topic 'Challenges and Opportunities of the ECtHR and the ECJ', on invitation of the Slovenian Chairmanship of the Council of Europe
- European Justice Forum, Procedural Rights, 9 November 2009, key note speaker on The Letter of Rights, on invitation of the European Commission.
- "EU-wide Letter of Rights in Criminal Proceedings: Towards Best Practice. Presentation of the outcomes", Workshop Berlin, 6 September 2010
- "Effective Criminal Defence in Europe", presentation on conference Justitia, wohin? EU-Strafverfolgung ohne Grenzen, EU-Strafrechstag, Bonn, 11 September 2010
- "Procedural Rights in the European Union" study – conclusions relating to Measures C and D of the Roadmap", Experts' meeting on procedural rights: access to a lawyer and communication while in detention", 11-12 October 2010, Brussels
- "Effective Criminal Defence in Europe", Expert Meeting "The Rights of Suspects on Arrest", Open Society Justice Initiative, 22 October 2010, Strasbourg
- "The right to information; requirements according to the case law of the European Court of Human Rights and the situation in the member states today" presentation on ERA conference: Guaranteeing procedural safeguards in the EU, 18-19 November 2010, Trier
- "EU policy to guarantee procedural rights in criminal proceedings: step by step", presentation on Conference Future of the Adversarial System Chapel Hill School of Law, North Carolina, USA, 1 April 2011
- "Towards Common Procedural Rights in Criminal Proceedings throughout the EU", presentation at CESL 2011 Academic conference, the Harmonization of Laws, China EU School of Law, 15-16 October 2011, Beijing, China
- "Mandatory defence and the right to choose a defence counsel", lecture at the Conference Legal Aid in Criminal Proceedings in the European Union, organised by the Polish Presidency of the EU, Warsaw, 5-6 December 2011

Annotations (Case Notes) of EctHR Case Law (in Dutch)

De "de auditu-cultuur" op de helling,
EHRM 27.09.90, Windisch case (Series A, vol. 186)

EHRM 19.12.90, Delta case (Series A, vol. 191)
 EHRM 19.02.91, Isgro case (Series A, vol. 194-A)
 EHRM 19.03.91, Cardot case (Series A, vol. 200),
 Advocatenblad, 1991, p. 348-352
 EHRM 16 februari 2000, Fitt t. Verenigd Koninkrijk, European Human Rights Cases (EHRC) 2000, p. 296-299
 EHRM 12 mei 2000, Khan t. Verenigd Koninkrijk, EHCR 2000, p. 476-484
 EHRM 6 juni 2000, Magee t. Verenigd Koninkrijk, EHCR 2000, p. 538-546
 EHRM 7 december 2000, Zoon tegen Nederland, EHRC 2001, nr. 10, p. 65-70
 EHRM 21 december 2000, Quinn tegen Verenigd Koninkrijk, EHRC 2001, nr. 18, p. 118 e.v.
 EHRM 13 februari 2001, Schöps tegen Duitsland, EHRC 2001, nr. 21, p. 153 e.v.
 EHRM 5 juni 2001, Holder tegen Nederland, EHRC 2001, nr.50, p. 479-484
 EHRM 24 juli 2001, Rutten tegen Nederland, EHRC 2001, nr. 67, p. 644-650
 EHRM 25 september 2001, P.G. en J.H. tegen Verenigd Koninkrijk, EHRC 2001, nr. 75, p. 697-711
 EHRM 16 oktober 2001, Brennan tegen het Verenigd Koninkrijk, EHRC 2002, 1
 EHRM 31 januari 2002, Lanz tegen Oostenrijk, EHRC 2002, 24
 EHRM 14 februari 2002, Visser tegen Nederland, EHRC 2002, 27
 EHRM 21 maart 2002, Nikula tegen Finland, EHRC 2002, 37
 EHRM 28 maart 2002, Birutis e.a. tegen Letland, EHRC 2002, 39
 EHRM 24 september 2002, Cuscani v. Italië, EHRC 2002, 94.
 EHRM 5 december 2003, Craxi v. Italië, EHRC 2003,10
 EHRM 28 oktober 2003, Steur v. Nederland, EHRC 2003,96
 EHRM 18 mei 2004, Destrethem v. Frankrijk, nr. 56651/00, EHRC 2004, 73, p. 652-654.
 EHRM 6 juli 2004, Dondarini v. San Marino, nr. 50545/99, EHRC 2004, 84 p. 804- 806
 EHRM 25 november 2004, Aalmoes c.s. v. Nederland, Rubriek Advocatuur DD 2005, p. 412-414
 EHRM 10 november 2005, Bocos-Questa v. Nederland, EHRC, 2006, 3, p. 36-38
 EHRM 15 december 2005, Vanyan v. Rusland, EHRC, 2006, p. 278-286
 EHRM 5 februari 2008, Ramanauskas v. Letland, EHRC 2008, p. 495-504
 EHRM 7 oktober 2008, Bogumil v. Portugal, EHRC 2008, p.
 EHRM 27 november 2008, Salduz v. Turkije, EHRC 2009,7, p. 105-107
 EHRM 11 december 2008, Panovits v. Cyprus, EHRC 2009, 9, p. 133-134
 EHRM 17 september 2008, Scoppola v. Italy, EHRC 2009,123, p. 1351-1379
 EHRM 13 oktober 2009, Dayanan v. Turkije, EHRC 2010, 5, p. 59-65
 EHRM 30 maart 2010, Poncelet tegen België, EHRC 2010, 71, p. 883-884
 EHRM Grand Chamber 1 juni 2010 nr. 22978/05, Gäfgen v. Duitsland, De zaak Gäfgen: de dilemma's van het folterverbod, annotatie bij, Tijdschrift voor Strafrecht (België) 2011 p. 46-50.
 EHRM 27 september 2011, Youssef v. Netherlands, EHRC to be published
 EHRM 15 december 2011, Grand Chamber, Al-Khawaha and Tahery v. UK, EHRC to be published
 EHRM 13 december 2011, Ajdaric v. Croatia, EHRC to be published

V. **Public activities**

- | | |
|--|------|
| a. Public office | none |
| b. Elected posts | none |
| c. Posts held in a political party or movement | none |

VI. **Other activities**

- Editor rubriek Advocatuur in Delikt & Delinkwent
 Field: academic (journal)
 Duration: 1994-current
 Function: executive editor of chronicle for criminal defence lawyers
- Editor Nieuwsbrief Strafrecht, SDU
 Field: academic (journal)
 Duration: 1997-current
 Function: executive editor; writing opening articles
- Annotator European Human Rights Cases
 Field: academic (journal)
 Duration: 2000-current

Function: writing annotations on ECtHR decisions and judgments

- Editor Praktijk Cahiers Strafrecht SDU
Field: academic (series for practice)
Duration: 2006-current
Function: executive editor of series
- Executive editor Nederlands Juristenblad
Field: academic (weekly journal)
Duration: 2010-current
Function: executive editor; currently for 2012 chair of the editorial board writing articles and opening columns
- Member of Post Academic Teaching Committee (PAO-commissie) Faculty of Law Maastricht University
Field: academic teaching
Duration: 1987-2011
Function: organising post academic courses
- Vice-Dean of Faculty Board, Faculty of Law Maastricht University
Field: university management
Duration: 2004-2006
Function: day to day management of the Faculty of Law
- Chair of University Education Advisory Counsel, Maastricht University
Field: academic teaching
Duration: 2004-2005
Function: giving advice on general educational policy issues
- Member board Nederlandse Juristen Vereniging
Field: academic and judicial practitioners
Duration: 2004-2006
Function: Organising the annual conference on 2006 on European Integration (referents: prof. dr. D.M. Curtin, prof. mr. J.M. Smits, prof. mr. A.H. Klip, prof. mr. J.A. McCahery)
- Member Advisory Council of the Professional Education Dutch Bar Association
Field: professional education
Duration: 2002-2009
Function: advising Dutch Bar on educational policy
- Member of the board of the Dutch Association of Defence Counsel
Field: Professional organisation of defence lawyers
Duration: 2002-current
Function: organisation Dutch criminal defence lawyers
- Member Section Criminal Procedure Advisory Council Dutch Bar Association
Field: criminal law
Duration: 2001-2010
Function: advising Dutch Bar on legislative proposals Dutch Government on criminal law issues; chair in period of 2007-2010
- Chair of the Legal Development Committee and member of the Board of the European Criminal Bar Association, 2003-2008
Field: criminal defence and EU law
Duration: 2003-2010
Function: advising on EU criminal law issues
- Study for Impact Assessment on the Right to Information in Criminal Proceedings performed by Matrix on behalf of DG JLS European Commission 2010
Field: academic
Duration: 2010
Function: reviewer and assessor

- Study for an Impact Assessment on a Measure covering Access to a Lawyer in Criminal Proceedings conducted by the Centre for Strategy & Evaluation Services for the European Commission DG Justice, 14 January 2011
Field: academic
Duration: 2010
Function: reviewer and assessor
- Visiting professorship Bologna
Field: academic teaching
Duration: 14-22 April 2011
Function: teaching a course on comparative criminal procedure and human rights for graduate and PhD students on invitation of the Faculty of Law, Bologna University, Italy
- Impact Assessment European Commission on a measure covering suspect's/accused's right to legal aid (Measure C2)
Field: academic
Duration: current
Function: Reviewer and assessor
- Member of various assessment committees of PhD thesis
Field: Academic
Duration: 2005-current
Function: assessing quality of PhD thesis for instance:
 - Jarinde Temminck Tuinstra, "Defence counsel in international criminal law", Utrecht University, 2009
 - Eva Rieter, "Preventing irreparable harm: provisional measures in international human rights applications", Maastricht University, 2010
 - Karin Veegens, "A disrupted balance? Prevention of terrorism and compliance with fundamental legal rights and principles of law – the Dutch anti-terrorism legislation", Maastricht University, 2011
 - Wu Wei, "Human Rights and Chinese Culture. A Functional Comparative Study of Police Interrogation in China and Europe", Ghent University, Belgium to be defended in May 2012

VII. Publications and other works

A complete list of all publications (up to 2011) can be found on:

http://metisprod.unimaas.nl:7777/metis/pk_apa_n.medewerker?p_url_id=1381

Selected publications

1. T. Spronken, Sitting on the ruins of justice, redress for the plaintiff after Strasbourg: reconsideration instead of review, in T. Barkhuysen, M.L. van Emmerik & P.H.P.H.M.C. van Kempen (eds.), *The execution of Strasbourg and Geneva human rights decisions in the national legal order*, Kluwer Law International, 1999. (p. 253-263)
2. T. Spronken, *Verdediging. Een onderzoek naar de normering van het optreden van advocaten in strafzaken*, [Defence. A study into the regulation of professional conduct of advocates in criminal cases], dissertatie, Gouda Quint Deventer 2001. (711 p.)
3. Taru Spronken & Ties Prakken (red.), *Handboek Verdediging*, [Companion to Criminal Defence] Kluwer Deventer 2003 (1055 p.) second edition Kluwer Deventer 2009 (1316 p.) Written by T. Spronken: Chapter 1 Introduction (27 p.); Chapter 2 Privileged communication and access to a lawyer (68 p.); Chapter 3 Legal privilege (104 p.); Chapter 13 The road to Strasbourg (32 p.); Chapter 19, Financial aspects and remuneration/fees (40 p.).
4. T. Spronken T., M. Attinger, *Procedural Rights in criminal proceedings: Existing Level of Safeguards in the European Union*, funded and published by the European Commission, December 2005.
5. E. Cape, J. Hodgson, T. Prakken, T. Spronken (eds.), *Suspects in Europe, Procedural Rights at the Investigative Stage of the Criminal Process in Europe*, Intersentia Antwerp-Oxford 2007. (280 p.)
6. T. Spronken, G. Vermeulen, D. de Vocht, L. Van Puyenbroek, *EU procedural Rights in Criminal Proceedings*, Maklu, Antwerp 2009.(116 p.)

7. T.N.B.M. Spronken, EU-wide Letter of Rights in Criminal Proceedings: Towards Best Practice, Intersentia Antwerp 2010. (524 p.)
8. T. Spronken, E. Cape, Z. Namoradze, R. Smith, Effective Criminal Defence in Europe, Intersentia Antwerp - Oxford – Portland, 2010. (655 p.)
9. T. Spronken, Commentaar op de titels II en III van Boek I van het Wetboek van Strafvordering, commentaar op de Straatsburgse procedure ex artikel 34 EVRM en op art. 5, 6, 7 en 8 EVRM, de individuele klachtprocedure ingevolge het facultatieve protocol bij het IVBPR in: Tekst & Commentaar Strafvordering onder redactie van C.P.M. Cleiren en J.F. Nijboer, achtste druk 2009 en negende druk 2011.(p. 75-171; p. 2441-2493; p. 2487-2503)
10. T. Spronken, EU policy to guarantee procedural rights in criminal proceedings: an analysis of the first steps and a plea for a holistic approach, European Criminal Law Review 2011, p. 212-233

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: Dutch	X			X			X		
b. Official languages: English	X			X			X		
French		X				X			X
c. Other languages: Finnish	X			X			X		
German	X				X			X	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

Yes, this is confirmed.

X. Other relevant information

Experience in working in an international research group with researchers and practitioners from a range of European countries with different legal traditions (see the projects mentioned above, i.e. “Suspects in Europe” and “Effective defence rights in the EU and access to justice: investigating and promoting best practice” with researchers and practitioners from Belgium, England and Wales, Finland, France, Germany, Hungary, Greece, Italy, Poland, Turkey).

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

Yes, I do confirm taking up permanent residence in Strasbourg if elected a judge on the Court.

List and curricula vitae of candidates submitted by the Government of Poland

Strasbourg, 13 April 2012

Acting in accordance with Article 22 paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, I have the honour to submit the list of three candidates for the post of judge of the European Court of Human Rights in respect of Poland (in alphabetical order):

- Mr Krzysztof Drzewicki
- Mr Krzysztof Wojtyczek
- Ms Anna Wyrozumska

I would like to inform you that the list of candidates has been proposed by the Panel responsible for selection of candidates for the post of judge established by the Ordinance of the Minister of Foreign Affairs of the Republic of Poland dated 13 January 2012 on appointment of the Panel responsible for selection of candidates for the post of judge at the European Court of Human Rights.

The list has been submitted for opinion to the Council of Europe Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights.

In addition to criteria set out in Article 21 of the Convention which provides that the list should contain the names of candidates "of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence", the Government took into account the requirements introduced in relevant resolutions adopted by the Parliamentary Assembly.

The process of selecting the candidates was guided by the principles of democratic procedure, transparency and non-discrimination and took into account the need for gender balance, as reflected in relevant resolutions and recommendation of the Parliamentary Assembly.

The Government of Poland submits therefore a list which is in conformity with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Please find enclosed the *curricula vitae* of the candidates as submitted by them, as well as information on the procedure applied to select the list of candidates.

Urszula Gacek
Ambassador

Enclosures

Information about the procedure of selection of candidates for the position of judge at the European Court of Human Rights

Warsaw, 13 March 2012

The candidates for the position of judge at the European Court of human Rights are selected in Poland in accordance with *the Ordinance of the Minister of Foreign Affairs dated 13 January 2012 on appointment of the Panel responsible for selection of candidates for the post of judge at the European Court of Human Rights*. The said ordinance was made accessible to the public by its publishing on the website of the Ministry of Foreign Affairs and the official journal of the Ministry.

The said Ordinance establishes clear and transparent rules of procedure, timetable of selection process, composition of the national Panel responsible for selection as well as criteria which are taken into account by the aforementioned Panel while selecting the best candidates in the meaning of Article 21 of the European Convention on Human Rights.

The procedure is commenced with a call for candidatures published in at least two country-wide newspapers and on the website of the Ministry of Foreign Affairs. The call for candidatures includes formal requirements expected from the candidates for the post of judge such as high moral character of the applicants; possession of the qualifications required for appointment to the high judicial office or being jurisconsult of recognized competence, proficiency in at least one official language of the Council of Europe and possession of a passive knowledge of the other.

The submitted applications are examined by the Panel composed of:

- Undersecretary of State in the Ministry of Foreign Affairs responsible for legal and treaty affairs who is the Chairperson of the Panel;
- Representative of the Minister of Justice in the rank of at least Undersecretary of State;
- Director of the Legal and Treaty Department in the Ministry of Foreign Affairs;
- Director of the Department of the United Nations and Human Rights;
- President of the State Treasury Solicitors' Office;
- Representative of the Head of the Chancellery of the Prime Minister;
- Plenipotentiary of the Minister of Foreign Affairs for cases and procedures before the European Court of Human Rights without voting right.

While taking the decisions the Panel seeks to decide by consensus but there may be majority vote if necessary. However due to the even number of members who have the voting right the Chairperson has the casting vote.

The procedure is consisted of two main stages. In the first stage of the procedure the Panel verifies whether the applications fulfill formal requirements specified in the call and rejects the ones which do not meet them. In the second stage of the procedure the Panel makes interviews with these candidates who fulfilled formal requirements. During the interviews the members of the Panel may ask questions in either English or French and candidates are expected then to reply in one of the official languages of the Court.

Turning to the circumstances of the present selection of candidates procedure it should be mentioned that the call for candidates was made on 18 January 2012 in two country-wide newspapers and on the website of the Ministry of Foreign Affairs. Furthermore to ensure that the call for applications is widely publicly available the Chairperson of the Panel disseminated this information via the Ombudsperson, presidents of the highest courts, the National Judicial Council, lawyers' professional associations, universities.

The candidates were requested to submit their applications until 17 February 2012. On 21 February 2012 the Panel held its first meeting in order to examine fulfillment of formal requirements of eleven received applications. The Panel called seven candidates to supplement their applications by sending some additional documents and certificates. All the summoned candidates submitted the requested documents in the prescribed term. Therefore the Panel invited all eleven candidates representing different legal professions such as judges of the common courts, barristers of recognized competence and distinguished law professors for the interview which took place on 9 March 2012. As a result of mentioned interview the Panel selected three candidates and two substitute candidates who satisfy in the highest degree the Convention's criteria for office as a judge of the Court, including knowledge of public international law and of the national legal systems as well as whose proficiency in at least one official language is undisputable from among ten candidates who took part in the interview. Moreover, it should be mentioned that the candidates were selected by the Panel with due regard to the rule that list of candidates should contain persons of both sexes as provided for in the Ordinance.

The final list of candidates will be made public and published on the website of the Ministry of Foreign Affairs after its submission to the Parliamentary Assembly.

Krzysztof DRZEWICKI**CURRICULUM VITAE*****I. Personal details**

Name, forename	DRZEWICKI Krzysztof
Sex	Male
Date and place of birth	10 July 1949, Katowice, Poland
Nationality/ies	Polish

II. Education and academic and other qualifications

Professor of the University of Gdańsk, Poland – 1992

Doctor Habilitus ('Habilitation') - 1989

Doctor of Law (LL.D) – 1978

Master of Law - 1972

III. Relevant professional activities**a. Judicial activities**

None.

b. Non-judicial legal activities

- University of Gdańsk, Poland, Chair of International Public Law, Faculty of Law and Administration:
 - from 1973 onwards (on unpaid leave in 1998-2010); employed first as assistant, then senior lecturer and researcher (*adiunkt*) and since 1992 Professor of Law;
 - main areas of research and teaching – general international public law, international law of human rights, international humanitarian law and international organizations.
- Ministry of Foreign Affairs, Warsaw, Poland:
 - from 2010 onwards – minister counsellor at the Ministry dealing with fundamental rights and citizens rights during the Presidency of the EU Council by Poland (Deputy Chair of FREMP - the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons).
 - on unpaid leave from the Ministry in 2003-2010 (see below on the employment as senior legal adviser in the OSCE).
 - 1994-2003 the Agent of the Polish Government before the European Commission and Court of Human Rights.
 - 1999-2003, in his capacity of the Agent (as above), served as a minister counsellor seconded from the Ministry to the Permanent Representation of Poland to the Council of Europe in Strasbourg where he had continued to plead before the European Court of Human Rights and dealt with other human rights issues.
- Office of the OSCE High Commissioner on National Minorities, The Hague, The Netherlands; Senior Legal Adviser, 2003-2010.
- Norwegian Institute of Human Rights, Oslo, Norway, 1989-1991, senior researcher.
- National Commission of the NSZZ 'Solidarność' trade union, Gdańsk, Poland, 1991-1994, an adviser on international labour standards and human rights.

c. Non-legal professional activities

In the course of his diplomatic service he also performed a wide range of diplomatic functions, attending the meetings of a number of human rights bodies in the United Nations, the OSCE and the Council of Europe.

* Underlined text indicates posts or missions held at present.

IV. Activities and experience in the field of human rights

- Scholarships and internships:
 - Sessions of the International Institute of Human Rights (Strasbourg, 1979 and 1980).
 - The Hague Academy of International Law, Centre for Studies and Research in International Law and International Relations, 1986.
 - Internship with the High Administrative Court (Gdańsk, six months, 1989).
 - Internships with the International Committee of the Red Cross, Legal Division (Geneva, 1979, 1980 and 1985).
 - Internships with the Council of Europe, Directorate of Human Rights (Strasbourg, 1984) and its Social Charter Section (1991).
 - Internship with the International Labour Office, International Labour Standards Department (Geneva, 1991).

- Guest lecturing:
 - Delivered guest lectures at the Universities of Oslo, Lund, Sheffield, Nottingham, Aberdeen, Barcelona (Universidad Autonoma), Syracuse (Maxwell School of Citizenship and Public Affairs), Buffalo (State University), Frankfurt n/Oder (University of Viadrina), Amsterdam and at the European Inter-University Centre for Human Rights and Democratisation (EIUC) in Venice.
 - Taught at the international courses on human rights (Strasbourg, Poznań, Turku/Åbo, Barcelona, Luxembourg and Belgrade) and OSCE (Summer Academy on OSCE, Burg Schlaining, Austria) and on humanitarian law (Warsaw Summer School).

- Advisory and consultative activities:
 - An adviser on international labour standards and human rights for the National Commission of the NSZZ 'Solidarność' trade union; in this capacity he attended the 76th through 81st sessions of the International Labour Organisation in Geneva (Committee on the Application of Standards) in 1989–1994 respectively.
 - A member of the Polish ILO Tripartite Committee since its establishment in 1990 until 1994.
 - In 1994 an expert for the Constitutional Commission of the National Assembly for the needs of drafting a new Polish Constitution.
 - A national independent expert, nominated by the Polish Government for the needs of the mechanisms of 'human dimension' of the CSCE, and in such a capacity he accompanied the CSCE High Commissioner on National Minorities in his mission to Albania (August 1993).
 - Head of the Polish Governmental Delegation to the Implementation Meetings on Human Dimension Issues of the CSCE/OSCE (Warsaw 1993, 1995, 1997 and 2000).
 - An expert nominated by the Government of Poland as a member of the delegation for the 49th and 51st–54th sessions of the United Nations Commission on Human Rights, respectively in 1993 and 1995–1998.
 - A member of the Council of Europe's Committee of Experts for the Improvement of Procedures for the Protection of Human Rights (DH-PR) since 1993 and subsequently its deputy chairman in 1998-1999.
 - A member of the Council of Europe's Steering Committee for Human Rights (CDDH) since 1995 and its chairman in 2000-2002.
 - A chairman of the Working Group on Assistance to Democratic Institutions of the Council of the Baltic Sea States (CBSS), 1995–1996.
 - A chairman-rapporteur of the UN Working Group on the Right to Development (1996).

V. Public activities

- a. Public office: None
- b. Elected posts: None
- c. Posts held in a political party or movement: No political activities.

VI. Other activities

- a. Field: international relations and human rights, respectively.
- b. Duration: since 2005 onwards and 2007-2010, respectively.
- c. Functions:
 - member of the Editorial Board of the quarterly 'Security and Human Rights' (formerly Helsinki Monitor).
 - member of the Council of the Polish Institute of International Affairs.

VII. Publications and other works

He has written more than 90 scholarly publications in the field of international law of human rights, international humanitarian law and international organisations. The list of ten most important titles in English and Polish includes:

1. "Flexibilising the Modes of Amending the European Convention on Human Rights: An Idea for a 'Statute' for the European Court", [in] A. Eide, J.Th. Moller, I. Ziemele (eds.): *Making Peoples Heard. Essays on Human Rights in Honour of Gudmundur Alfredsson*, Leiden-Boston: Martinus Nijhoff Publishers, 2011.
2. "OSCE Lund Recommendations in the Practice of the High Commissioner on National Minorities", [in] M. Weller and K. Nobbs (eds.): *Political Participation of Minorities. A Commentary on International Standards and Practice*, Oxford: Oxford University Press, 2010.
3. "European Systems for the Promotion and Protection of Human Rights", [in] *International Protection of Human Rights: A Textbook*, ed. by C. Krause and M. Scheinin, Turku/Åbo: Åbo Akademi University Institute for Human Rights, 2009.
4. "Minority Protection within the OSCE", [in] *Managing Diversity. Protection of Minorities in International Law*, ed. by D. Thürer and Z. Kędzia, Zürich-Basel-Geneva: Schultens Juristische Medien AG, 2009.
5. „Reforma Europejskiego Trybunału Praw Człowieka - filozofia zmian czy zmiana filozofii” („Reform of the European Court of Human Rights – Philosophy of Changes or Change of Philosophy”), *Europejski Przegląd Sądowy (European Judicial Review)* 2006, nr 6 (in Polish).
6. "Improving Domestic Remedies with Particular Emphasis on Cases of Unreasonable Length of Proceedings", [in] *The Improvement of Domestic Remedies with Particular Emphasis on Cases of Unreasonable Length of Proceedings*, Workshop held at the initiative of the Polish Chairmanship of the Council of Europe's Committee of Ministers (Strasbourg, 28 April 2005), Strasbourg: the Council of Europe, 2006.
7. "Techniques of International Human Rights Protection", [in] *Introductory Lectures and Thematic Courses. The International Protection of Women's Rights. International Institute of Human Rights, 36th Annual Study Session*, Strasbourg, 4-29 July 2005, Documentary File, Vol. 1.
8. "L'activité pre-conventionnelle et para-conventionnelle du Conseil de l'Europe dans le domaine des droits sociaux", [in] J.-F. Flauss (ed.) *Droits sociaux et droit européen. Bilan et prospective de la protection normative*, Bruxelles: Bruylant, 2002.
9. "Protection of Human Rights and the Formation of Civil Society", [in] R. Dehousse (ed.) *An Ever Larger Union. The Eastern Enlargement in Perspective*, Baden-Baden: Nomos Verlagsgesellschaft, 1998.
10. "Reporting Mechanism for Supervision of National Legislation Implementing International Humanitarian Law", [in] A.J.M. Delissen and G.J. Tanja (eds.), *Humanitarian Law of Armed Conflict Challenges Ahead. Essays in Honour of Frits Kalshoven*. Dordrecht-Boston-London: Martinus Nijhoff Publishers, 1991.

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First language: Polish	+			+			+		
b. Official languages: – English – French	+	+		+		+	+		+
c. Other languages: Russian		+			+			+	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I do confirm my intention in this respect.

X. Other relevant information

I am familiar with and using the following software:

- Word processing - Windows, Word;
- Data bases: Hudoc, Lexis, Eurolex;
- Presentation software: PowerPoint;

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I declare that I will take up permanent residence in Strasbourg if elected a judge on the Court.

Krzysztof WOJTYCZEK**CURRICULUM VITAE*****I. Personal details**

Name, first name: Wojtyczek Krzysztof
 Sex: Male
 Date and place of birth: 19 February 1968, Kraków, Poland
 Nationality: Polish

II. Education and academic and other qualifications

1991 Magister prawa (master in Law), diploma with honours, Jagiellonian University
 1998 Doctorate in law, Jagiellonian University
 2009 « Habilitation » in law, Jagiellonian University

III. Relevant professional activities**a. Description of judicial activities**

I have not exercised any judicial activities.

b. Description of non-judicial legal activities

1991-1999 Junior lecturer, Faculty of Law and Administration, Jagiellonian University
 1999-2010 Lecturer, Faculty of Law and Administration, Jagiellonian University
 since 2000 Director of the School of French Law, Jagiellonian University
 since 2010 Professor at the Jagiellonian University
 since 2010 Director of the Coordination Centre for Foreign Law Schools

1998 – 2009 Legal advisor (“référéndaire”), Constitutional Court of the Republic of Poland
 since 2009 Senior legal advisor (“référéndaire-expert”), Constitutional Court

2008-2009 Member of a group of experts appointed by the Commissioner for Citizens’ Rights (Polish Ombudsman) for the preparation of a report on the application of the Constitution by the Polish Courts

2009-2010 Member of a Committee of experts appointed by the Speaker of the Sejm (the first house of the parliament) for the preparation of a draft of a new chapter of the Polish Constitution on the EU membership

2010-2011 Permanent Expert of a Special Committee of the Sejm for the amendment of the Constitution

c. Description of non-legal professional activities**IV. Activities and experience in the field of human rights**

- Research in human rights since 1991, numerous publications on this topic.

- The book monograph *Granice ingerencji ustawodawczej w sferę praw człowieka w Konstytucji RP* [*Constitutional Limitations on the Legislative Intervention in the Sphere of Human Rights*], Kraków 1999, received the Copernicus Prize, awarded by the Polish Academy of Arts and Sciences every five years in Nicolas Copernicus different fields of research.

- University teaching in law, including human rights

- Work as legal advisor (“référéndaire” since 1998) and later as senior legal advisor (“référéndaire-expert”) at the legal services of the Constitutional Court of the Republic of Poland, an institution entrusted with the protection of fundamental rights in Poland. My work is directly connected with human rights protection.

* Underlined text indicates posts or missions held at present.

V. **Public activities**

a. Public office

I have listed all functions in the public service in the part III of the curriculum vitae.

b. Elected posts

I have not held any elected posts.

c. Posts held in a political party or movement

I have never been member of any political party or movement.

VI. **Other activities**

since 2006 Member of the European Scientific Council (scientific council of the European Public Law Organization)

since 2009 Member of the Board of the Polish Association of Constitutional Law

since 2012 Member of the European Law Institute

Member of Association française de droit constitutionnel

Member of Societas Humboldtiana Polonorum

Member of the Polish Henri Capitant Association of the Friends of the French Legal Culture

Member of Societas Iuris Publici Europaei

VII. **Publications and other works**

More than 90 scientific publications in different languages in constitutional law and human rights.

Main monographs

1) *Granice ingerencji ustawodawczej w sferę praw człowieka w Konstytucji RP*

[Constitutional Limitations on the Legislative Intervention in the Sphere of Human Rights]
Kraków 1999.

2) *Przekazywanie kompetencji państwa organizacjom międzynarodowym. Wybrane zagadnienia prawnokonstytucyjne*

[Transfer of State Competences to International Organizations. Selected Constitutional Questions]
Kraków 2007.

Main articles

1) *Zasada proporcjonalności jako granica władzy karania,*

[The Principle of Proportionality as Limitation on the *Ius Puniendi*]
Czasopismo Prawa Karnego i Nauk Penalnych, 1999, no 2.

2) *Horyzontalny wymiar praw człowieka zagwarantowanych w Konstytucji RP,*

[Third-party Effect of Constitutional Rights],
Kwartalnik Prawa Prywatnego, 1999, no 2.

3) *Ochrona godności człowieka, wolności i równości przy pomocy skargi konstytucyjnej w polskim systemie prawnym*

[The Protection of Human Dignity, Freedom and Equality through the Constitutional Complaint in Polish Legal System]

in *Godność człowieka jako kategoria prawna* [Human Dignity as Legal Concept],
K. Complak ed., Wrocław 2001.

4) *Zasada proporcjonalności* [The Principle of Proportionality]

in *Prawa i wolności obywatelskie* [Civic Rights and Freedoms],
B. Banaszak, A. Preisner eds., Warszawa 2002.

5) *Prawa człowieka* [Human Rights]

in *Prawo francuskie* [French Law], 2nd vol,
A. Machowska, K. Wojtyczek eds., Kraków 2005.

6) *The Status of Foreigners in the Polish Legal System*, *European Review of Public Law*, 2007, no 1.

7) *Le droit communautaire et la Constitution polonaise* in: *Mélanges René Hostiou*, Paris 2008.

8) *L'influence du droit européen sur le droit public polonais* in: *L'influence du droit européen sur les catégories du droit public*, red. J.-B. Auby, Paris 2010.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: Polish	V			V			V		
b. Official languages:									
– English	V			V			V		
– French	V			V			V		
c. Other languages: German		V				V			V

Remarks: French spoken like a native

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

Not applicable

X. Other relevant information

- Numerous long-term stays out of Poland since childhood (more than 12 years altogether, including 10 years in France, 1969-1973, 1978-1983 (primary and secondary school), 1990-1991).

- Invited member at Nuffels College, Oxford University (June 1996), research project on human rights.

- Visiting Fulbright fellow at the George Washington University, National Law Center, Washington, D.C. (1996-1997), research project in human rights.

- Fellow of the Alexander-von-Humboldt-Stiftung at the Georg-August-Universität, Göttingen, Germany (2003-2005).

- Visiting professor at numerous foreign universities, courses in law taught in French and English, among others at the universities of Nantes, Orléans, Nancy, Poitiers, Paris 13, Academy of European Public Law in Greece and at Södertörns Högskola in Sweden.

These stays have perfectly prepared me to work in a multicultural environment and have developed my awareness of cultural diversity in the Council of Europe member States.

- Prize of the law review "Przełąd Sejmowy" for the best habilitation monograph in constitutional law in Poland (for the habilitation proceedings concluded in 2008-2010).

XI. I hereby confirm that I shall take up permanent residence in Strasbourg if elected a judge of the European Court of Human Rights.

Wojtyczek Krzysztof

Anna WYROZUMSKA**CURRICULUM VITAE****I. Personal details**

Name, forename Wyrozumska Anna
 Sex female
 Date and place of birth 23 February 1953 Lodz, Poland
 Nationality/ies Polish

II. Education and academic and other qualifications

- 1976 – Master of Law – Faculty of Law and Administration, University of Lodz, Poland
- 1984 – Ph.D. in public international law (dissertation on “Succession of States to Treaties Establishing Territorial Regimes”)
- 1995 – habilitation in public international law (“Evolution of the Antarctic Legal Regime and Third States”)
- 2008 full professor
- *Postgraduate studies*: Cours de droit comparé (premier cycle 1981; deuxième cycle 1984) Association Internationale de Droit Comparé, Faculté de Droit Comparé, Strasbourg
- Courses on international law – Inter University Center of Postgraduate Studies, Dubrovnik 1983; 1985; courses on the law of the sea, Institute of International Public Law and International Relations, Thessaloniki, Greece, 1986; The Hague Academy of International Law, courses on public international law 1987; course on European law, Institute of European Law, Florence 1994
- *Research scholarships*: Oriel College, Oxford University, 1988; T.M.C. Asser Instituut, The Hague, 1991-1992; University of Limburg, Maastricht, 1994; Bask University, San Sebastian, 1995.

III. Relevant professional activities**a. Description of judicial activities**

- *ad hoc* judge in *Hutten - Czapska v. Poland* case (*Application no. 35014/97*), European Court of Human Rights (2007-2008)
- potential conciliator on the Court of Conciliation and Arbitration of the OSCE (Geneva)
- member of the Bureau of the Court of Conciliation and Arbitration of the OSCE since 2001
- potential arbitrator on the Permanent Court of Arbitration in the Hague (on the list of Polish national group)

b. Description of non-judicial legal activities**Experience:**

- 1976-1995 – assistant, associate professor (since 1984) at the Department of Public International Law at the Faculty of Law and Administration of the University of Lodz, Poland
- 1995 – professor at the Department of European Law, University of Lodz
- since 2006 – professor of Humanistic and Economic Academy in Lodz
- 1995 - 1996 staff member of the Legal Department of the Ministry of Foreign Affairs
- 2000 - 2001 Legal Adviser of the Ministry of Foreign Affairs responsible for four departments, including the unit for cooperation with the European Court of Human Rights
- 1999 - 2002, and again since 2009 – President of the Legal Advisory Committee to the Minister of Foreign Affairs (the body consists of eminent Polish lawyers advising the Ministry i.a. on issues of human rights)
- expert representing Poland in i.a.:
 - the Committee on the Development of Human Rights in the Council of Europe (1995-1996) – elaborating i.a. the Protocol 12 to the European Convention of Human Rights,
 - the Committee of the Whole of the UN Rome Conference on the establishment of the International Criminal Court in 1998,
 - the VIth Committee of the United Nations General Assembly 1998, 2000, 2001, 2002 – presenting Polish position in various subjects of international law,
 - the Working Group of the VIth Committee of the UN GA, and later on, Ad Hoc Committee on State Immunity 1999-2002;

- courses for students, doctoral students and professionals (judges, advocates, public administration officials etc.) i.a. for Helsinki Foundation of Human Rights, National School of Public Administration, Diplomatic Academy in Poland, the German-Italian Cultural Centre, Villa Vigoni in Italy, universities in Germany (Berlin, Regensburg), France (Paris-Nanterre), the Netherlands (Nijmegen), Lithuania (Vilnius)
- chair holder - Jean Monnet Chair of European Constitutional Law since 2005
- European Commission expert – several TAIEX missions in Ukraine (Kiev, Lwow); consultancy and training services for Ukrainian – European Policy and Legal Advice Centre (UEPLAC) Phase V (EuropeAid/127777/C/SER/UA)
- consultancy for the European Parliament, expert in the panel on "Immigration: make the exploiter pay; Sanctions against employers of illegally residing third country nationals", Brussels, 17-18 October 2007
- many presentations at the conferences in Poland, and i.a. in Germany, the Netherlands, Italy, Russia, Lithuania, United States of America (the International Congress of Comparative Law), Chile;
- opinions for governmental and private bodies on various issues of international and European law, including the protection of human rights
- participation in several national and international research projects (international projects i.a.: COST IS0602 "International Law in Domestic Courts", the Commentary to the Treaty on the European Union (German project – leaders professors H. Blanke, S. Mangiamelli); European Science Foundation ECRP VI (2010) project on "International law through the national prism: the impact of judicial dialogue"
- member of the Polish expert bodies preparing legislative drafts or evaluating draft legislation (eg. on the law on international treaties, the European Chapter of the Constitution of Poland); in the Legislative Council – member responsible for evaluating the compatibility of legislative proposals with EU law and the European Convention of Human Rights standards
- the course for the Hague Academy of International Law on the role of national judge in the development of international law scheduled for 2013

Present position:

- head of the Department of European Constitutional Law (*Jean Monnet Chair of European Constitutional Law*), Faculty of Law and Administration, University of Lodz
- professor of international and European Law, Humanistic and Economic Academy in Lodz
- member of the Legislative Council (governmental consultative body evaluating legislative proposals)
- president of the Legal Advisory Committee to the Minister of Foreign Affairs
- member of the Bar of Lodz (advocate) since 2004

c. Description of non-legal professional activities

- 1999 – 2001 President of the Advisory Committee on European Integration to the Voivod of Lodz (regional authority)
- president of Solidarity (Trade Union) for the Faculty of Law and Administration
- 1996 – 2005 director of Postgraduate Course on European Law at the University of Lodz
- 2000-2010 – Erasmus programme co-ordinator for the Faculty of Law and Administration of the University of Lodz
- disciplinary prosecutor for the academic staff of the Lodz University since 2009

IV. *Activities and experience in the field of human rights*

- courses on human rights for University students
- courses and seminars for doctoral students – i.a. Italy (German-Italian Cultural Centre - Villa Vigoni) on the European anti-discrimination law, the EU Charter of Fundamental Rights; Humbolt University, Berlin - the protection of fundamental rights in the EU, University of Paris Nanterre – influence of the European Convention of Human Rights on Polish private law)
- co-organization of annual international students conferences (for advanced and doctoral students) on various aspects of the protection of human rights in constitutional law and international law (in cooperation with Professor A. Nussberger, the Institut für Ostrecht, Cologne, the judge on the European Court of Human Rights), several conferences in Cologne and Lodz, also in Lithuania, Hungary, Russia
- lectures and seminars on the protection of human rights for professionals: judges (post-graduate courses, special trainings etc.), prosecutors, public notaries, state administration officials
- lectures for Helsinki Foundation for Human Rights (the cooperation lasting for over ten years)

- Council of Europe expert – lectures for judges in Lithuania on the impact of the case-law of the organs of the European Convention on Human Rights on the domestic law and the national judge – 1997
- presentations at the conferences in Poland (national and international) and abroad (eg. „The Protection of Fundamental Rights in the EU and Pluralism of Legal Orders” – international conference organized by the Center of European Studies (supported by Konrad Adenauer Stiftung), Toruń 2007; “ Protection of Fundamental Rights in the EU - the need for change? “ – international conference „Development of European Law/of the Law of the EU Member States and Turkey: Towards the harmonization of the law in Europe”, Istanbul 2007; “50 years of European Treaties and the protection of fundamental rights”, international conference: “Fathers of Europe Alicide De Gasperi, Visions of Europe’s Development in the 21 st Century” organized by the European Institute in Lodz 2007; “Polish position on the Charter of Fundamental Rights in the Lisbon Treaty”, the EU-CONSENT Conference “Wider Europe, Deeper Integration? Constructing Europe Network of Excellence: Democracy, Legitimacy and Identities: Citizens on the Construction of Europe”, 2008; “Jurisprudence of the Court of Justice of the EU on National Minority and Related Issues”, Warsaw Seminar on Human Rights 2011
- expert representing Poland in the Committee on the Development of Human Rights in the Council of Europe (1995 - 1996) working on the draft of the Protocol 12
- supervision as the Legal Adviser in the Ministry of Foreign Affairs of the special unit responsible for Polish representation and cooperation with the European Court of Human Rights (2000, 2001)
- *ad hoc* judge on the European Court of Human Rights (2007-2008) in *Hutten - Czapska v. Poland* case (Application no. 35014/97)
- representation before the European Court of Human Rights of the applicants in cases *Kuliś v. Poland* (Application no. 15601/02), *Kuliś and Różycki v. Poland* (Application no. 27209/03)

V. **Public activities**

I have not belonged to a political party or movement (except for Solidarity Trade Union’s movement in early 80s) or held public office or elected posts.

VI. **Other activities**

- member of the International Law Association since 80., President of the Polish Group since 2007
- member of the European Law Association since 2004
- member of the International Academy of Comparative Law since 2011 (the reporter since 2006, preparation of three reports on Poland for the congresses of the Academy)
- member of the editorial boards of the Polish law journals, i.a. “Studia Prawno Europejskie” (1998-2008), “Przegląd Prawa Europejskiego” since 2003, “Polish Yearbook of International Law” since 2000, “Państwo i Prawo” since 2008

VII. **Publications and other works**

Author of 11 monographs and manuals on International Law and European Union Law, several updated editions, 3 text books, over 70 articles and studies on International Law and European Law, including the protection of human rights

1. Umowy międzynarodowe: teoria i praktyka (International Treaties: Theory and Practice), Warszawa 2006, 751 pp.
2. Prawo międzynarodowe publiczne: Zagadnienia systemowe (Public International Law) Warszawa 1999, 558 pp. /co-author W. Czaplński/ editions 2004, 2005, 781 pp.
3. Impact of the case-law of the organs of the European Convention on Human Rights on the domestic law and the national judge, (in:) The judge and international law, Council of Europe Publishing 1998, pp. 139-152
4. Legal Bases of the Polish External Competence, “Archiv des Völkerrechts”, Band 36, Heft 4, 1998, pp. 386-397
5. Polish Courts and State Immunity, 24 “Polish Yearbook of International Law” 1999-2000
6. Poland (in:) G.A. Bermann, Party Autonomy: Constitutional and International Law Limits in Comparative Perspective, New York 2005
7. Ochrona praw podstawowych w Unii Europejskiej – problemy pluralizmu porządków prawnych [Protection of Fundamental Rights in the European Union – Problem of the Pluralism of Legal Orders], (in:) J. Kranz ed., Suwerenność i ponadnarodowość a integracja europejska, Warszawa 2006, pp. 148-187
8. Fragmentaryzacja czy jedność ochrony praw podstawowych – na przykładzie Unii Europejskiej [Fragmentation or Unity of the Protection of Fundamental Rights – EU example] (in:) Rozwój prawa

- międzynarodowego – jedność czy fragmentacja? (Development of International Law – Unity or Fragmentation?), Wrocław 2007, pp. 131-169
9. The Charter of Fundamental Rights of the European Union in the Reform Treaty and the Polish Objections, The Polish quarterly of international affairs 2007, vol. 16, no. 4, p. 11-40
 10. Umocnienie ochrony praw podstawowych [Strengthening of the Protection of Fundamental Rights], Prawo Europejskie w Praktyce 2007, no. 7/8 (37/38), pp. 63-79
 11. Traktat reformujący UE – umocnienie ochrony praw podstawowych (status Karty Praw Podstawowych i przystąpienie UE do EKPCz) [The EU Reform Treaty – Strengthening of the Protection of Fundamental Rights (Status of the Charter of Fundamental Rights and the Accession to the ECHR)], (in:) J. Barcz ed., Traktat reformujący Unię Europejską Mandat Konferencji Międzyrządowej – analiza prawno-polityczna, Wnioski dla Polski, Zeszyty Naukowe WSPiZ im. L. Koźmińskiego 2007, pp. 54-75
 12. Znaczenie prawne zmiany statusu Karty Praw Podstawowych Unii Europejskiej w Traktacie Lizbońskim oraz Protokołu polsko-brytyjskiego [The Legal Significance of the Change of the Status of the Charter of Fundamental Rights in the Treaty of Lisbon and the Polish-British Protocol], Przegląd Sejmowy, 2(85) 2008, pp. 25
 13. Incorporation of the Charter of Fundamental Rights in the EU Law, (in:) Fundamental Rights Protection in the European Union, J. Barcz ed., Warsaw 2009, pp. 80-113
 14. System Ochrony Prawnej w Unii Europejskiej (The System of Judicial Protection in the European Union), editor and the author of two chapters, Warszawa 2010, pp. 39-87; 396-413
 15. Poland, (in:) D. Shelton ed., International Law and Domestic Legal Systems, Oxford 2011, pp. 468-499.

VIII. Languages

Language	Reading			Writing			Speaking		
	très bien	bien	assez bien	très bien	bien	assez bien	très bien	bien	assez bien
a. First language: Polish	X	..	..	X	..	..	X	..	..
b. Official languages : – English	X	..	..	X	..	..	X	..	..
– French	..	X	..	..	..	X	..	..	X
c. Other languages : - Russian	..	..	X	..	..	X	..	..	X

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I have the intention to follow intensive French classes prior to and also at the beginning of, my term of duty if elected a judge on the Court.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I will take up permanent residence in Strasbourg if elected a judge on the Court.

List and curricula vitae of candidates submitted by the Government of the Russian Federation

PERMANENT MISSION OF THE RUSSIAN FEDERATION TO THE COUNCIL OF EUROPE

Mr. Wojciech SAWICKI
Secretary General
of the Parliamentary Assembly
of the Council of Europe

Strasbourg, April 12, 2012

Dear M Sawicki,

Following your letter dated 30 June 2011, I have the honour to forward herewith the list and the curricula vitae of the following candidates seeking election to the European Court of Human Rights chosen by my Government:

Mr. Andrei BUSHEV, Associate Professor at the Business Law Department of the St. Petersburg State University;

Mr. Dmitry DEDOV, Judge at the Supreme Commercial Court of the Russian Federation;

Ms Liudmila NOVOSYOLOVA, Judge at the Supreme Commercial Court of the Russian Federation.

I would be grateful to you if the interviews with the candidates by the Sub-Committee on the Election of Judges to the Court could be scheduled for 15 June 2012.

Alexander ALEKSEEV

Ambassador,
Permanent Representative

Russian procedure of national selection of candidates seeking election to the ECHR

Following the instruction of the President of the Russian Federation of 24 May 2011 no. Pr-1474 the legal basis for the national selection of candidates for the post of judge of the European Court of Human Rights from the Russian Federation was set up by the two acts of the Ministry of Justice of the Russian Federation which outlined the overall sequence of the selection procedure and defined the bodies involved in it. Besides, these acts made specific references to the relevant provisions of the Convention, as well as to the resolutions and recommendations of the Parliamentary Assembly which set the criteria to be taken into consideration in course of the selection procedure.

A public call for candidatures was made on 1 July 2011 through the specialized press, *i.e.* *Rossiyskaya gazeta*, the daily federal newspaper which is the source of the official publication of all the laws and subordinate acts on the whole territory of the Russian Federation. Furthermore, the relevant information materials were simultaneously published on the website of the Ministry of Justice of the Russian Federation (www.minjust.ru).

A call for applications described not only the qualifications required but the details of the selection procedure as well, so that the public could learn in advance all appropriate data regarding the organization of the selection.

The information concerning the beginning of the national selection, which had been initially published in *Rossiyskaya gazeta* and on the website of the Ministry of Justice, was promptly disseminated by the other mass media. Therefore, the nomination process was widely known in the professional and academic circles among the potentially suitable candidates.

As the competition was open to public, anyone interested could take part in it by submitting the documents indicated in the call for applications until 1 August 2011. When applying for taking part in the contest, the candidates were asked to present documents proving that they possessed qualifications required, *inter alia*:

- curriculum vitae in Russian as well as one of the two official languages of the Council of Europe (Appendix to Parliamentary Assembly Resolution 1646 (2009));
- documents confirming the candidates' education, qualification and practical experience (certificate of degree, PhD diploma, service record, etc.) which could allow the commission to consider the applicants' professional competence and their potential if elected to the post of judge at the European Court.

No excessive requirements as to the list of the necessary documents were established. No official certification or apostille were required.

The initial examination of the candidates' applications was entrusted to the Competition commission composed of 9 members: 4 representatives from the Russian Ministry of Justice, 3 representatives from the Ministry of Foreign Affairs, 1 representative of the All-Russian Non-Commercial Organization "Association of Lawyers of Russia" and 1 professor of the European Studies Institute at the Moscow State Institute of Foreign Relations, *i.e.* the officials and independent experts with relevant proficiency in international law and human rights.

13 candidates applied. The Commission, at its first meeting on 16 August 2011, having examined the documents submitted by the candidates with view to the requirements set out by the Convention and the relevant Parliamentary Assembly resolutions and recommendations, short-listed 10 of them and assigned the date of its second meeting when personal interviews, also including language assessment, were to be held. The rejected 3 candidates obviously did not meet the established requirements as they did not possess a thorough experience in legal profession. Therefore, the Commission decided not to interview them.

At the second meeting of the Commission, the applicants were asked to translate an extract from a random European Court's judgment within a certain time-limit and were subsequently personally interviewed by the members of the Commission in English or French on issues relating to their legal experience and knowledge of the Convention. During this meeting the Commission was also assisted by 2 professional translators from the Russian Diplomatic Academy. In assessing the candidates' language abilities the Commission sought to assure that the shortlisted persons possessed a very good knowledge of at least one of the official languages of the Council of Europe.

As a result of the personal interviews during which the professional capacity and language skills of the 10 candidates were evaluated with view to the requirements established by the Convention and the Parliamentary Assembly resolutions and recommendations, the Competition commission finalized a list containing 6 names of the applicants whose candidatures seemed to correspond best to the functions of the post.

A shortlist containing the said 6 candidates was then approved by the Interdepartmental Commission at its meeting on 29 September 2011 and then forwarded to the President of the Russian Federation, who

chose on 7 February 2012 the final 3 among them to be presented to the Advisory Panel of Experts and to the Parliamentary Assembly: Mr Andrey Bushev, Mr Dmitry Dedov and Ms Lyudmila Novosyolova. The final list of the applicants was made public and widely discussed in the national press.

In all, the Competition commission and other bodies in charge of the selection process assessed the candidates on the basis of the qualifications specified in the Convention and the relevant documents of the Parliamentary Assembly. The described procedure closely followed the requirements established in the Parliamentary Assembly resolutions/recommendations and responded to the principles of democratic procedure, transparency, non-discrimination, fairness and consistency.

Besides, this procedure was described by the Russian authorities in course of the work of the CDDH-SC group in September-January 2011-2012. Furthermore, the Russian selection was referred to, in several key points, as an example of best practice in the Reports of the CDDH-SC and in the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge of the European Court of Human Rights (see document CM(2012)40).

Andrei Yurievitch BUSHEV

CURRICULUM VITAE*

I. Personal details

Name, forename:	BUSHEV Andrei Yurievitch
Sex	male
Date and place of birth	12 February, 1966; Leningrad, USSR (currently – St Petersburg, Russia)
Nationality/ies	Russian

II. Education and academic and other qualifications

- (i) *Master of Law (1988), PhD in Law (1997) - Leningrad (St. Petersburg) State University Law Faculty;*
- (ii) *professional trainings both in Russia and abroad on legal and MBA courses, in particular (but not limited to) :*
 - Faculty of Law of the University of East Anglia (1999), (ii) University of Leiden (the Netherlands), Institute For East-European Law And Russian Studies - doctoral research devoted to the subject of law and policy in the field of securities regulation in Russia and the CIS (2002-2006),
 - international law firms - Alen&Overy (London, 1994) and Gide Loyrette Nouel (Paris, 1995),
 - multinational corporations - Carlsberg A/S (Helsinki, 1996-2000; Copenhagen, 1999-2000); International Paper Inc. (Memphis, USA, 2009 - 2011),
 - international governmental organisation - International Finance Corporation, the World Bank Group (Moscow, Tbilisi, 2003-2004).

III. Relevant professional activities

a. Description of judicial activities

- Investigator in the military prosecution office (1988-90):
Compulsory (statutory) military service; Chitinskaya oblast (Siberia): investigation and filing with the court cases vs. suspects, wide range of criminal offences by military staff (thefts, murders, excess of authority, blows causing injuries, illegal operation of armed forces, etc.); cross-examination, detention and other procedural actions, numerous trips and investigations around countries - members of the former USSR.
- European Court of Human Rights, *ad hoc* judge - since October 2009: case of *Neftyanaya Kompaniya Yukos v. Russia*, application no. 14902/04 – before Section 1; case of *Kotov v. Russia*, application no. 54522/00 – before Grand Chamber; in 2010 appointed as an *ad hoc* judge in accordance with Rule 29-1 paragraph 1(b) of the Rules of the Court.

b. Description of non-judicial legal activities

- (i) Academic (since 1996 – present). Associate Professor (since 2000), lecture (1996-2000) at the Business Law Department of the St. Petersburg State University. Lecture /Visiting Professor in many foreign Law schools. Lectures and classes on Comparative Law, International Law, Legal Methodology, Business Law, Arbitration; Legal Risks Management, Law & Economics, Public Law and Protection of Human Rights.
- (ii) Arbiter in Arbitration Tribunals: Stockholm Chamber of Commerce, *ad hoc* arbiter (since 2010 - present): a dispute with the public authorities on protection of a foreign investor rights; St Petersburg CCI, Leningrad oblast CCI and others (since 1999 - present).

* Underlined text indicates posts or missions held at present.

(iii) Private law practice (last 20 years):

- senior associate in French (international) law firm branch in St. Petersburg - Gide Loyrette Nouel (1993-1996): Research Studies and Memorandums on Protection of French investors and foreign citizens' rights in Russia, on Evolution of Russian Law in a transition period, litigation;
- a regional general counsel and corporate secretary for multinational corporations, as well as for domestic organizations: Investment project of the European Bank for Reconstruction and Development with Finish company and Danish company in Russia; Investment project of the Belgium company and American company (NYSE) in Russia, etc.; intensive litigation practice in national courts on disputes with public authorities; adaptation of international standards and best practices in legal work to Russia specifics, integration of Russian team of lawyers into international legal environment;
- International Public Organization (2003-2005): a team leader in a regional branch of the International Finance Corporation (member of the World Bank Group), project on corporate governance: Research Studies and trainings on international best practices in risk management, transparency and information disclosure, decision making and control, codes of ethics and behaviour, and the like;

private practise included also counselling on protection of Human Rights and Fundamental Freedoms with a focus on a property right, right to a fair trial, right to life, right to liberty and security, freedom of thought, conscience and religion, freedom of assembly and associations.

- (iv) Membership in professional organizations: member of the scientific group for the Advisory Council to the NW Federal Circuit Commercial Court (Since 1998); member of Association of Corporate Counsels Europe (since 2007).

c. Description of non-legal professional activities: N/A

IV. Activities and experience in the field of human rights

- (i) European Court of Human Rights, *ad hoc* judge - since October 2009: *Yukos* case before Section 1, prepared the dissenting opinion; *Kotov* case before Grand Chamber; in 2010 appointed as an *ad hoc* judge in accordance with Rule 29-1 paragraph 1(b) of the Rules of the Court.
- (ii) Development of criteria for positive obligation of the state: ECHR and the Constitutional Court of RF practice:
 - Lecturing in Russia and abroad on the rights provided by the Convention, as developed by ECHR: Association of Corporate Counsels Europe, Munich, 2007; Law Faculty of the St Petersburg State University, since 2009, University of Incheon, South Korea, 2009; University of Helsinki, Finland 2010, Branch of University of Tartu, Tallinn, 2011; Naples, 2011; Brussels, 2011; Speaker on the Conference by Association of Corporate Counsels and the Constitutional Court of RF, St Petersburg, 2011); Moderator and speaker in the roundtable on the topic of "Universalization of Legal Instruments and Problem of Extraterritoriality of Jurisdictions" at St Petersburg 1st International Legal Forum, May 2011, High School of Economics, St Petersburg, 2012; St Petersburg City Prosecutor office, 2012.
- (iii) Joint Cross-functional Research Project (St Petersburg State University and High School of Economics) on a legal doctrine of the risk management on the base of just and fair allocation of risks in horizontal relationships.
- (iv) TASIC Project No HRRU 9801: Contributor to a manual on protection of the entrepreneurs' property rights and freedoms in the course of bankruptcy in Russia.
- (v) Participation in Judicial Clinic at the Law Faculty of the St Petersburg State University on consulting the population on the issues of protection the Human Rights and Fundamental Freedoms with a focus on a right to education, right to free elections, freedom of movements, property right.

- (vi) Private legal practice (refer to item III sub-item b (iii) above).
- (vii) Scientific publications on the Human Rights related topics: on international public order and international organizations; on non-discrimination on a ground of sex in governing organizations; on striking a balance between minority and majority stockholders, on legal families, etc. (please refer to item VII below).
- (viii) Contributor to scientific opinions for the Constitutional Court of the RF on protection of property rights and striking a balance between private and public interests.
- (ix) Centre For International Legal Studies (CILS), an Honorary Fellow of the Association of Fellows and Legal Scholars.

V. Public activities: N/A

- a. Public office
- b. Elected posts
- c. Posts held in a political party or movement

VI. Other activities

- a. Fields: Sport and fitness; Cynology & training; Cross-cultural cooperation.

VII. Publications and other works

Over 60 publications (including abroad) on private and comparative law, development of risk management legal doctrine:

- Monography on legal approach to risk management at financial markets: assessment of legal institutions is based on the criteria for state interference into private relationships, as well as performance of the active obligation by the state in the light of the case law by ECHR and Constitutional Court of RF (2012-2013).
- Articles on the topic of criteria for state interference into private relationships, in Russian and in English (2012 - to be published).
- Chapters in textbooks on Business Law (2001, 2010), Comparative Business Law (2003, 2005, 2012 – work in progress), Housing Law (2006) ; International commercial law (2004); International trade law (2005), Bankruptcy Law (2003, 2011); (Главы в учебных пособиях и учебниках по Коммерческому праву, Коммерческому праву зарубежных стран, Международному коммерческому праву, Международному торговому праву, комментарии к Жилищному кодексу, Закону о несостоятельности (банкротстве)).
- On Fundamentals of risk management in law (Основы управления рисками в праве // Арбитражные споры. 3 (43) 2008).
- *Hans-Joachim Schramm, Andrei Bushev*, Protection of the shareholders through the regulations of the securities markets / Investor Protection in the CIS Legal Reform and Voluntary Harmonization, ed. Rilka Dragneva. Koninklijke Brill NV, Leiden. 2007, 149-192.
- *A. Bushev, V. Popondopulo*. On Striking the Balance of Shareholder Interests During the Consolidation of Shares //Review of Central and East European Law 31 (2006), 259-290.
- *A.Iu. Bushev, D.V. Khohlov and O. Iu Skvortsov*, The Theoretical Underpinnings of Commercial Law: A Russian View on Bankruptcy and Securities // Review of Central and East European Law. Volume 30, # 2-4, (2005).
- Public order in international trade / International trade law. Textbook. Ed. Prof Popondopulo, 2005 (Публичный порядок в сфере международного торгового оборота \ Международное торговое право. Учебное пособие. Под ред. В.Ф. Попондопуло. М., 2005).

- On the issue of legal doctrine of risks / Comprehensive matters of theory and practice in commercial law. V. 5, 2005 (К вопросу о правовой доктрине рисков / Актуальные проблемы науки и практики коммерческого права. Сборник научных статей. Выпуск 5. М., 2005).
- On main Legal Families (Основные правовые системы в сфере коммерческого права \ Юрист и бухгалтер. СПб., 2004. № 1(14). С. 72-77.
- Main concepts of English contract law / Comprehensive issues of theory and practice in commercial law. V. 4 (2002) Основные институты договорного права Англии \ Актуальные проблемы науки и практики коммерческого права. Сборник научных трудов. Выпуск 4. 2002. С. 43-64.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	Fair
a. First language: ..Russian.	X"	"	"	X"	"	"	X"	"	"
b. Official languages: – English	X"	"	"	X"	"	"	X"	"	"
– French	"	"	"X	"	"	"	"	"	"
c. Other languages:									

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm my intention to follow intensive language classes of the French language prior to, and if need be also at the beginning of, my term of duty if elected a judge on the Court.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court

Dmitry DEDOV

CURRICULUM VITAE

I. Personal details

Name, forename Dedov Dmitry
 Sex Male
 Date and place of birth 22.02.1967, Zhitomir oblast, USSR
 Nationality/ies Russian

II. Education and academic and other qualifications

High legal education - 1984-1991 – Moscow State University, Law school,
 Diploma with honours

PhD – 1994 - Moscow State University, Law school, on collective bargaining, labour conflicts and strikes in
 Russia and overseas.

Docent at the Moscow State University since 2004

Doctor of law – 2006- on “principle of proportionality and limitation of economic freedom”.

Professor at the Moscow State University since January, 2011.

Professor at the Center for Transnational Legal Studies, London, since 2010.

III. Relevant professional activities**a. Description of judicial activities**

Judge of the Russian Supreme Commercial Court, since April, 2008.

Supervising over lower courts on all types of civil and administrative cases regarding, inter alia, protection of property rights, commercial reputation, compensation of harm to the environment, retrospective application of law minimizing administrative sanctions for minor offences, administrative disputes between business and state, corporate actions, bankruptcy procedures, protection of right to a fair trial, protection of fair competition.

In general - realizing the task of the Court to protect “human rights in accordance with recognized principles of international law, to protect rights of unlimited number of persons or any other public interests” (Art. 304 of the Russian Procedural Arbitration Code).

b. Description of non-judicial legal activities

- *teaching at* Business law school of the Moscow State University since 1994 on business law, including corporate governance, competition, bankruptcy and labour force, on the European Community law, labour market, protection of economic freedom in court, transnational corporate governance (at the Center for Transnational Legal Studies, London);

- academic research:

in the area of philosophy and legal methodology – general principles of law (proportionality, conflict of interests, legal certainty, rule of law, general good, systemic approach, protection of rights against actions influenced by bad faith based on conflict of interests; protection of economic freedom and personal dignity; systemic ties between shareholder value and sustainable development;

when the results of the research were published, conceptions of general good and conflict of interests became very popular among Russian practical and academic lawyers, including legislators;

application of the above academic research as an expert of the Russian Constitutional Court, the Russian Government, and also in the Russian Parliament as a representative of the Russian Supreme Commercial Court;

research and popularization of conceptions of legal state and constitutional economy within the Moscow-Petersburg Philosophy Club

having a personal blog at www.pravo.ru discussing the social order issues (since April, 2011)

Expert at the Russian Constitutional Court and the Russian Government, 2000-2005

membership at the Moscow-Petersburg Philosophy Club

c. Description of non-legal professional activities

none

IV. Activities and experience in the field of human rights

1) As an expert at the Constitutional Court of the Russian Federation:

- advised to the Court in relation to wider implementation of general principles of law (i.e. the proportionality principle, the conflict of interest problem and the good administration) into the practice of the court (by providing a legal analysis to the court in connection with concrete cases, including
 - limitation of huge tax penalties to prevent termination of right to provide an economic activity;
 - protection of shareholders' right to their capital investments in connection with mandatory repurchase of shares in Russian biggest oil stock companies (Yukos, TNK-BP, etc.) after «consolidation» of shares by the board of directors – via, inter alia, application of Article 1 of Protocol № 1 to the Convention;
 - protection of a minority shareholder's rights («Priargunskoye» company) to challenge a transaction with conflict of interest in the court;
 - preventing courts from automatic liquidation of a company if the total amount its obligations exceed the book value of its assets (in case of Gusinsky's «Most» company) without checking whether there are evidences of an insolvency of the company and whether its founders are not willing to rescue their business.
 - giving the idea that the public interest to protect cultural values could be violated in connection with proposed construction of Gazprom Tower in Saint Petersburg;

- (as an expert to the Russian Ministry of Economic Development) advised to the Ministry on draft takeover law in public companies and other draft laws to protect minority shareholders, including the corporate government code;

2) As a lawmaker (head of the legislative department at the Russian Supreme Commercial Court)

- realised the principle of good administration in the Tax Code during the reform of tax administration (generated ideas related to taxpayer's procedural rights including the rights to fair and oral hearings, the right of objection which should be seriously considered by the tax authority and the right to appeal to a supervising tax authority; possibility to challenge the decision of authority on the basis of substantial procedural omissions which lead to a wrong decision);

- generated the idea of «pilot judgements» to unload the Presidium of the Court (originally in order to minimise the number of cases brought before the Presidium and to give more powers to committees consisted of three judges to implement the existing positions of the Court in other similar cases, - and ultimately to trigger case law or precedent practice in Russia);

- created standards of the Court in dealing with alleged abusive tax advantages (implemented the concepts of the reasonable economic decision and the real economic activity and the presumption that a tax payer is acting in good faith unless otherwise proved by the tax authority; also the other positions of the EC Court of Justice in this sphere were accepted);

- participated in creating standards of the Court in dealing with transactions violating the public order (implementing idea of violation of general principles of law and constitutional values);

- proposed to integrate a class action procedure into the Russian Arbitration Procedural Code (participated in preparing a draft law) in connection to conflicts in the sphere of corporate law and financial markets;

3) As a judge (wider implementation of the principles of proportionality and legal certainty):

- protection of property rights including the following:

protection of business organisations' rights to their principal assets against alienation of property by the state after expiration of up to 20 years period after privatisation and after renovation of old Soviet assets by the companies (the largest investment of about 1 billion US Dollars was made by owners of the Domodedovo airport, the biggest in Europe);

- development of the Court's positions relating to transactions with conflict of interests (using different technics including application of law by analogy) and unlawful takeovers (through the concept of loose of corporate control);
- development of the Court's positions relating to protection of investor's rights (re quality of security provided to bondholders);
- development of the Court's positions relating to violation of public order by arbitration tribunals in property cases (violating third persons' ownership rights and preventing proportional satisfaction of creditors' claims to insolvent company);
- dissent opinions
 - to develop the rule of law approach in bankruptcy procedures;
 - to protect the reputation of a liquidator who avoided the application of administrative sanctions only due to the expiry of limitation period;
 - to provide a shop owner with legal certainty because the Court upheld the judgment to demolish a shop constructed as a real property without permission of local authority notwithstanding that it was included into the master plan for the city 19 years ago (local administration permitted to create a «temporary building» only;
 - to defend my position that the Russian Federation should be considered as an affiliated person of companies under the state control;
- finding the balance of interests between a successor of the dead partner and the existing partners of a closed corporation;
- finding the balance between the rights of local administration to develop the city parks and a private person' interest to locate a commercial property on the territory of the park;
- to provide compensation (in respect for pecuniary and non-pecuniary damage) to small businesses who lost their property due to unlawful actions or arbitrary decisions of authorities (local administrations, bailiffs, customs offices);

V. Public activities

a. Public office

Head of the Legislation department at the Russian Supreme Commercial Court, 2005-2008

b. Elected posts

None.

c. Posts held in a political party or movement

None.

VI. Other activities

None.

VII. Publications and other works

About 100 publications, including books on
Legal Method (WoltersKluwer, 2008)
Conflict of Interests (WoltersKluwer, 2004, 2009)
Concept of General Good (Moscow University Press, 2003)
Principle of proportionality and limitation of economic freedom (Jurist, 2002)

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	Fair	very good	good	fair
a. First language: Russian	+"	"	"	+"	"	"	+"	"	"
b. Official languages:									
– English	+"	"	"	+"	"	"	++	"	"
– French	"	++	"	"	+"	"	"	+"	"
c. Other languages:									
Italian	"	++	"	"	"	+"	"	"	++
Spanish	"	"	++	"	"	+"	"	"	++

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm.

Lyudmila NOVOSYOLOVA

CURRICULUM VITAE*

I. Personal details

Name, forename: NOVOSYOLOVA Lyudmila
Sex: female
Date and place of birth: 6 March 1961, Moscow
Nationality/ies: Russian Federation

II. Education and and academic and other qualifications

1984: Higher education, graduated from the Moscow State University n.a. M.V.Lomonosov, Faculty of Law, specialist in law

1998: Doctor of Law

2004: Professor

2009: Honoured lawyer of the Russian Federation

III. Relevant professional activity

a. Description of judicial activities

since 1992: Judge of the Supreme Commercial Court of the Russian Federation

b. Description of non-judicial legal activities

1984-1992: specialist, deputy head of the department, acting arbitrator of the State Arbitrazh of the RSFSR

1985 – 1999: lecturer, associated professor, professor of the Chair of Civil Law of the Moscow State University n.a. M.V. Lomonosov

since 1998: Professor of the Chair of State Service's Legal Support at the Russian Academy of State Service

Member of the Presidential Council for Codification and Enhancement of Civil Legislation

c. Description of non-legal professional activities

IV. Activities and experience in the field of human rights

V. Public activities

- a. Public office
- b. Elected posts
- c. Posts held in a political party or movement

VI. Other activities

- a. Field
- b. Duration
- c. Functions

* Underlined text indicates posts or missions held at present.

VII. Publications and other works

More than 130 books and articles published.

The most important titles:

- «Banks – liability for violation in payments», Moscow, 1995.
- «Payments in business activities», Moscow, 1996.
- «Promissory notes and bills in economic», Moscow, 1998.
- «Assignment of right of demand in commerce», Moscow, 2004.
- «Public action» Moscow, 2006
- «Banking Law». Textbook (in co-authorship), Moscow, 2002.
- «Civil Law». Textbook (in co-authorship), Moscow, 2009.
- «The problem of regulation of limitation of action from the point of view of principles of legal certainty»,
- «Business and law», Moscow, 2012, № 2.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: Russian	X	..	..	X..	..	..	..X	..	..
b. Official language: – English	X	..	..	..	X..	..	..	X..	..
– French	..	..	..	..	..	..	..	..	..
c. Other languages:									

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language (the second), please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm my intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, my term of duty if elected a judge on the Court.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court

List and curricula vitae of candidates submitted by the Government of Sweden

PERMANENT REPRESENTATION OF SWEDEN
TO THE COUNCIL OF EUROPE
Strasbourg

Strasbourg, 3 April 2012

Mr Wojciech Sawicki
Secretary General of the
Parliamentary Assembly
Council of Europe

Candidates for election as judge to the European Court of Human Rights

Dear Mr Sawicki,

In reference to your letter of 30 June 2011, with an invitation to submit a list of three candidates for the position as judge in respect of Sweden, I have the honour to submit the following.

The Government decided on 23 February 2012 to nominate the following three candidates, in alphabetical order, for election as judge to the European Court of Human Rights: Ms Helena Jäderblom, Mr Stefan Strömberg and Ms Margareta Åberg.

Please find enclosed the curricula vitae of the candidates and a description of the procedure by which the candidates were selected.

Yours sincerely,

Carl Henrik Ehrenkrona
Ambassador

Memorandum

1 March 2012

Ministry for Foreign Affairs
Sweden

The procedure by which the Swedish candidates for election as judge to the European Court of Human Rights were selected

According to Section 12 and Part 3 of the Annex to the Ordinance concerning the Duties of the Government Offices (1996: 1515)² dossiers on nominations of judges to international courts are prepared by the Ministry for Foreign Affairs. The decision to nominate a candidate is adopted by the Government.

It may be useful to recall that in Sweden it is the Government that appoints the judges at the national courts. Under the Swedish Constitution appointments of judges must be based exclusively on objective considerations such as merit and competence (chapter 11, article 6 of the Instrument of Government). On 1 January 2011 the procedure of appointing judges to the highest judicial offices, such as judges of the Swedish Supreme Court and the Swedish Supreme Administrative Court, was amended and a new procedure was introduced involving a public call for candidates through advertisements in newspapers and on the Internet, as well as the recommendations of an Advisory Committee for the selection of suitable candidates.³ Before that date the judges of i.a. the supreme courts had been appointed by the Government on the basis of a selection of candidates by the Ministry of Justice and after consultation with an Advisory Committee.

In the light of the amendment as regards the procedure for appointing judges to the supreme courts in Sweden, and with the objective to closer regulate the national procedure for the nomination of judges to international courts, including judges of the European Court of Human Rights, the Minister for Foreign Affairs decided that a report exploring the issue should be drawn up by an independent expert. The report was finalised in August 2011 and will provide the basis for the Government's further considerations of what regulations may be necessary to adopt for future nominations.

Awaiting such amendments, the procedure for nominating the Swedish candidates for election as judge to the European Court of Human Rights has consisted of the following essential elements:

1. A public call for candidates via advertisements in newspapers and on the Internet to announce the vacancy and the possibility of becoming one of the Government's nominees.
2. The expansion of the Advisory Committee set up to be consulted on the suitability of candidates for election as judge to the Court of Justice of the European Union and the European Court of Human Rights.
3. The listing of candidates to be presented to the Advisory Committee.
4. Consultation with the Advisory Committee.
5. The Government's decision prepared according to the ordinary procedure of consultations within the Government Offices to nominate the selected candidates.

1. Advertisement to announce the vacancy

An advertisement announcing the possibility of being one of the Government's candidates for election as judge to the European Court of Human Rights was published in two major daily newspapers – *Dagens Nyheter* and *Svenska Dagbladet* – on three different occasions. The advertisement was also published on the Government's website⁴, on the job-search website MeraJobb.se, on the website of the Swedish National Courts Administration and in the online daily legal newspaper *Dagens Juridik*.

The advertisement listed the criteria for holding the office of judge of the European Court of Human Rights as set out in Article 21 of the Convention. Persons meeting these requirements were invited within a period of

² Förordning (1996:1515) med instruktion för Regeringskansliet.

³ Lag (2010:1390) om utnämning av ordinarie domare.

⁴ www.regeringen.se/ledigajobb

about three weeks to submit an application declaring their interest in being nominated for the position. The advertisement also stated that knowledge of public international law and human rights, knowledge of the official languages of the European Court of Human Rights, as well as experience of and the ability to work in an international environment and with organizational issues were qualifications that would be taken into account.

A statement of required qualifications was drawn up by the Ministry for Foreign Affairs with reference, in particular, to the criteria laid down in the Convention and the requirements established by the Parliamentary Assembly, which were to form the basis of the selection of suitable candidates and be added to the dossier.

2. The expansion of the Advisory Committee

An Advisory Committee to be consulted on the suitability of candidates for election as judge to the Court of Justice of the European Union and the European Court of Human Rights was set up by a decision of the Minister for Foreign Affairs in March 2011. The Advisory Committee is composed of former members of the Supreme Court, the Supreme Administrative Court, the courts of appeal and administrative courts of appeal, as well as the Swedish Prosecution Authority and the Swedish Bar Association. This Advisory Committee has the same composition as the one mentioned above that had formerly been consulted on appointments of judges to the two national supreme courts.

By a decision of the Minister for Foreign Affairs in November 2011, the Advisory Committee was expanded to include the former judge of the European Court of Human Rights Ms Elisabeth Palm.

3. The listing of candidates

The Ministry for Foreign Affairs drew up a list of the candidates to be presented to the Advisory Committee. In addition to those having applied to be nominated, further candidates among those holding high judicial offices in Sweden – and who were considered to meet the criteria laid down in Article 21 of the Convention and the requirements established by the Parliamentary Assembly – were included in the list by the Ministry for Foreign Affairs in cooperation with the Ministry of Justice. The selection has been based solely on objective considerations in accordance with the Swedish Constitution.

4. Consultation with the Advisory Committee

The listed candidates were presented to the Advisory Committee at a meeting organised by the Director-General for Legal Affairs. The qualifications and suitability of the candidates were considered in depth by the Advisory Committee, in particular with regard to the criteria laid down in Article 21 of the Convention and the requirements established by the Parliamentary Assembly. The consultation resulted in a list, agreed by the Advisory Committee, of persons who were considered to fulfil the necessary requirements and were ranked according to their suitability to hold the office of judge of the European Court of Human Rights. The list included Ms Helena Jäderblom, Mr Stefan Strömberg and Ms Margareta Åberg.

5. The Government's decision to nominate the selected candidates

On the basis of the consultation with the Advisory Committee it was agreed, after the ordinary procedure of consultations within the Government Offices, at the political level that seven candidates, including Ms Helena Jäderblom, Mr Stefan Strömberg and Ms Margareta Åberg, should be contacted. Once they had declared their acceptance to be nominated, the Government adopted the decision to nominate Ms Helena Jäderblom, Mr Stefan Strömberg and Ms Margareta Åberg.

Helena JÄDERBLOM**CURRICULUM VITAE*****I. Personal details**

Name, forename: Jäderblom, Helena
 Sex: Female
 Date and place of birth: 16.10.1958 in Gothenburg, Sweden
 Nationality: Swedish

II. Education and academic qualifications

1983 Master of Law, University of Uppsala, Sweden
 1983 Maritime law course, University of Oslo, Norway (6 months)

III. Relevant professional activities**a. Description of judicial activities**

1984 - 1987 Court Clerk at a General Prosecutor's office and two District Courts

1987 – 2003 Assistant Judge and Associate Judge at the Administrative Court of Appeal in Stockholm and its courts of first instance

2005 - 2007 Senior Judge and Head of Division at the County Administrative Court in Stockholm
Judicial review of administrative decisions mainly in the fields of social insurance and forced care of mistreated children, drug abusers and psychiatrically ill. Administrative and budgetary responsibilities, staff management.

2007 - 2011 Chief Judge and Head of Division at the Administrative Court of Appeal in Stockholm
Review of judgments from administrative courts of first instance, mainly in cases concerning taxation, migration, public procurement, access to official documents, building permits, licences for exercising various professions and social insurance. Administrative and budgetary responsibilities, staff management.

2011 - Justice of the Supreme Administrative Court
Review of judgments from the administrative courts of appeal, judicial review of government decisions concerning civil rights in the meaning of Article 6 of the European Convention on Human Rights.

b. Description of non-judicial legal activities

1993 - 1994 Lecturer in Constitutional and Administrative Law, Faculty of Law, University of Stockholm
Lectures, seminars and examination of students.

1994 – 2003 Legal Adviser and Deputy Director in the Division of Constitutional Law of the Swedish Ministry of Justice
Drafting government proposals for legislation on constitutional matters and human rights, i.a. freedom of the press, access to information, secrecy and protection of privacy. Assistance to the Swedish agent in cases before the ECHR (Gustafsson, M.S., Anne-Marie Andersson v. Sweden).

2001 Chairperson during the Swedish Presidency of the EU of the Committee of Ministers' Working party on Information
Elaboration and adoption of Regulation (EC) 1049/2001 on Public Access to Documents of the EU Institutions.

2002 – 2005 Director and Head of the Pardons Division of the Swedish Ministry of Justice
Preparation of the Government's decisions on pardon for convicts and on revocation of extradition decisions for foreign convicts. Administrative and budgetary responsibilities,

* Underlined text indicates posts or missions held at present.

staff management.

- 2002 - 2005 Sweden's representative in the Council of Europe's Steering Committee for Legal Cooperation (CDCJ)
- 2009 - 2010 Head of a bilateral project between Turkey and Sweden regarding support to restructuring the Regional Administrative Courts in Turkey, with the overall objective to contribute to the strengthening of the rule of law in Turkey.
The primary objective of the project was to support the reformation of the Regional Administrative Court in Erzurum into an efficient and modern appellate court, taking into consideration i.a. its heavy case-load.

IV. Activities and experience in the field of human rights

- 1996 Attaché in the Directorate of Legal Affairs of the Council of Europe (3 months)
*Drafting summaries of the case-law of the ECHR for the publication *The Administration and You – A handbook* (Council of Europe Publishing 1996). The first preliminary draft for the GMC of the Council of Europe recommendation R (2000) 10 on codes of conduct for public officials.*
- 1998 – 2000
2004 - 2008 Member and Chairperson of the Council of Europe Group of Specialists on Access to Official Information (DH-S-AC), under the Steering Committee for Human Rights (CDDH).
Drafting the recommendation R (2002) 2 on access to official documents and the 2008 convention on access to official documents.
- 1998 – 2000 Member of the Council of Europe Group of Specialists on Media Law and Human Rights (MM-S-HR) under the Steering Committee for Mass Media
Drafting the recommendation R (2000) 7 on the right for journalists not to disclose their sources of information.
- 1998 – 2005 Assignments from the Council of Europe as expert as regards legislative projects in various Member States in Central and Eastern Europe. Missions in Member States as part of the Council of Europe's activities for development and consolidation of democratic stability.
National legislative projects in the fields of freedom of the press, access to official information and/or administrative procedures (i.a. Armenia, Bulgaria, Serbia, "the former Yugoslav Republic of Macedonia", Montenegro, Russia, Ukraine, the Republic of Moldova). Missions on the same topics to Bulgaria, Serbia, "the former Yugoslav Republic of Macedonia", Montenegro, Russia, Ukraine, the Republic of Moldova, Estonia, Latvia, Lithuania, Poland and Hungary.

V. Public office

Current

- Chairperson of the Swedish National Police Board's Ethics Council
- Vice chairperson of the Swedish Broadcasting Commission
- Member of the Board of the Swedish Election Authority
- The Government's investigator into the implementation in Sweden of IPRED (the EU Intellectual property enforcement directive)

Previous

- The Swedish Ministry of Justice's investigator of the usage of secret coercive measures by the Security Police (2007)

Expert in Government commissions:

- Protection of minority languages in Sweden (1997)
Draft proposals for legislation protecting minority languages in Sweden.
- Public trust and confidence in the courts (2008)
Proposals for increasing accessibility to courts, reducing time for case handling, transparency of the courts' decision-making processes, better formulation of judgments and decisions, conduct of judges and media contacts.
- Measures to increase efficiency and competence in the handling of court cases (2010)
Assessing the need for special procedural measures on account of the characteristics of certain types of court cases, such as maximum handling times and leave to appeal. Time planning of procedures in individual cases, internal specialization for judges.

VI. Publications and other works

Karnov Swedish edition 2009 Commentary on the Swedish Law on Access to Official Documents and Secrecy

"Thoughts on Civil Liberty" Co-translator from Swedish to English of 18th century Swedish – Finnish scientist Peter Forsskåls political pamphlet (Bokförlaget Atlantis AB 2009).

VII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: Swedish	x	..	..	x	..	..	x	..	..
b. Official languages : English	x	..	..	x	..	..	x	..	..
French	x	..	..	..	x	..	..	x	..
c. Other languages : allemand	..	..	x	..	..	x	..	..	x
norvégien	x	..	..	x	..	..	x	..	..
danois	x	..	..	x	..	..	x	..	..

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm this intention.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm this intention.

Lars Stefan Edvard STRÖMBERG

CURRICULUM VITAE*

I. Personal details

Name, forename: Strömberg, Lars STEFAN Edvard
 Sex: Male
 Date and place of birth: 25 January 1950 in Lund, Sweden
 Nationality: Swedish
 Married. Three grown-up children.

II. Education and academic and other qualifications

1973 Bachelor of law, University of Lund, Sweden

III. Relevant professional activities

a. Description of judicial activities

<u>February 2009-</u>	<u>President of the City Court of Gothenburg</u>
1998-2004	Director-General of the National Courts Administration
1986-1987	Associate Justice of Appeal, Svea Court of Appeal, Stockholm
1985-1986	Assistant Judge, City Court of Stockholm
1976-1981	Reporting Clerk in the Svea Court of Appeal, Stockholm, and Assistant Judge in various District Courts
1974-1976	District Court Clerk

b. Description of non-judicial legal activities

2008-February 2009	Director-General in advisory capacity in the Ministry of Justice
2005-2007	National Police Commissioner
1995-1998	Director-General for Administrative Affairs in the Ministry of Justice, responsible for issues concerning the Courts, the Prosecution, the Police and the Prison and Probation Services
1994-1995	Director General for Legal Affairs in the Ministry of Justice, responsible i.a. for penal law.
1994-1994	Director, Ministry of Justice, Head of the Division for the Court and Prosecution issues
1990-1992	Director, Ministry of Justice, Head of the Division for Intellectual Property and Transport Law
1988-1990	Legal Adviser, Ministry of Justice, Division for Criminal Law
1987-1988	Secretary of the Parliamentary Commission on the Assassination of Olof Palme
1983-1985	Corporate Lawyer, Nordstjernan AB
1981-1983	Legal Adviser, Ministry of Justice, Division for Court Issues

In my different capacities mentioned above I have represented my country or been part in my country's delegations to several international organizations, i.a.

the Council of Europe (CDPC and CDCJ),
 United Nations (Crime Prevention and Criminal Justice),
 EU,
 WIPO,
 IMO,
 IAEA,
 European Network of Councils for the Judiciary.

During spring 2008 I participated in a mission to Bulgaria as a member of a High-Level Expert Group established by the EU Commission in the context of the Cooperation and Verification Mechanism with Romania and Bulgaria.

* Underlined text indicates posts or missions held at present.

IV. Other activities**a. Committee work and Public functions**

<u>2010-</u> 2010-2011	<u>Chair of the Committee on Reform of the Legislation on Penal Procedure</u> Chair of the Committee on the Organization of the Prosecution and Investigation of Economic Crimes
2010-2011	Chair of the Committee on the Transportation of Persons Deprived of Liberty
2001-2003	Expert in the 2001 Committee on the Recruitment of Judges
1998-2000	Expert in the Committee on the Appointment of Senior Judges and the Role of the Head of the Court
1998-2009	Member of the Council for Information Systems for the Law Enforcement Community, Chair 2001-2002 and 2005-2009
1993-1994	Expert in the 1993 Committee on the Judiciary

b. Other Functions

<u>1991-</u>	<u>Editor of the Swedish Law Journal (Svensk Juristtidning). Chair of the Board since 2001</u>
<u>2011-</u> 2001-2009	<u>Chair of the Swedish Board of the Nordic Jurist Meetings, Member since 1996</u> Member of the Training Committee of the Swedish Bar Association
<u>2008-</u>	<u>Member of the International Advisory Board of the Police Executive Programme, Cambridge University</u>
2011	Participated as a mentor in a mentor programme for young female legal professionals, arranged by i.a. the Swedish Bar Association

V. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: Swedish	x	..	..	x	..	..	x	..	..
b. Official languages:									
– English	x	..	..	x	..	..	x	..	..
– French	x	..	..	x	..	..	x	..	..
c. Other languages:									
Spanish	..	..	x"	..	..	x	..	..	x
German	..	..	x"	..	..	x"	..	..	x"

I intend to move to Strasbourg if elected.

Margareta ÅBERG**CURRICULUM VITAE*****I. Personal details**

Name, forename: ÅBERG, Margareta
 Sex: Female
 Date and place of birth: 14 July 1959 in Tuve, Sweden
 Nationality: Swedish

II. Education and academic and other qualifications

1984 Master of law, University of Stockholm

III. Relevant professional activities**a. Description of judicial activities**

1984 – 1987 Reporting Clerk, County Administrative Court, County of Södermanland
 1987 – 1992 Reporting Clerk, Administrative Court of Appeal, Stockholm
 1992 Associate Judge, Administrative Court of Appeal, Stockholm
 1992 – 2000 Please see below under b.
 2000 – 2005 Head of Division, Administrative Court of Appeal, Gothenburg
 2006 – 2007 Head of Division, Administrative Court of Appeal (Migration Court of Appeal), Stockholm
 2007 – 2009 President, Administrative Court of Appeal, Sundsvall
 2009 – 2012 Chief Judge, Administrative Court (Migration Court), Gothenburg
 2012 - President, Administrative Court of Appeal, Gothenburg

b. Description of non-judicial legal activities

1990 – 1991 Legal Adviser, Prime Minister's Office
 1992 – 1997 Legal Adviser, National Board of Forensic Medicine (part-time)
 1992 – 1993 Legal Adviser, Ministry of Justice
 1993 – 2000 Legal Adviser and Administrative Director, Data Inspection Board (among the tasks issues concerning Europol and Schengen cooperation, member of the Europol supervisory board)
 2007 - President, Board of Appeal for matters concerning lay judges
 2009 - Member, Board of Appeal for matters concerning reporting clerks
 2011 - Member, Judicial Council

Completed commissions of inquiry:

New legislation for video-surveillance (SOU 2009:87)
 Schooling for all children (SOU 2010:5)
 Report, inform and remedy unsatisfactory conditions – for the benefit of children and pupils (SOU 2011:33)
 Complementary rules with regard to the processing of personal data within the employment policy field (SOU 2012:4)

Ongoing commissions of inquiry:

The Alien Act and EEA-citizens (Dir. 2011:53)
 Education for children and young people within social care as well as in distance tuition (Dir. 2011:85)

Expert in various commissions of inquiry concerning data protection.

c. Description of non-legal professional activities
 (Please underline the post(s) held at present)

2011 - Vice president, Board of Directors, Swedish Financial Supervisory Authority

* Underlined text indicates posts or missions held at present.

IV. Activities and experience in the field of human rights

V. Public activities

- a. Public office
- b. Elected posts
- c. Posts held in a political party or movement

VI. Other activities

a. Field

b. Duration

c. Functions

Responsible for the competition administration – during a period of ten years – at the competition for the Sporrong- Lönnroth Award (moot-court proceedings in the field of human rights)

VII. Publications and other works

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language: Swedish	X ..	.. ..	.. ..	X ..	.. ..	.. ..	X..	....	....
b. Official languages: – English – French	..X..	....X	....	..X ..	.. ..	.. X..	X.. ..	.. ..	.. ..X
c. Other languages: German	....	..X ..	.. ..	.. ..	.. ..	X.. ..	.. ..	.. ..	X.. ..

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm that I, if elected a judge on the Court, will follow all language classes offered to me.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I, if elected a judge to the Court, will take up permanent residence in Strasbourg.

List and curricula vitae of candidates submitted by the Government of the United Kingdom

The Right Honourable Lord McNally
Minister of State

Secretary General
Parliamentary Assembly of the Council of Europe
FR-67075 Strasbourg CEDEX
(By email)

April 2012

Dear Sir

Next judge at the European Court of Human Rights with respect to the United Kingdom

Further to your letter of 30 June 2011 addressed to Ambassador Eleanor Fuller, Permanent Representative of the United Kingdom to the Council of Europe, I have the honour to forward to you the list of candidates short-listed for the election of a judge in respect of the United Kingdom to take up office from 1st November 2012:

- Miss Raquel Agnello QC
- Mr Benedict Emmerson QC
- Mr Paul Mahoney

Their CVs are enclosed with this letter.

The three candidates were selected following an independent, open and transparent selection process run from November 2011 to February 2012. The advertisement for applicants was published on 3rd November 2011. Following advice from a specialist recruitment consultant, retained on a call-off contract by the Ministry of Justice, the advertisement appeared in the Times newspaper and on its website. The Times guarantees coverage across the United Kingdom but was supplemented by further press advertisements in the leading regional newspaper titles in Scotland and Northern Ireland.

The paid newspaper advertising was also supplemented by publicity given to the advertisement on a wide range of specialist law websites. These included judicial appointment websites, websites for legal professionals and for legal academics as well as those intended for female legal professionals.

A five-person panel was convened to consider the applications. The panel contained nominees from the heads of the judiciary in England and Wales, in Scotland and in Northern Ireland in recognition of the fact that the judge with respect to the United Kingdom represents the whole of the United Kingdom. The panel's members included judges, a specialist in judicial appointment and legal advisers from the Foreign and Commonwealth Office and the Ministry of Justice. The panel was composed of three men and two women and was chaired by a Justice of the UK Supreme Court.

Twenty one applications were received. The panel determined that two applicants did not meet the criteria for the post and one application was received after the published deadline without any compelling reason for its late submission. The panel considered the remaining eighteen applications and decided to invite the top six applicants for interview.

Prior to their interviews, the six applicants completed a French language test conducted by language specialists at the Foreign and Commonwealth Office. The results of the tests were made available to the panel before the interviews. At interview, each applicant was required to make a presentation and to analyse a legal problem raising issues under the European Convention of Human Rights, as well as answering questions from the panel members.

Following the interviews, the panel recommended a short-list of three candidates to the Justice Secretary and the Foreign Secretary. Both the Justice Secretary and the Foreign Secretary accepted the panel's recommended short-list. The short-list has now been considered by the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights. The Advisory Panel has

confirmed that the three candidates meet the requirements of Article 21(1) of the European Convention on Human Rights.

I can provide further detail on the United Kingdom's selection process if this is would be helpful and I commend the United Kingdom's list to the Parliamentary Assembly for its consideration.

Tom McNally

Raquel AGNELLO

CURRICULUM VITAE*

I. *Personal details*

Name: Agnello, Raquel
 Sex: Female
 Date and place of birth: London, 29.7.63
 Nationality: British, Portuguese

II. *Education and academic and other qualifications*

March 2009 – awarded Queen’s Counsel (QC)
 June 1989 – September 1989 – awarded one of the first Pegasus Scholarships by the Honourable Society of the Inner Temple. I spent June 1989 in Bermuda working for Appleby, Spurling and Kempe (now Appleby) in Hamilton. I then spent the next three months working at Sutherland Asbill and Brennan in Washington DC.
 November 1986 – called to the Bar of England and Wales by the Inner Temple
 Also member of Lincoln’s Inn
 Awarded the WA Markaad Prize for the Highest mark in the European Community Law/ Conflict of Laws paper 1986
 Awarded an Accommodation Award Scholarship in 1986 by the Inner Temple
 1985-1986 – Inns of Court School of Law .
 1981 – 1985 – Sussex University
 Awarded an Upper Second BA (Hons) Law with French in the School of European Studies. The degree course involved the minimum requirements of law and the rest of the degree involved European related topics; Russian Literature, the emergence of Human Rights and its philosophy in Europe, European reconstruction after the Second World War. I also studied two languages, German and French.
 1984 – 1985 – Université de Strasbourg III (Robert Schuman), France
 Awarded a Diplôme d’Etudes Juridiques Françaises (Mention: Bien)
 As part of the degree at Sussex University, my third year was spent in Strasbourg at the university where I followed the French university courses in order to obtain my diploma. The examinations at the end of the academic year were in French. Subjects studied included French civil law, constitutional law, public international law and European Community law.
 1978 – 1981 – Norra Reals Gymnasium School in Stockholm, Sweden
 Awarded the Swedish Equivalent of a Baccalaureat, having studied 11 subjects over a period of three years. We were taught in English but the curriculum was that followed by Swedish students nationally
 Final overall mark – 5/5
 Awarded at the end of each year a prize for the best marks in the year
 1972 – 1978 Anglo American School in Stockholm Sweden
 (Now called the International School)
 Followed a combination of the English and American schools syllabus
 1967 – 1972 Norland Place School, London

III. *Relevant professional activities*

- a. July 2001 to date and continuing – Deputy Registrar in Bankruptcy of the High Court – now sitting both in the Companies Court as well as in the Bankruptcy Court
- b. practising barrister since 1986 and since March 2009, practising as Queen’s Counsel– a tenant in the chambers of Edward Cohen at 11 Stone Buildings, Lincoln’s Inn, London WC2A 3TG – specialising in company and insolvency, pensions work in particular I am retained by the Pensions Regulator, a governmental department to deal with cases relating to ‘moral hazard’ provisions which raise legal issues in relation to pensions, insolvency, public law and human rights. Also practise in the area of general commercial litigation. Have been retained as an expert in English Commercial law to give evidence before the Commercial Court in Paris. My work frequently involves dealing and advising in regulated professional activities involving human rights issues. I have acted on behalf of the ACCA, the Association for Chartered Certified Accountants, before the Disciplinary Committee

* Underlined text indicates posts or missions held at present.

and the Appeals Committee, presenting the cases of the ACCA against members of the ACCA. Human Rights issues arise frequently and challenges are made on these grounds. I have also been retained by the Insolvency Practitioners Association, the IPA, to advise in relation to compliance issues relating to proposed re-wording of disciplinary offences. I have also been retained by the British Horseracing Association in relation to proceedings for the removal of a race course licence.

July 2011 – Bencher of the Inner Temple

For the last six years I have been part of the panels formed to interview all applicants for Inner Temple scholarships. As part of my training for this role, I have attended courses dealing with equality and diversity issues

For the last 15 years I have been part of the Inner Temple mentoring scheme, where I provide advice and assistance to students about life at the Bar, pupillage and provide any assistance asked for about succeeding at the Bar

For the last three years I have participated in the Chancery Bar Association mentoring scheme currently only for women. I provide assistance and advice to a junior member of the Bar about progressing at the Bar, building a career including dealing with any discrimination issues

1987 – 1989 – lectured at the Holborn Law College in Conflict of Laws for the Bar Finals course

1988 – external examiner for the Company of Scriveners

1990 - ongoing – frequently give talks to insolvency practitioners and lawyers in the insolvency field dealing with topics of current interest, including the area of human rights

July 2011 – wrote and presented the Advanced Insolvency lecture to the Judicial College (formerly the Judicial Studies Board) at the Specialist Jurisdictions three day conference with a section devoted to insolvency and human rights

c. 2005 and continuing- Lay Member of the Membership and Authorisation Committee of the Insolvency Practitioners Association. This is one of the regulated bodies responsible for licensing insolvency practitioners. As a member of the Committee, I consider whether to revoke, suspend or restrict a member's licence to practice as a licensed insolvency practitioner. This inevitably entails human rights issues.

Also refer in this sub heading to my activities above relating to mentoring schemes and scholarships work

2006 – 2009 – I participated in the 'Forum des Carrieres' (careers forum) of the Lycee Francais Charles de Gaulle, in London where I provided advice to students interested in a career in law or studying law in the UK.

2010 – Attended a careers night at the University of Sussex to talk to the students about a career at the Bar and the current challenges

IV. *Activities and experience in the field of human rights*

(1) experience from my judicial post - Deputy Registrar in Bankruptcy of the High Court

Human Rights issues are frequently raised at bankruptcy hearings when I sit as a Deputy Registrar in Bankruptcy. Besides consideration of Article 6 (the right to a fair trial) being raised in many cases, Article 8 falls to be considered in relation to any without notice order made by the Court at the request of a trustee in bankruptcy. Additionally there are Article 8 considerations in relation to any application for possession of the family home whether by reason of a declaration of a transaction at an undervalue as well as cases where the trustee in bankruptcy seeks a sale of the said property. Appeals are often made from decisions on the grounds that the orders made were in breach of human rights. Therefore I need to be aware of any human rights implications of any orders I seek to make.

(2) experience from practice as a barrister

Since 1989, I have been a tenant at the Chambers of Edward Cohen, 11 Stone Buildings, Lincoln's Inn. I am a specialist in company and insolvency law although I also retain a practice of more general chancery/commercial work including some private international law. I am also a specialist in a new area of pensions law, being the moral hazard provisions. This area of the law combines public law, including human rights with pensions work. I also advise and deal in the area of professional regulated activities, having been retained by the ACCA, the IPA and the BHA. Acting for these bodies inevitably raise human rights issues. I am rated by both Chambers Guide to the Legal Profession and the Legal 500 as one of the top Silks in insolvency and in pensions work. I was awarded the title Chambers insolvency and corporate restructuring

junior of the year in 2008 and Insolvency lawyer of the year 2010 by the Insolvency and Recovery Awards. In all my areas of practice as well as in my judicial sittings, I encounter human rights issues.

(1) Insolvency and human rights

I encounter human rights issues primarily in relation to bankruptcy. Many cases involve a challenge to the powers given to trustees in bankruptcy, for example re-direction of post orders, applications for sale of the matrimonial home, challenges to matrimonial adjustment orders as being transaction at an undervalue. My practice gives me a valuable insight into the operation of human rights in an area which is generally considered to be one of primarily domestic law. This leads to an appreciation of the operation of the Convention particularly in areas which do not appear directly to have any human rights element. I frequently act for Trustees in Bankruptcy who are challenged by bankrupts and their families in relation to the use of the trustee's powers seeking an order for possession of the family home. In the recent case of *Re Haghightat* [2010], I acted on behalf of the trustee in bankruptcy in seeking an order for possession and sale. The case engaged the rights of the bankrupt's family which included his severely disabled son. The case went to the Court of Appeal where I presented a detailed skeleton which dealt with any human rights issues arising, even those not raised directly by the bankrupt and his family who were at that stage acting as litigants in person.

(2) The Pensions Regulator and human rights

The Pensions Regulator is a government department being the UK Regulator of work based pensions. It brings cases before its Determinations Panel seeking 'financial support directions' or 'contribution notices' requiring target companies or individuals to pay towards deficiencies in pensions schemes. This work combines public law, pensions, insolvency and corporate law. I have been retained and acted for the Pensions Regulator in many complex cases, including the Nortel Networks pension scheme, the Sea Containers pensions scheme and the Lehman Brothers pensions scheme. I have defended the Pensions Regulator in relation to applications based on breach of human rights in relation to substantive legal issues, the conduct of hearings and also in relation to disclosure of documents and files. As with any public body, issues involving human rights and general public law are of paramount importance.

(3) Regulated Professional Bodies and human rights

I have been retained to act on behalf of various professional bodies in relation to disciplinary hearings, revocation of licence hearings and general advice in relation to the disciplinary powers of one of the professional bodies. By reason of the statute of these bodies, the Association of Chartered Certified Accountants, the Insolvency Practitioners Association and the British Horseracing Association, issues relating to human rights arise. Article 6 issues arise in relation to the conduct of the hearings before the Disciplinary Committees and the Appeal Committees.

V. Public Activities

None beyond my judicial appointment

VI. Other activities

From 2005 and continuing – Lay Member of the Membership and Authorisation Committee of the Insolvency Practitioners Association. This is one of the regulated bodies which licences insolvency practitioners. As a member of the Committee, I consider whether to revoke, suspend or restrict a member's license to practise as a licensed insolvency practitioner. This inevitably entails human rights issues.

Member of the Sub Committee of R3 organising the annual conference 2010 for its members who range from insolvency practitioners, lawyers and accountants

Member of the Sub Committee of the Chancery Bar Association organising its annual conference for its members in 2010

VII. Publications and other works

Articles relating to insolvency issues and pension issues. The lecture on advanced insolvency which included a section on human rights and insolvency was published on the judicial portal available to all Judges in England and Wales. Articles dealing with pension issues and the powers of the Upper Tribunal – the ambit of the powers of the Pensions Regulator I frequently speak at conferences and the talk is generally later published. Listed below are some of the main ones in the last three years

February 2008 – speaker at the annual conference for Chancery District Judges – Annulment of bankruptcy orders. The paper was published.

April 2008 – speaker at R3 Conference in Cannes – talk about personal insolvency, warrants and human rights. The talk was then published.

May 2008 – speaker at the Lawrence Graham insolvency conference –Personal Insolvency Update including recent human rights cases

April 2009 – speaker at conference for the Pensions Regulator – administrations and pre- packs

September 2009 – speaker at R3 conference in Bournemouth – topical issues in insolvency which included a section on possession orders and human rights

November 2009 – speaker at the Lawrence Graham insolvency conference – how to present a case in court. Again this dealt with human rights issues as part of the talk

July 2010 – Advanced Insolvency – lecture to the Judicial College

September 2010 – lecture to SESCO – the South Eastern Society of Chartered Accountants – how effective are our insolvency rescue tools – an analysis

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First language:									
English	X			X			X		
b. Official languages									
- English	X			X			X		
- French	X			X			X		
c. Other languages									
Portuguese	X				X		X		
Swedish		X				X		X	

Beginner German

IX. In the event that I am considered not to meet the level of language proficiency required for the post of judge in an official language, I confirm my intention to follow intensive language classes of the language concerned prior to, and if needed also at the beginning of, my term of duty if elected a judge on the Court.

X. Other relevant information

- (a) Member of the Chancery Bar Association
- Member of the Human Rights Lawyers Association
- Member of the Insolvency Lawyers Association
- Member of the Chartered Institute of Arbitrators

- (b) Married to a Frenchman – two children (bilingual)
- French is the language which we use at home

XI. I confirm that if elected Judge of the European Court of Human Rights, I would take up permanent residence in Strasbourg

Benedict Emmerson**CURRICULUM VITAE*****I. Personal details**

Name: Emmerson, Benedict
 Sex: Male
 Date and place of birth: 30 August 1963, United Kingdom
 Nationality: British

II. Educational and academic and other qualifications

LLB (Bristol): 1985
 Called to the Bar: 1986
 Appointed Queens Counsel: 2000
 Elected Master of the Bench of Middle Temple: 2010
 Honorary Fellow Mansfield College Oxford: 2011

III. Relevant professional activities*a. Description of judicial activities*

Appointed Recorder of the Crown Court: 2005 (Part time appointment as trial judge in criminal cases).

Appointed Deputy High Court Judge: 2010 (Part time appointment as High Court Judge in public/administrative law cases).

Elected by the UN Security Council and General Assembly as Judge of the Residual Mechanism for the International Criminal Tribunals for Rwanda and the Former Yugoslavia: 2011 (Roster of judges with responsibility for determining outstanding appeals, applications for revision of judgments and remission of sentence, and the trial, sentence and appeal of remaining fugitives).

*b. Description of non-judicial legal activities**Currently:*

Practising member of the English Bar: In his private practice Ben Emmerson QC has specialised in international and domestic human rights law, international humanitarian law and international criminal law (as well as constitutional, public and public international law). He has more than 15 years experience of litigating before the European Court of Human Rights⁵ and is now independently ranked as one of the United Kingdom's leading practitioners at the Bar in the law of human rights and civil liberties, and in criminal law⁶. He has extensive experience in litigation involving public international law, human rights law and the law of armed conflict before international courts and tribunals⁷.

UN Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering Terrorism: Ben Emmerson was elected as Special Rapporteur by the UN Human Rights Council in July 2011. Responsibilities of the mandate include periodic reporting to the UN General Assembly, the UN Human Rights Council and relevant entities established by the Security Council; country visits and reports, and communications with, and the provision of technical and other advice to, States.

Formerly:

Special Adviser to the Prosecutor at the International Criminal Court: 2011

* Underlined text indicates posts or missions held at present.

⁵ For a full list of notable cases before the ECHR, see note 4 below.

⁶ Chambers and Partners Directory (UK), 2011. See further at Annex.

⁷ Ben Emmerson was formerly Special Adviser to the Prosecutor of the International Criminal Court; Special Adviser to the Appeals Chamber at the UN Khmer Rouge tribunal in Cambodia; and appointed expert adviser to the UN Counter Terrorism Task Force (CTTF) working party on Protecting Human rights while Countering Terrorism. He has appeared as lead counsel in cases involving the law of armed conflict before a number of international courts tribunals, including international criminal tribunals: *Prosecutor v Ramush Haradinaj*, Case No. IT-04-84-T, Judgment 3 April 2008; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v Serbia)* (International Court of Justice)(extant); *Abdelbaset Ali Mohamed Al Megrahi v HM Advocate*; *Georgia v Russia* (ECHR inter-state application) (extant).

Special Adviser to the Supreme Court Chamber of the Extraordinary Chamber in the Courts of Cambodia (the UN-partnered Khmer Rouge Tribunal in Phnom Penh): 2011

Appointed expert to the UN Counter Terrorism Implementation Task Force (CTITF), Working Party on Protecting Human Rights While Countering Terrorism (chaired by Ivan Simonovic, UN Under Secretary General for Human Rights): 2011

c. Description of non-legal professional activities

Ben Emmerson is a member of the Advisory Board of the British Institute of Human Rights, and a Patron of CRAE (the Children's Rights Alliance for England).

IV. Activities and experience in the field of human rights

European Convention on Human Rights: Ben Emmerson QC has appeared as leading counsel, both for and against the government of the United Kingdom, in more than 25 cases in Strasbourg, including many of the landmark decisions of the last decade⁸. Whilst he has a particular reputation in the application of international standards to criminal law and procedure, he also has extensive experience in all aspects of ECHR litigation, and has acted in cases covering a wide range of international law issues including diplomatic and state immunity⁹, parliamentary privilege¹⁰, judicial independence¹¹ and discipline within the armed forces¹², as well as criminal law and terrorism¹³. He has been particularly recognised for his work in developing the law governing the protection of the right to life in Article 2¹⁴, and the state's duty to prevent torture and inhuman and degrading treatment under Article 3¹⁵.

⁸ *RM v UK* (1994) 77A DR 98 (Articles 5 and 14: sentencing of prisoners with HIV/AIDS); *Welch v UK* (1995) 20 EHRR 247 (Article 7: retrospective penalty, confiscation of assets); *Wynne v UK* (1995) 19 EHRR 333 (Article 5(4): indefinite detention of dangerous offenders); *Benham v UK* (1996) 22 EHRR 293 (Articles 5 and 6: imprisonment for non-payment of taxes); *McLeod v UK* (1999) 27 EHRR 493 (Article 8: police powers of entry onto private premises); *Osman v UK* (2000) 29 EHRR 245 (Article 2: state's obligation to protect the right to life); *Smith and Grady v UK* (2000) 29 EHRR 493 (Article 14: discipline in the armed forces, exclusion of homosexual servicemen and women); *T and V v UK* (2000) 30 EHRR 121 (Articles 5 and 6: trial and sentencing of juveniles convicted of murder); *Perks v UK* (2000) 30 EHRR 33 (Article 5: compensation for unlawful detention); *Rowe and Davis v UK* (2000) 30 EHRR 1 (Article 6: fairness of *ex parte* hearings to determine claims to public interest immunity); *Jasper v UK* (2000) 30 EHRR 441 (Article 6: public interest immunity); *Fitt v UK* (2000) 30 EHRR 1 (Article 6: public interest immunity); *McGonnell v UK* (2000) 30 EHRR 289 (Article 6: judicial independence where head of judiciary has quasi legislative and executive functions); *Foxley v UK* (2001) 31 EHRR 25 (Articles 6 and 8: interception of correspondence); *Khan v UK* (2001) 31 EHRR 1016 (Articles 6 and 8: admissibility of unlawfully obtained evidence from electronic listening device); *Condrón v UK* (2001) 31 EHRR 1 (Article 6: the right to silence in criminal proceedings); *ADT v UK* (2001) 31 EHRR 33 (Article 8 and 14: criminal prosecution for consensual sexual activity in private); *Fogarty v UK* (2002) 24 EHRR 12 (Articles 6 and 14: Claim to diplomatic and state immunity by US government in relation to allegation of sexual harassment at US embassy in London); *Z v UK* (2002) 34 EHRR 3 (Articles 3 and 6: state's duty to take positive measures to protect children from inhuman and degrading treatment at the hands of their parents); *A v UK* (2003) 36 EHRR 51 (Article 6: parliamentary privilege, immunity from suit for words spoken in Parliament); *Zollmann v UK*, Application No. 62902/00 (Article 6: parliamentary privilege); *Edwards and Lewis v UK* (2005) 40 EHRR 24 (Article 6: fairness of *ex parte* hearing to determine claim for entrapment); *Kyprianou v Cyprus* (2007) 44 EHRR 27 (Articles 6 and 10: legality of imprisoning advocates for contempt of court, in respect of words spoken in the course of defending a client, fairness of summary procedure); *Francis v O'Halloran v UK*, (2008) 46 EHRR 21 (Article 6: statutory compulsion to self-incriminate); *Kafkaris v Cyprus*, Application No. 21906/04 (Articles 3 and 7: life sentence without the possibility of parole); *Botmeh and Alami v UK* (2008) 46 EHRR 31 (Article 6: fairness of trial of two individuals convicted of bombing the Israeli embassy in London); *A and Others v UK* (Article 15: conformity of UK derogation to enable indefinite detention of terrorist suspects without trial); *Gillan v UK* (stop and search powers under the Terrorism Act 2000).

⁹ *Fogarty v UK* (2002) 24 EHRR 12

¹⁰ *A v UK* (2003) 36 EHRR 51; *Zollmann v UK*, Application No. 62902/00

¹¹ *McGonnell v UK* (2000) 30 EHRR 289

¹² *Smith and Grady v UK* (2000) 29 EHRR 493

¹³ *Welch v UK* (1995) 20 EHRR 247; *Foxley v UK* (2001) 31 EHRR 25; *Rowe and Davis v UK* (2000) 30 EHRR 1; *Jasper v UK* (2000) 30 EHRR 441; *Fitt v UK* (2000) 30 EHRR 1; *Khan v UK* (2001) 31 EHRR 1016; *Condrón v UK* (2001) 31 EHRR 1; *Edwards and Lewis v UK* (2005) 40 EHRR 24; *Francis v O'Halloran v UK*, Judgment, June 29 2007; *Botmeh and Alami v UK*; *A and Others v UK* (extant).

¹⁴ *Osman v UK* (2000) 29 EHRR 245; *R (Middleton) v HM Coroner for Wetsern Somerset* [2004] 2 AC 182.

¹⁵ *Z v UK* (2002) 34 EHRR 3; *A and others v Secretary of State for the Home Department* [2006] 2 AC 221

In addition to cases involving the United Kingdom, he has also appeared as leading counsel for and against the government of Cyprus in the ECHR¹⁶, and has been retained to act for the Cypriot government in a series of claims connected to the inter-state dispute with Turkey, arising out of the unlawful occupation of Northern Cyprus¹⁷. He has also appeared as lead counsel for the Government of Georgia in inter-state litigation against Russia arising out of the August 2008 armed conflict in South Ossetia and Abkhazia.

International Human Rights Law: As UN Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering Terrorism, Ben Emmerson has responsibility for periodic reporting to relevant UN bodies on the compatibility of counter-terrorism measures (both national and international) with the standards of international human rights, humanitarian and refugee law. He presented his first full report to the UN General Assembly in October 2011 and is due to report to the UN Human Rights Council in March 2012. In his first report he has indicated that during the period of his mandate he intends to ensure that proportionate attention is paid to the rights of victims of terrorism, drawing on the standard-setting jurisprudence of the ECHR.

Domestic human rights law: Within the United Kingdom Ben Emmerson has appeared, for and against public authorities, in many of the leading cases before the House of Lords concerning the early implementation of the ECHR in domestic law¹⁸. He was particularly acknowledged for his work as leading counsel in the major litigation arising out of the United Kingdom's legislative response to the terrorist threat posed by Al Qaida, including the landmark legal challenge to the United Kingdom's derogation from the ECHR under the war and public emergency provisions of Article 15¹⁹; and the subsequent challenge under Article 6 ECHR and Article 15 UNCAT to the admissibility of evidence obtained through the use of torture by the agents of a foreign state²⁰.

He has written and lectured extensively on the ECHR and is recognised as one of the leading experts on the Convention in Europe²¹. Between 1998 and 2000 he advised the United Kingdom government (Lord Chancellor's Department) on the implementation of the ECHR in domestic law, through the Human Rights Act 1998. He subsequently devised and delivered the core training programme for the criminal judiciary on behalf of the Judicial Studies Board²². He also devised and delivered compulsory training on the Human Rights Act for members of the criminal bar (organised by the Bar Council and the Criminal Bar Association). In addition, he has advised the Law Commission (the law reform body for England and Wales) on the implications of the ECHR for law reform proposals.

International humanitarian law: Ben Emmerson was formerly Special Adviser to the Prosecutor at the International Criminal Court, reporting directly to the Prosecutor and Executive Board of the OTP on trial

¹⁶ *Kyprianou v Cyprus* (2007) 44 EHRR 27; *Kafkaris v Cyprus* Application No. 21906/04.

¹⁷ *Skyropiia Yialis v Turkey*, Application No. 47884/99; *Lordos and ors v Turkey*, Application No. 15973/90; *Iro Schiza v Turkey*.

¹⁸ *R v Governor of Brockhill Prison ex parte Evans (No. 2)* [2000] 3 WLR 843 (Article 5: compensation for unlawful detention); *R v DPP ex parte Kebilene* [2000] 2 AC 326 (Article 6: reverse onus provision in terrorism legislation); *R v Sargeant (Ian Michael)* [2001] 3 WLR 992 (Articles 6 and 8: unlawful interception, admissibility of evidence); *R v Smith (David Cadman)* [2002] 1 WLR 54 (Article 6: confiscation of assets); *Al-Fawwaz and Abdel-Bary v Governor of Brixton Prison* [2002] 1 AC 556 (extradition on terrorist offences); *Attorney General's Reference No. 3 of 2000, Re G (Entrapment)*, [2001] 1 WLR 2060 (Article 6: permissible limits of police entrapment and state-created crime); *R v Kansal (Yash Pal) (Change of Law)* [2002] AC 69 (Article 6: retrospective application of the Human Rights Act to cases decided before the Act came into force); *R v Lyons and others* [2003] 1 AC 976 (Article 41: domestic implementation of a judgment of the ECHR in conflict with binding domestic law); *Pearce v Governing Body of Mayfield School* [2003] UKHL 34 (Article 14: sexuality discrimination); *Attorney General's Reference No. 2 of 2001, Re J (Unreasonable Delay)*, [2004] 2 AC 72 (Article 6: right to trial within a reasonable time, remedies for unreasonable delay in criminal proceedings); *R (Middleton) v HM Coroner for Western Somerset* [2004] 2 AC 182 (Article 2: state's duty to investigate allegations of state responsibility for death in custody); *R v H and C* [2004] 2 AC 134 (Article 6: fair trial, requirement for special advocate to represent the interests of the accused in *ex parte* proceedings); *A and others v Secretary of State for the Home Department* [2005] 2 AC 68 (Articles 5 and 15: compatibility with the ECHR of the UK's derogation from Article 5 to authorise indefinite detention of foreign terrorist suspects without trial); *A and others v Secretary of State for the Home Department (No. 2)* [2006] 2 AC 221 (Article 6 ECHR, Article 15 UNCAT: admissibility of evidence obtained through the use of torture by a foreign state); *R (O) v Crown Court at Harrow and Governor of HMP Wormwood Scrubbs* [2006] 3 WLR 195 (Article 5: restrictions on the right to bail in criminal proceedings); *R (Laporte) v Chief Constable of Gloucestershire* [2007] 2 WLR 46 (Articles 10 and 11: right of assembly and association, legality of police action to prevent mass demonstrations against the war in Iraq); *SSHD v JJ and ors* [2008] 1 AC 385; *SSHD v E and anor* [2008] 1 AC 499 (Articles 5 and 6: terrorist control orders).

¹⁹ *A and others v Secretary of State for the Home Department* [2005] 2 AC 68.

²⁰ *A and others v Secretary of State for the Home Department (No. 2)* [2006] 2 AC 221

²¹ For a full list of publications see Annex A

²² In recognition of this work, Ben Emmerson was awarded the Human Rights Law of the Year Award 1999 on the recommendation of the Lord Chancellor.

strategy and management issues. He has also acted as Special Adviser to the Appeals Chamber at the Khmer Rouge Tribunal in Phnom Penh (in which capacity he provided advice to the appellate judges).

Between 2005 and 2008 Ben Emmerson led the defence of Ramush Haradinaj, the former Prime Minister of Kosovo, on war crimes charges before the International Criminal Tribunal for the Former Yugoslavia in The Hague²³. Mr. Haradinaj faced a 37 count indictment alleging crimes against humanity and war crimes, said to have been committed by members of the KLA during the internal armed conflict in Kosovo in 1998 and 1999. The case turned on the application of principles of international humanitarian law to an asymmetrical internal armed conflict between the forces of Serbia and the KLA (an insurgent guerilla army). The Appeals Chamber of the ICTY subsequently ordered a partial retrial on certain counts, which is currently ongoing.

In December 2011 Ben Emmerson was elected as a Judge of the Residual Mechanism for the International Criminal Tribunals for Rwanda and the Former Yugoslavia.

Together with James Crawford SC and Philippe Sands QC, Ben Emmerson was part of the legal team acting for the Government of Croatia in its genocide claim against Serbia before the ICJ (and the Serbian counter-claim based on Operation Storm)²⁴. He acted as lead counsel on the international criminal law aspects of the claim and counter-claim.

As noted above, Ben Emmerson acted as lead counsel and senior legal adviser for the Government of Georgia in inter-state litigation at the ECHR arising out of the 2008 armed conflict in South Ossetia and Abkhazia.

V. Public Activities

Ben Emmerson has not held any other public office, or any elected post, or any post in any political party or movement.

VI. Other activities

Master of the Bench of Middle Temple

Honorary Fellow of Mansfield College, Oxford University

VII. Publications and other works

Human Rights and Criminal Justice (Sweet & Maxwell, 2nd Edition): Co-author, with Professor Andrew Ashworth QC.

Archbold Criminal Pleading Evidence and Practice (Sweet and Maxwell): Human Rights Editor 1995 to date.

European Human Rights Law Review: Editor (1995 to 2000); Executive Editor (2000 to date).

Human Rights Practice (Sweet & Maxwell) Emmerson and Simor: Founder Editor

Formerly: criminal law contributor to Lester and Pannick, *Human Rights Law* (Butterworths); editor of the European Human Rights Reports (Sweet and Maxwell) and editor of the United Kingdom Human Rights Reports (Sweet and Maxwell).

²³ *Prosecutor v Ramush Haradinaj*, Case No. IT-04-84-T, Judgment 3 April 2008

²⁴ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v Serbia)*.

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First language:									
English	X	"	"	"X	"	"	X"	"	"
b. Official languages :									
– English	X	"	"	X	"	"	X	"	"
– French	"	"	"X	"	"	"X	"	"	"X
c. Other languages:									

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I am fluent in English and confirm that if elected I would undertake intensive language classes to bring the standard of my written and spoken French up to the necessary level of proficiency.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that if elected I would take up permanent residence in Strasbourg.

Ben Emmerson QC
19 November 2011

Paul John MAHONEY**CURRICULUM VITAE*****I. Personal details**

Name: Mahoney
 Forenames: Paul John
 Sex: male
 Date and place of birth: 6 September 1946, London (United Kingdom)
 Nationality: British

II. Education and academic and other qualifications

1. 2011: Doctor honoris causa, Aristotle University (Thessaloniki, Greece).
2. 1971: Council of Legal Education, Bar Final Examination: qualified as barrister-at-law, obtaining first place in the old-syllabus section; called to the bar.
3. 1969: University College London, Master of Laws (LL.M.) (distinction in administrative law and legal history).
4. 1964-1967: Merton College, University of Oxford (awarded open scholarship), Master of Arts (M.A.) in jurisprudence.
5. 1960-1963: Douai School (Benedictine abbey school, England) (awarded open scholarship).

III. Relevant professional activities**(a) Judicial activities**1. 2011-date: Member, Appeals Board, European Space Agency (Paris):

The Appeals Board is the body competent to adjudicate on the legal disputes between the Agency and its staff (the equivalent of the Administrative Tribunal at the Council of Europe). The post is part-time.

2. 2005-2011: Judge and President, European Union Civil Service Tribunal (Luxembourg):

The Tribunal is a specialised first-instance court composed of seven judges and having jurisdiction in cases brought by staff of the institutions and other entities of the European Union against their administration (approximately 130-150 cases per year). The Tribunal is an integral part of the Court of Justice of the European Union, being the third level of jurisdiction under the General Court and the Court of Justice itself. I served for six years on the Administrative Committee of the Court of Justice of the European Union, chaired by the President of the Court, and was a member of the special working party set up to report on the implications for the Court of the accession of the European Union to the European Convention on Human Rights.

3. 1995-2005: Registrar (2001-2005) and Deputy Registrar (1995-2001), European Court of Human Rights (Strasbourg):

The office of Registrar or Deputy Registrar is a quasi-judicial one, and both officials are elected by the judges of the Court. The Registrar, acting under the authority of the President of the Court, has overall responsibility for both the administration and the judicial activities of the Court. Thus, the Registrar determines staff and budgetary policy, and may be called on to provide guidance to the Court on practice, procedure and caselaw issues. During my time, duties in both posts included: organising and participating in the work of the Grand Chamber, notably sitting in cases and assisting the judge rapporteur and the drafting committee; contributing to policy documents and position papers of the Court on issues such as the reform of the system of protection under the European Convention on Human Rights (in the context of the preparatory work to Protocols Nos. 11 and 14); participating in working meetings with judges of national courts and other international courts (Inter-American Court of Human Rights, Court of Justice of the European Union, EFTA Court); providing legal advice to registry lawyers and (when requested) judges; issuing instructions to the Registry on working methods and case-processing. In addition, I served as secretary to the Rules Committee until my election as Registrar.

4. 1974-1990, 1993-1995: Head of Division (1993-1995), administrator and principal administrator (1974-1990), European Court of Human Rights:

As Head of Division, I supervised two caselaw units, quality-checked draft judgments and prepared draft judgments in important cases. Prior to that, I was a case-officer, parallel to being the assistant to the

* Underlined text indicates posts or missions held at present.

President of the Court (1985-1990). During these two periods I also acted as secretary to various committees, notably on the Rules of Court and the status of the Registry.

(b) Non-judicial legal activities

1. 1988 (February-July): Ariel Sallows Professor of Human Rights (visiting chair), University of Saskatchewan (Saskatoon, Canada):

This was essentially a research post, carrying the obligation to deliver an inaugural lecture and to take part in the Law Faculty's teaching programme on human rights. I was also invited to lecture and teach at a number of Canadian universities and human rights associations.

2. 1972-1974: Barrister-at-law, Chambers of Mr James Fox-Andrews, Q.C., 4 Pump Court, Temple, London: The nature of my practice as a "beginner" barrister in general common law chambers was mainly crime, medical negligence, landlord and tenant and family law, with some employment law and commercial law.

3. 1967-1973: University College London, lecturer in law:

This involved teaching small tutorial groups and lecturing on Roman law and tort. I also served as elected representative of the teaching staff on the College Committee (ultimate governing body of the College) and on the Professorial Board (board chiefly responsible for policy and executive decisions within the College); and as Senior Treasurer of the Students' Union (post held at the invitation of the student body).

(c) Non-legal professional activities

1990-1993: Head of Personnel, Secretariat General, Council of Europe (Strasbourg):

Areas of responsibility included recruitment and promotion procedures, personnel policy, relations with staff representatives, training, rights and duties of staff, updating of staff rules, salary negotiations with governments, preparation and management of the staff budget of the Organisation, under the authority of the Director of Administration and Finance and the Secretary General.

IV. Activities and experience in the field of human rights

1. Associate editor of the *Human Rights Law Journal* since its creation in 1980.

2. International Institute for Human Rights, Dimitrie Cantemir Christian University (Bucharest, Romania), member of the Scientific Board (since 2011).

3. Institut international des droits de l'homme (Strasbourg), member and on the examining board for the award of the Institute's diploma (since 1996).

4. Lecturing on European human rights law – e.g. at the European Inter-University Centre for Human Rights and Democratisation (Venice), the Institute of European Studies (Moscow), the Ecole nationale de la magistrature (Paris), the Graduate School of Government and European Studies (Brdo, Slovenia), the University of Oxford (from the late 1970s to date).

5. (During career at the Council of Europe, 1974-2005), participating in information meetings and training courses on the European Convention on Human Rights for national judges, civil servants and practising lawyers, notably those organised by the Council and/or its Member States (e.g. in relation to Bulgaria, Cyprus, France, Georgia, Greece, Iceland, Ireland, Republic of Moldova, Slovakia, Russia and the United Kingdom, including the courses organised for the judiciary in the United Kingdom prior to the entry into force of the Human Rights Act).

6. Delivering papers at colloquies, conferences and symposia on human rights law in general and the European Convention on Human Rights in particular (from the late 1970s to date).

V. Public activities: None.

VI. Other activities

1. Rotary Club de Strasbourg

(a) Field: social;

(b) Duration: 1993-2005;

(c) Functions: member, elected committee member, protocol secretary, Paul Harris fellow.

2. Société française pour le droit international (Paris)

- (a) Field: academic society;
- (b) Duration: 1994-date;
- (c) Functions: member.

3. Bar European Group (London)

- (a) Field: professional association.
- (b) Duration: 1990-date;
- (c) Functions: member.

VII. Publications and other works

1. Co-editor of books on human rights, including:

(a) with Franz Matscher, Herbert Petzold and Luzius Wildhaber, of *Protecting Human Rights: The European Perspective – Studies in Memory of Rolv Ryssdal* (2000, Carl Heymanns Verlag, Cologne, 1586 pp.);

(b) with Kathleen Mahoney, of *A Global Challenge: Human Rights in the Twenty-First Century* (1993, Martinus Nijhoff, The Hague, 1028 pp.). This book was the product of a three-day colloquy co-organised with Professor Mahoney (no relation) in Banff, Alberta, Canada.

2. Author of 40 or so articles, in English and French, on European human rights law and European civil service law, including most recently:

(a) “From Strasbourg to Luxembourg and Back: Human Rights Protection in the European Union after the Lisbon Treaty”, to be published in *32 Human Rights Law Journal* (2011);

(b) “Reconciling Universality of Human Rights and Local Democracy - The European Experience”, in Christine Hohmann-Dennhardt, Peter Mausch and Mark Villiger (eds.), *Grundrechte und Solidarität: Durchsetzung und Verfahren – Festschrift für Renate Jaeger*, pp. 147-161 (2011, N.P.Engel Verlag, Kehl am Rhein);

(c) “The Drafting Process of the Judgments of the European Court of Human Rights”, in Stefan Vogenauer and Mads Andenas (eds.), *A Matter of Style: The Form of Judgments in the United Kingdom and Abroad – Essays in Memory of Lord Bingham of Cornhill* (2011, Hart Publishing, Oxford - forthcoming);

(d) “La consolidation du droit européen des droits de l’homme: Le rôle des doctrines nationales”, in Laurence Burgogues-Larsen et al. (eds.), *Les droits de l’homme ont-ils “constitutionnalisés” le monde?* (2011, Larcier, Brussels – forthcoming);

(e) “La fonction publique européenne: Origines, caractéristiques et perspectives”, in Laurence Potvin-Solis (ed.), *Vers un modèle européen de fonction publique (Neuvièmes journées du pôle européen Jean Monnet)* (2011, Bruylant, Brussels – forthcoming);

(f) “A European Judicial Training Institute on Human Rights”, (2009) *European Human Rights Law Review*, Issue 2, pp. 123-134;

(g) “The International Judiciary: Independence and Accountability”, 7 *The Law and Practice of International Courts and Tribunals*, pp. 313-349 (2008);

(h) “Thinking a Small Unthinkable: Repatriating Reparation from the European Court of Human Rights to the National Legal Order”, in Lucius Caflisch, Johan Callewaert, Roderick Liddell, Paul Mahoney and Mark Villiger (eds.), *Human Rights: Strasbourg Views - Liber Amicorum Luzius Wildhaber*, pp. 263-283 (2007, N.P.Engel Verlag, Kehl am Rhein).

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First language: English	"X	"	"	"X	"	"	"X	"	"
b. Official languages:									
– English	"	"	"	"	"	"	"	"	"
– French	"X	"	"	"X	"	"	"X	"	"
c. Other languages									
Italien	"	"	"X	"	"	"X	"	"	X"

IX. Intention to follow intensive language classes

Not applicable.

X. Other relevant information

None.

XI. Confirmation of residence

I confirm that I will take up permanent residence in Strasbourg if elected as a judge on the Court.