



PROGRAMME OF
ADVANCED
TRAINING IN THE FIELD OF
HUMAN RIGHTS, THE RULE OF LAW AND DEMOCRACY
FOR SOUTHERN MEDITERRANEAN (PATHS)
PATHS PROGRAMME



Strasbourg, 27 November 2015

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

PATHS Programme – Module 1

Constitutional Justice, transitional justice and legislative process

Venice International University

San Servolo, Venice

30 November – 3 December 2015

PROGRAMME

Towards a Strengthened Democratic Governance in the Southern Mediterranean

Funded
by the European Union



COUNCIL OF EUROPE



Implemented
by the Council of Europe

Monday, 30 November 2015

- 8.30 – 9.00** **Registration of the participants**
- 9.00 - 9.15** **Opening**
- **Luisella PAVAN - WOOLFE**, Director of the Venice Office, Council of Europe
 - **Agar BRUGIAVINI**, Dean of the Venice International University (VIU)
- 9.15 – 9.25** **Constitutional Justice and Legislative Process – Introduction**
- **Khalid NACIRI**, Moderator, Member of the Venice Commission, Morocco; Professor of Constitutional Law
- 9.25 - 10.30** **Session 1 - The importance of the constitutional court**
- The role and importance of the constitutional court
 - The role of the Venice Commission in supporting constitutional justice and the help given by the Venice Commission to its introduction in new democracies
 - **Lucian MIHAI**, Former Member of the Venice Commission, Romania; Former President of the Constitutional Court of Romania; Professor, Faculty of Law, University of Bucharest
- 10.30 – 11.00** *Coffee break*
- 11.00 – 12.30** **Session 1 - The importance of the constitutional court (cont.)**
- National Presentation / Discussion
 - **Khalid NACIRI**, Moderator
 - **Ahmad AL-JAMAL**, Jordan—National presentation; Director of the President’s Office, Constitutional Court
- 12.30 – 14.00** *Lunch break*
- 14.00 - 15.30** **Session 2 - Ensuring the independence of the constitutional court**
- Introduction: The importance of the independence of the constitutional court
 - Ensuring the independence of the constitutional court
 - **Lucian MIHAI**
- 15.30 - 16.00** *Coffee break*
- 16.00 - 17.30** **Session 2 Ensuring the independence of the constitutional court (cont.)**
- National presentation / Discussion
 - **Khalid NACIRI**, Moderator

- **Siham LAKHDAR**, Morocco — National presentation; Advisor, Kenitra Court of Appeal

Tuesday, 1 December 2015

9.00 - 12.30

Session 3 - Constitutional complaints

- Who can bring a matter before the constitutional courts?
- Which matters can be brought before the constitutional courts?
- **Olivier DUTHEILLET de LAMOTHE**, Former Member of the Venice Commission, France; Former President of the Social Section of the French Conseil d'Etat, Former Member of the French Conseil constitutionnel

10.30 – 11.00

Coffee break

11.00 – 12.30

Session 3 - Constitutional complaints (cont.)

- National Presentation / Discussion
- **Khalid NACIRI**, Moderator
- **Mohammad AL-SHAMASNEH**, Jordan — National presentation; Legal researcher, Ministry of Justice

12.30 – 14.00

Lunch break

14.00 - 15.30

Session 4 - The legislative process

- Law drafting by the executive / by members of parliament
- The role of parliamentary institutions
- Constitutional rulings and the legislative process
- **Cesare PINELLI**, Professor of Constitutional Law, Sapienza University Rome

15.30 - 16.00

Coffee break

16.00 – 17.15

Session 4 - The legislative process (cont.)

- National Presentation / Discussion
- **Khalid NACIRI** Moderator
- **Ghassan MOUKHEIBER**, Lebanon — National Presentation; Lawyer, Member of Parliament

17.15 – 17.30

Concluding remarks

- **Khalid NACIRI** Moderator

Wednesday, 2 December 2015

- 9.00 – 10.30** **Transitional justice: a definition and main challenges**
- Introduction
 - **Roberto RIVELLO**, Moderator, Judge, Former Manager of the CoE HELP Programme
 - Transitional justice and Human Rights
 - **Dr Nandor KNUST**, Head of Section International Criminal Law of the Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany and Deputy Coordinator International Max Planck Research School for Comparative Criminal Law (IMPRS-CC)
 - Q&A sessions
 - **Roberto RIVELLO**, Moderator
- 10.30 - 11.00** *Coffee break*
- 11.00 – 12.30** **Session 1 - first part**
- Mechanisms of transitional justice - Criminal justice
Institutional reforms and domestic prosecutions, international criminal tribunals (ICTY, ICTR...), the international Court (ICC) ...
 - **Kevin HUGHES**, Legal adviser to the Chief Prosecutor at the International Criminal Tribunal for Yugoslavia (ICTY)
 - Q&A session
 - **Roberto RIVELLO**, Moderator
- 12.30 – 14.00** *Lunch break*
- 14.00 – 15.30** **Session 1 - second part**
- Mechanisms of transitional justice - Transitional Justice and Reparations: Aims, Methods and Dilemmas.
 - **Prof Frank HALDEMANN**, SNSF Professor of Law, Geneva Academy of International Humanitarian Law and Human Rights
 - Q&A session
 - **Roberto RIVELLO**, Moderator
- 15.30 – 16.00** *Coffee break*

- 16.00 – 17.30** **Session 1 - third part**
- Mechanisms of transitional justice - Institutional reforms, Gender Justice, Children and youth in transitional- justice
 - **Amrita KAPUR**, Senior Associate, Gender Justice Program, International Center for Transitional Justice (ICTJ), New York
 - Q&A session
 - **Roberto RIVELLO**, Moderator
- 17.30 - 18.00** **Keynote speech**
- **Gabriella BATTAINI-DRAGONI**, Deputy Secretary General of the Council of Europe
- 20.00** **Reception**

Thursday, 3 December 2015

- 9.00 - 9.30** **The HELP Programme and the Project on Transitional Criminal Justice and Human Rights**
- **Tatiana TERMACIC**, Head of Human Rights National Implementation Division, Directorate General of Human Rights and Rule of Law, Council of Europe
- 9.30 - 11.00** **Session 1 - fourth part**
- Mechanism of transitional justice: The situation in the Southern Mediterranean Countries, the case of Tunisia
 - **Dr Myriam BENRAAD**, Researcher at the Institute of research and studies on the Arab and Muslim world (IREMAM), Aix-en-Provence; Associated researcher at the Foundation for Strategic research (FRS), Paris
 - Q&A session
 - **Roberto RIVELLO**, Moderator
- 11.00 – 11.30** *Coffee break*
- 11.30 – 13.00** **Session 2 - Case-study Rwanda: a pluralistic model of transitional justice**
- **Dr Nandor KNUST**, Head of Section International Criminal Law of the Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany and Deputy Coordinator International Max Planck Research School for Comparative Criminal Law (IMPRS-CC)
 - Q&A session

- **Roberto RIVELLO**, Moderator

13.00 – 14.30

Lunch break

14.30 – 17h00

Session 3 - The role of international courts: transfer of knowledge and expertise and co-operation with national courts. Achievements and needs

- Referral of cases and investigative files by the international criminal tribunals (ICTY and ICTR) to national criminal jurisdictions and prosecutors' offices - The role of public outreach
- **Kevin HUGHES**, Legal Adviser to the Chief Prosecutor at the International Criminal Tribunal for Yugoslavia (ICTY)
- Q&A session

- **Roberto RIVELLO**, Moderator

17h00 – 17h30

Concluding remarks

- **Roberto RIVELLO**, Moderator, Judge, former Manager of CoE HELP Programme