



## **International Summer School Sarajevo 2008**

For Graduate and Doctoral Law Students

# **“Rule of Law in Theory and Practice”**

**August 10-20, 2008**

**Sarajevo, Bosnia-Herzegovina**

<http://www.i-summerschool.com.ba/index.html>

Draft Program  
as of July 16, 2008

**Organization and Concept:**

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**Location:**

Sarajevo, Bosnia and Herzegovina

**Working language:**

English

**Participants:**

30 graduate and doctoral law students from South East Europe, Western Europe and the U.S.

## **Sunday, August 10**

All day Arrival of participants

19:00

### **Opening of the Summer School and Introduction**

- **Dr. iur. Stefanie Ricarda Roos**, Director, Rule of Law Program South East Europe, Konrad-Adenauer-Stiftung (confirmed)
- **N.N.** (co-operating partner "Pravnik")

Followed by

Dinner

Location: Presidency building  
Titova Str. 16, Sarajevo

## **Monday, August 11, 2008**

09:00 – 10:30

### **Concept/Notion, Essential Elements and Functions of the Rule of Law - Part I: Introduction**

Potential topics/themes:

- Rule of law in a formal sense
- Material comprehension of the rule of law
- Separation of powers
- Constitutional jurisdiction
- Independence of the judiciary
- Protection of fundamental and human rights
- Relationship between administration and private citizen (Individual)

Lecturer:

- **Prof. Dr. iur. Ulrich Karpen**, Faculty of Law, Hamburg University (confirmed)

Discussion

10:30 – 10:45

Coffee break

10:45 – 12:00

### **Concept/Notion, Essential Elements and Functions of the Rule of Law – Part II: Chances and Challenges for the sustainable establishment and the implementation of rule of law structures in the countries of South East Europe**

Potential topics/themes:

- Standing and real importance/effect of the Constitution in public and in everyday law/justice of the country;
- the reality of the separation of powers within the relationship between Executive and Legislative, taking into consideration the institutional force/power and effectiveness of the – formal and informal-parliamentarian structures;
- the quality of the lawmaking process – faith in the procedure, efficiency, transparency and public apprehension/awareness;
- the independence of the judiciary/justice, the effectiveness of the judicial system, of the image of judges (self-esteem and public apprehension/awareness);

- the awareness of the general/common public, of the print Media and the electronic Media regarding the perception of the rule of law as an independent element of the constitutional order, together with the democratic principle and the civil society.

Lecturer:

- **Prof. Dr. iur. Ulrich Karpen**, Faculty of Law, Hamburg University (confirmed)

Discussion

12:00 – 14:00

Lunch

14:00 – 17:30

### **Fight against corruption in SEE – Legal and Practical Issues**

Lecturer:

- **Monica Luisa Macovei**, former Romanian Minister of Justice, UK Consultant on Anti-corruption to the Prime Minister of Macedonia (confirmed)

Discussions

## **Tuesday, August 12**

09:00 – 10:45

### **The Protection of fundamental and human rights as a political guiding principle and purpose of the rule of law: Introduction**

Lecturer:

- **Gregory Fabian**, former legal advisor within the HR department at the OSCE Mission to BiH

10:45 – 11:15

Coffee break

11:15 – 13:00

### **Special Protection of Human Rights in Crisis Regions – the example of the Human Rights Chamber according to Annex 6 of the Dayton Peace Agreement (DPA)**

Lecturer:

- **Dr. iur. Nedim Ademović**, Senior Legal Advisor at the Constitutional Court of Bosnia and Herzegovina (BiH) (confirmed)

Discussion

13:00 – 14:30

Lunch

14:30 – 16:30

### **Visit to Constitutional Court of Bosnia-Herzegovina**

Possible topics:

Constitutional Court of BiH: introduction of how the CC functions (registration office, case-management, IT-service, data-base etc.)

Contact person: **Dr. iur. Nedim Ademović**

**Wednesday, August 13**

09:00 – 10:45

**Mechanisms of the protection of fundamental rights and means for their successful initialization: Administrative courts and ordinary courts, parliamentary human rights commissioners, Ombudsman Institutions, children's rights commissioners, human rights complaints to the European Court of Human Rights – Theoretical issues**

Potential topics/themes:

- Mechanisms for the protection of fundamental rights;
- Protection of the rights of citizens and juridical persons against the administration through administrative authority and judicial possibilities of the protection of rights, either through an ordinary jurisdiction or through an administrative jurisdiction or hybrid forms;
- Effectiveness of the mechanisms of protection of rights, particularly from the point of view of the equity of the weapons of both sides in court procedure, of its length/duration and of the experience in the implementation of the judgments/decisions;
- Access of the people/citizens to justice and potential restraints: procedural, financial, psychological, social, and political.

Lecturer:

- **Mladen Sain**, LL.M. EUR., PhD Candidate at the Georg-August University of Göttingen, Teaching Assistant at the Law Faculty of the University in Zenica (confirmed)

Discussion

10:45 – 11:15

Coffee Break

11:15 – 13:00

**Workshop II: Mechanisms of the protection of fundamental rights and means for their successful initialization: Administrative courts and ordinary courts, parliamentary human rights commissioners, Ombudsman Institutions, children's rights commissioners, human rights complaints to the European Court of Human Rights – Practical issues**

Lecturer:

- **Miroslav Zivanovic**, Center for Human Rights, Sarajevo University (confirmed)

13:00 – 15:00

Lunch

Afternoon

**Study time**

## **Thursday, August 14**

- 09:00 - 10:30      **The difference between law and politics, between judges and politicians**  
Potential topics/themes:
- Constitutional courts between law and politics
  - The relationship between the constitutional courts and the government and the constitutional courts and the parliament
- Lecturer:
- **Dr. iur. Nedim Ademović**, *Senior Legal Advisor at the Constitutional Court of Bosnia and Herzegovina (BiH)* (confirmed)
- 10:30 - 10:45      Coffee break
- 10:45 - 12:30      **Workshop I: Creating a Rule of Law Network**
- **Pravnik**
- 12:30 - 14:30      Lunch
- 14:30 - 17:30      **Visit to BiH Court** (t.b.c.)

## **Friday, August 15**

- 09:00 - 11:00      **Institution Building and Rule of Law**  
Lecturer:
- **Dr. Christian Schwarz-Schilling**, *former High Representative for Bosnia-Herzegovina and EU Special Representative* (confirmed)
- 11:00 - 11:15      Coffee break
- 11:15 - 14:00      **Constitutional jurisdiction I: protection mechanism of the constitutional order – Theory and Practice**  
Lecturer:
- **Univ. Prof. Dr. iur. Joseph Marko**, *Institute for Austrian, European and Comparative Public Law and Political Sciences of the Karl Franzens University of Graz, Director of the Centre for Competence South East Europe of the Law Faculty* (confirmed)
- 14:00 - 15:30      Lunch

15:30 – 17:30

**Constitutional jurisdiction II: protection mechanism of the constitutional fundamental rights – Theory and Practice**

Lecturer:

- **Univ. Prof. Dr. iur. Joseph Marko**, Institute for Austrian, European and Comparative Public Law and Political Sciences of the Karl Franzens University of Graz, Director of the Centre for Competence South East Europe of the Law Faculty (confirmed)

20:00

Sarajevo Film Festival

**Saturday , August 16**

Sarajevo sightseeing

**Sunday, August 17**

Mostar sightseeing

**Monday, August 18**

09:00 – 10:30

**Judicial reconciliation with the past: Introduction**

Lecturer:

- **Dr. iur. Stefanie Ricarda Roos**, Director Rule of Law Program South East Europe, Konrad-Adenauer-Stiftung (confirmed)

10:30 – 10:45

Coffee break

10:45 – 12:00

**Judicial reconciliation with the past by means of criminal law – National and international instruments (part I)**

Lecturer:

- **Vladimir Petrović**, MPhil, Research Associate at the Institute for Contemporary History in Belgrade; PhD candidate at History Department, Central European University, Budapest (confirmed)

12:00 – 14:00

Lunch

14:00 – 17:30

**Judicial reconciliation with the past by means of criminal law – National and international instruments (part II)**

Lecturer:

- **Vladimir Petrović**, Research Associate at the Institute for Contemporary History in Belgrade; PhD candidate at History Department, Central European University, Budapest (confirmed)

**Tuesday, August 19**

09:00 – 12:00

**Workshop III: Once the Shooting Stops: an Examination of Domestic War Crimes Investigations and Prosecutions and their Effect on Post Conflict "Rule of Law" Issues**

Lecturer:

- **David Schwendiman**, Deputy Chief Prosecutor of the Special Department for War Crimes of the Prosecutor's Office of BiH (confirmed)

Discussion

12:00 – 14:00

Lunch

14:00 – 16:30

Evaluation

21:00 -

Closing ceremony

**Wednesday, August 20**

All day: Departure of participants