



## **1<sup>st</sup> ICJ Geneva Forum Of Judges and Lawyers**

**Hosted by the ICJ Centre for the Independence of Judges and  
Lawyers (CIJL) in partnership with the Global Security and Rule of  
Law Initiative**

**October 25-26, 2010**

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**'Accountable national security policies – the role of judges and  
legal practitioners'**

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*The ICJ wishes to thank the Republic and Canton of Geneva, the City of Geneva and  
Oxfam Novib for their generous support to the Geneva Forum*

## Agenda of the Geneva Forum of Judges and Lawyers

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Day I, October 25<sup>th</sup> 2010, Conference Centre Varembe (CCV), Room C

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08.30-09.30      **Welcome and registration of participants**

09.30-10.30      **Opening ceremony**

*Mr Wilder Tayler*, Secretary General of the International Commission of Jurists (ICJ)

*Mr Pierre Maudet*, Vice-President, Conseil Administrative, City of Geneva on behalf of the City of Geneva and the Republic and Canton of Geneva

*Ambassador Dante Martinelli*, Permanent Representative of Switzerland to the United Nations

**Opening address on the role of judges and lawyers**

*Justice Michèle Rivet*, former President of the Human Rights Tribunal, Quebec, Canada, ICJ Commissioner and member of the ICJ Executive Committee

10.30-11.00      **Coffee break**

11.00-13.00      **Session I: Challenges to the independence of judges and lawyers as a result of national security laws and policies**

*The session will address challenges to the independence of judges and lawyers, including institutional threats to judicial independence, as a result of national security laws. It will review, amongst others, the impact of state security and military courts on the independence of the judiciary.*

*Ms Leila Zerrougui*, ICJ Commissioner, UN Deputy Special Representative of the Secretary General in the Democratic Republic of Congo in charge of Human Rights (Chair)

*Mr Carlos Ayala*, Former Chairman of the Inter-American Commission on Human Rights, President of the Andean Commission of Jurists

*Justice Augusto José Ibáñez Guzmán*, Supreme Court of Justice of Colombia

*Mr Hafez Abu-Saada*, Secretary General Egyptian Organization of Human Rights

## Discussions

13.00-14.30

Lunch break

14.30-16.00

**Session II: Ensuring accountability – the role of judges, lawyers and prosecutors and the duty to investigate**

*This session will examine the reasons and barriers in conducting successful investigations and prosecutions. Issues to be addressed include the functional independence of prosecuting authorities, the scope of discretion, political interference, practical and legal impediments to investigations, such as immunities, good faith defences, and the cooperation of the executive with investigations.*

*Mr Gerald Staberock*, Director Centre for the Independence of Judges and Lawyers, ICJ (Chair)

*Justice Stefan Trechsel*, Judge at the International Tribunal for the former Yugoslavia, member of the ICJ Eminent Jurists Panel

*Lord Ken Macdonald QC*, Matrix Chambers, former Director of Public Prosecution United Kingdom

## Discussions

16.00-16.30

Coffee break

16.30-18.00

**Session II: Cont.**

*The session will continue the discussions on the challenges to the duty to investigate and address also the role of the courts in ensuring independent investigations.*

*Mr George Kegoro*, Executive Director, ICJ Kenya (Chair)

*Justice José Antonio Martín Pallín*, Emeritus Judge Supreme Court of Spain, ICJ Commissioner, Spain

*Justice Khil Raj Regmi*, Supreme Court of Nepal

## Discussion

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18.00-20.30

Reception hosted by the ICJ and the Canton of Geneva  
Conference Centre Varembe (CCV)

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09.00-10.30

**Session III: Ensuring accountability - judicial remedies and reparation for victims of human rights violations**

*National security laws frequently exclude or restrict access to courts. Constitutional doctrines on the separation of powers or national security doctrines can result in deference to the Executive and create tensions with the right to an effective remedy and redress for human rights violations.*

*Justice Philippe Texier*, ICJ Commissioner, Judge at the Cour de Cassation, France, member of the UN Committee on Economic, Social and Cultural Rights (Chair)

*Justice Azhar Cachalia*, Supreme Court of Appeal, South Africa

*Ms Fatmeh El-'Ajou*, Senior legal Advisor, Adalah, Israel

**Discussion**

10.30-11.00

**Coffee break**

11.00-12.30

**Session IV: Ensuring accountability - state secrets, and the fair administration of justice**

*A key challenge to the legal community has become the invocation of state secrecy or similar evidentiary privileges, which may limit or frustrate the effectiveness of judicial remedies. The discussion may identify parameters for legitimate secrecy claims and discuss effective safeguards, including judicial safeguards, to prevent the misuse of secrecy claims. It may discuss how human rights law should inform rules on state secrecy and whether there is a need for more guidance on the scope of state secrets privileges.*

*Ms Róisín Pillay*, Senior Legal Advisor ICJ (Chair)

*Mr Ben Wizner*, Staff Attorney American Civil Liberties Union (ACLU)

*Mr Adam Bodnar*, Lawyer, Secretary, Helsinki Foundation for Human Rights, Poland

**Discussion**

12.30-14.00

**Lunch Break**

14.00-16.00

**Session V: Ensuring accountability - the role of the legal community in ensuring intelligence accountability**

*National security and counter-terrorism laws have led to increasing powers and a new significance of the intelligence. New powers and increased international intelligence cooperation have resulted in human rights violations. The session will discuss the role of the courts, judicial inquiries and external oversight bodies in ensuring effective accountability and preventing human rights violations.*

**Ms Mona Rishmawi**, United Nations Office of the High Commissioner for Human Rights

**Hon. Ron Atkey**, Former Intelligence Oversight Commissioner, former President ICJ Section Canada and Amicus Curiae in the Arar Commission of Inquiry

**Justice Ketil Lund**, ICJ Commissioner and Former Justice at the Supreme Court of Norway, former Chairperson of the Lund Commission

**Abdelaziz Benzakour**, ICJ Commissioner, Member of the Moroccan Commission on Equity and Reconciliation

**Discussion**

16.00-16.15

**Coffee Break**

16.15-17.15

**Way forward**

*The final session will allow discussion on the steps forward, including through the ICJ Centre for the Independence of Judges and Lawyers (CIJL), in addressing the challenges identified throughout the Geneva Forum.*

**Facilitator: Mr Gerald Staberock**, CIJL Director, ICJ

**Closing**

**Mr Wilder Tayler**, Secretary-General of the International Commission of Jurists