

Independence of the Judiciary and the Access to the European judge

The Case of Turkey

26 November 2018

4.30 – 8.30 pm

Université Saint-Louis – Bruxelles
Auditorium 100
Rue du Marais, 109
1000 Bruxelles



General Presentation

The independence of the judiciary from the other powers constitutes, to quote a well-known judgment by the Belgian Court of Cassation of 14 October 1996, “the foundation, not only of the constitutional provisions on the judiciary but of any democratic state. The litigants find in this principle the guarantee that judges will apply the law equally”.

The right to an independent tribunal is not a fundamental right like the others; it forms a *sine qua non* condition of the other rights’ effectiveness. A systemic threat to the former therefore entails the risk of a structural collapse of the latter.

Turkey is currently facing such a threat. The objective of this afternoon session is to critically assess this phenomenon in the light of the applicable European standards. By contrasting the points of view of academics and practitioners, the session will aim at measuring the whys and wherefores of the situation in Turkey.

A more general reflection will also be made, on this basis, on the reaction of the European judge in the face of such systematic deficiencies.

Program

Chaired by Emmanuelle Bribosia and Françoise Tulkens

4.30 pm – Welcoming of the participants

4.45 pm – 4.55 pm – Introduction

By Françoise Tulkens (Professor Emeritus – UCLouvain, former Vice-President of the European Court of Human Rights) and Emmanuelle Bribosia (Professor – Université libre de Bruxelles)

5 pm – 6 pm – First session: The Independence of the Judiciary, General Considerations

5.00 pm – 5.20 pm: *The Right to an Independent Tribunal: Sources and Scope*

By Sébastien Van Drooghenbroeck (Professor – Université Saint-Louis Bruxelles, Assessor - Council of State) and Cecilia Rizcallah (PhD candidate – F.R.S. – FNRS, Université libre de Bruxelles and Université Saint-Louis Bruxelles)

5.25 pm – 6.00 pm: Reactions

With the contributions of Jean de Coadt (First President of the Belgian Court of Cassation) and Frédéric Krenc (Lawyer, Lecturer – Université Saint-Louis Bruxelles and UCLouvain)

6.10 pm – 7.25 pm – Second session: The Situation in Turkey in terms of the Independence of Justice

6.10 pm – 6.40 pm: [The \(in\)dependence of the Judiciary in Turkey](#)

By Dr. Esra Demir-Gürsel (Visiting postdoctoral researcher – Freie Universität Berlin, Faculty of Law)

6.45 pm – 7.25 pm: Reactions

With the contribution of Jenny Vanderlinden (Turkey Coordinator, Amnesty International Belgium, French Section)

7.25 pm – 8.30 pm – Third Session: The Sense and Nonsense of Subsidiarity in a Context of Systemic Deficiencies in the Protection of Human Rights

7.30 pm – 8.00 pm:

- Introduction – The Subsidiarity Principle in Times of Democratic Backsliding: a Challenge for the European Court of Human Rights.

By Eva Brems (Professor, Human Rights Centre, Universiteit Gent)

- Probation or Reflection Period? The Requirement of Exhausting Domestic Remedies in a Context of Systematic Violations of Fundamental Rights.

By Eline Kindt (Post-Doctoral Researcher, Human Rights Centre, Universiteit Gent)

8.05 pm – 8.30 pm: Reactions

With the contributions of Vincent Berger (Lawyer, Paris Bar, former legal adviser at the European Court of Human Rights) and Stéphanie Grisard (Co-Agent of the Belgian Government at the European Court of Human Rights)

8.30 pm – Closing Reception

Languages: French – Dutch – English

Registration is free but mandatory. [Please click here](#)