

Seminar Introductory speech

by **Guido Raimondi**

Opening of the Judicial Year – 29 January 2016

Dear Presidents,
Ladies and gentlemen,
Dear friends,

First of all, let me say how pleased I am to see so many of you gathered here for this seminar which traditionally precedes the ceremony marking the start of the Court's judicial year.

Your presence here is a reflection of your interest in this meeting between the European Court of Human Rights and European supreme courts. Among us there are high-level academics and Government Agents before the Court, and I am convinced that the presence of all of you will contribute to the value of this afternoon's discussions.

Please allow me to thank Judges Yudkivska, Laffranque, Møse, Lemmens, Vehabović, Turković, Spano, Motoc and Grozev, who have organised the seminar with the assistance of the Jurisconsult's department and John Darcy.

This year we have with us two speakers whom I have no hesitation in describing as exceptional, and it is an honour for me to welcome them: Judge Piotr Hofmański, a distinguished Polish academic, judge of the Criminal Division of the Supreme Court of Poland from 1996 and, for the last few months, judge of the International Criminal Court; and President Aharon Barak, former President of the Supreme Court of the State of Israel and a lawyer of worldwide renown.

The theme chosen for this year's seminar – international and national courts confronting large-scale violations of human rights – is unfortunately of tragic relevance today. The issues to be discussed this afternoon – be it genocide, crimes against humanity or terrorism – are now being raised increasingly frequently before our Court. As regards terrorism, for example, our case-law is developing by weighing up the various interests at stake: on the one hand, the protection of fundamental interests, since even terrorists are entitled to the protection of the European Convention on Human Rights, and on the other hand, preservation of security and public order, without overlooking the rights of victims, who are increasingly making their voices heard, reminding States that they also have positive obligations towards them.

A number of Convention provisions are applicable in these fields, and I am sure that Articles 2, 3, 5, 7, 8 and 14 will be at the heart of your discussions today.

Without wishing to give away too much of my speech this evening, I can already tell you that I will touch upon the recent *Zakharov* judgment, which is closely linked to the theme you will be discussing today.

I have already spoken for too long, so without further ado I will give the floor to my friend and colleague Julia Laffranque, who has very kindly agreed to chair the first part of this seminar. The second part will be chaired by our colleague Ganna Yudkivska.

Thank you for your attention.