



International Association of
Judicial Independence and World Peace

International Conference on Judicial Independence

**To Celebrate 40th Anniversary of Pursuit of
Judicial Independence and the Rule of Law**

Measuring Justice and the Rule of Law Independence, Efficiency, Quality

4-6.1.22

Hebrew University of Jerusalem, Mt. Scopus

Day I: Tuesday January 4, 2022

08:15 Leaving for the visits.

09:00-11:00 Visit to the Supreme Court and Meeting with Prof. Daphne Barak-Erez.

11:30-13:30 Visit to the Israeli Parliament. Meeting with MK Adv. Barak Rayten, Chair, Knesset Labour and Welfare Committee & a Member of the Judicial Selection Committee.

The Visits canceled due to the Covid-19 pandemic.

The Hebrew University of Jerusalem, Senate Hall, the Administration Building, Mount Scopus

15:00-16:00 Conference Registration.

16:00-17:00 Gathering and refreshments.

17:00-19:30 Opening Session – Democracy, Rule of Law and Judicial Independence in Challenging Times
(Simultaneous Translation Hebrew and English)

Opening:

Prof. Shimon Shetreet, Hebrew University of Jerusalem, President, The International Association of Judicial Independence and World Peace - JIWP.

Prof. Barak Medina, Rector, Hebrew University of Jerusalem.

Prof. Keren Weinshall-Margel, Vice Law Dean, Hebrew University of Jerusalem.

Key note

Mr. Yair Lapid, Alternate Prime Minister of Israel and Minister of Foreign Affairs. (Prerecorded)

Lectures:

Justice (Ret.) Hanan Meltzer, Deputy President (Former), Israel Supreme Court.

Judge Yigal Marsel, Director Courts Administration. *Assessing and Measuring Courts.*

Adv. Avi Himi, Chairman of the Israeli Bar Association.

Prof. Diego Garcia-Sayan, UN Special Rapporteur on the Independence of judges and Lawyers, Justice (Ret.) Inter-American Court of Human Rights and Minister of Foreign Affairs, Peru (Former). *The function of the UN Special Rapporteur on the Independence of Judges and Lawyers.*

Proceedings will be in English and a few sessions will be in English and Hebrew with simultaneous translation. | The proceedings will be in person and online by Zoom.
The conference will follow the covid-19 regulations.



Day 2: Wednesday January 5, 2022

- 08:30-10:30 Second Session – Measuring Justice: Efficiency and Quality**
Prof. Keren Weinshall-Margel, Hebrew University of Jerusalem. *The Impact of Judicial Workload on Judges' Decisions.* (Chair)
Prof. Avi Domb, Chief Scientist, Ministry of Science and Technology. *High Technology in the Courts.*
Prof. Paul Nemitz, Principal Adviser to EU Commissioner for Justice. *Criteria of Efficiency and Quality of Justice in the EU Justice Scoreboard.*
Prof. Daniella Piana, University of Bologna.
Prof. Amnon Reichmann, Haifa University.
Dr. Gali Aviv, Head of the Israeli Courts Research Division, Israel Supreme Court. *Measuring Justice: The Israeli Experience.*
- 10:30-11:00 Coffee break**
- 11:00-13:00 Third Session – Measuring Justice: Independence**
Prof Shimon Shetreet, Hebrew University of Jerusalem. *Indicators of Justice and the Rule of Law Under the Mount Scopus International Standards of Judicial Independence.* (Chair)
Prof. Paul Nemitz, Principal Adviser to EU Commissioner for Justice. *Criteria of independence in the EU justice scoreboard.*
Prof. Diego Garcia –Sayan, UN Special Rapporteur. *Analysis of the Major Contemporary Threats and Challenges to the Independence of Justice.*
Prof. Hiram Chodosh, President, Claremont McKenna College. and **Prof. Eric Helland**, Claremont McKenna College. *Measuring Justice.*
Prof. Amnon Reichmann, Haifa University.
Prof. James Kelly, Concordia University, *Judicial Independence without Judicial Impact: The Emerging Challenge of Populist Constitutionalism in Canada.*
Judge Michal Agmon-Gonen, Tel Aviv District court. *Judicial Independence and Appellate Review.*
- 14:00-15:30 Fourth Session – The Struggle for Judicial Independence and Rule of Law: The Role of the Bar, Public Lawyers, the Judiciary and Parliament**
(Simultaneous Translation Hebrew and English)
Adv. Asher Axelrod, Chairman Jerusalem Bar (Chair)
Judge (Ret.) Yosef Shapira, State Comptroller (Former). *The Role of Keepers of Good Government and Ethics: The State Auditor.*



Day 2: Wednesday January 5, 2022

Judge (Ret.) David Cheshin, President Jerusalem District Court (Former). *The Legitimacy of Judicial Taking Counsel From External Experts or Colleagues.*

MK Rabbi Gilad Kariv, Chairman, Knesset Law, Constitution and Justice Committee.

Adv. Ilan Bombach, Bombach Law firm.

Adv. Mohamed Naamneh, Chairman Northern District Bar.

Adv. Amit Beher, Chairman Tel Aviv District Bar.

Adv Romy Knebel, Chairman Central District Bar.

16:00-17:00 Refreshments

17:00-19:30 Festive Session Celebrating 40 Years to Jerusalem 1st Judicial Independence Conference & the 75th Anniversary of Prof. Shimon Shetreet
(Simultaneous Translation Hebrew and English)

Opening:

Prof. Daphna Levinson-Zamir, Dean Faculty of Law, Hebrew University of Jerusalem.

Prof. Yoav Dotan, Dean of Law (Former), Hebrew University of Jerusalem.

Justice (Ret.) Eliezer Rivlin, Deputy President (Former), Israel Supreme Court.

Prof. Hiram Chodosh, President, Claremont McKenna College.

Greetings

Omer Bar-Lev, Minister of Public Security

Lectures:

Chief Justice (Ret.) Tassaduq Jillani, Pakistan Supreme Court. *Judicial Independence in the Face of Political Challenges.*

Justice Yosef Elron, Supreme Court. *The Contribution of the Jurisprudence of the Supreme Court to The Protection of Social Rights.*

Prof. Diego Garcia-Sayan, UN Special Rapporteur. *Defending the Independence of Judges and Lawyers in Challenging Times.*

Musical Intermezzo:

Ayelet Cohen, International Opera Singer

Moderator

Elihu Ben Onn

Vote of Thanks

Prof. Shimon Shetreet, Hebrew University of Jerusalem, President IIWP.



Day 3: Thursday January 6, 2022

08:30-10:00 Sixth session – In Pursuit of Judicial Independence

Prof. Maimon Schwartzchild, University of San-Diego. (Chair)

Prof. Yoseph Edrey, Dean of Law (Former), Haifa University.

The Impact of the Israeli Supreme Court Tax Jurisprudence on Social Policy.

Prof. Matthias Storme, KU Leuven Law School. *Separation of Powers and the Margin of Interpretation of the Judge.*

Dr. Mónica Castillejos-Aragón, UC Berkeley School of Law.

Courts as Constitutional Beacon: The Novel Role of the Constitutional Chamber in El Salvador.

Prof. Haim Sandberg, College of Management. *The Independence of the Judges in the Palestinian Authority*

Prof. Asher Maoz, Tel-Aviv University, Founding Dean of Law School, Peres Academic Center. *The Relations Between the Three Branches and Their Impact on Democracy: Israeli Experience.*

Prof. Sebastian Spinei, Lucian Blaga University of Sibiu. *The Burden of Post-independence.*

Prof. Maimon Schwartzchild, University of San-Diego.

"Public Law" and Judicial Independence: Can They Co-exist?

Prof. Wayne McKormack, University of Utha.

10:00–10:30 Coffee break

10:30–12:00 Seventh Session - ELI - Mount Scopus Project on Standards of Judicial Independence

The Rt. Honourable Lord Thomas, Lord Chief Justice of England and Wales(Former), 1st Vice President of the European Law Institute. (Chair)

Prof. Fryderyk Zoll, Jagelonjan University and Osnabruck University, Reporter. *The ELI Mount Scopus Project on Judicial Independence: Guidelines for Judicial Discipline and Removal.*

Dr. Sophie Turenne, Cambridge University, Reporter. *The European Courts on Judicial Independence: Speaking with One Voice?*

Prof. David Kosar, Masaryk University. *The challenges of Drafting ELI Mount Scopus Standards on Judicial Appointments.*

Prof. Marko Novak, President Slovene Council for the Judiciary (Former). *Challenges to Judicial Strucural Independence in Slovenia.*

Prof. Shimon Shetreet, Hebrew University of Jerusalem, President JIWP, Reporter. *The Challenge of Balancing Between Universality and Particularity in Shaping International Standards of Judicial Independence.*



Day 3: Thursday January 6, 2022

12:00-12:30 Coffee Break

12:30-14:15 Eighth Session – Contemporary Issues on the Role of the Judiciary

Prof. Menachem Hofnung, Hebrew University of Jerusalem.
(Chair)

Prof. Claude Klein, Dean of Law (Former), Hebrew University of Jerusalem. *Reflections on The French Judiciary.*

Dr. Asanga Welikala, University of Edinburgh.

Prof. Jonathan Entin, Case Western Reserve. *Court Packing and Judicial Independence: An American Perspective.*

Prof. Giuseppe Ferrari, Bocconi Milan University.

Prof. Anton Cooray, London City University.

Prof. Yaniv Roznai, Reichman University. *Captured Courts, Democratic Erosion and Judicial Independence as an Unamendable Principle.*

Prof. Menachem Hofnung, Hebrew University of Jerusalem, and
Nir Atmor, Zefat Academic College. *Public Opinion and Public Trust in the Israeli Judiciary.*

Advocate Andrea Danuser, General Secretary, JIWP. *Challenging the Traditional System of Appointment to the Federal Court in Switzerland.*

14:15-14:45 Coffee Break

14:45-15:30 Concluding Session: Mt. Scopus Standards of Judicial Independence

Advocate Andrea Danuser, General Secretary, JIWP. (Chair)

Prof. Eric Helland, Claremont McKenna College.

Prof. Hiram Chodosh, President, Claremont McKenna College.

Prof. Shimon Shetreet, Hebrew University of Jerusalem.
President JIWP.

15:30 End of Conference and Departure.

Partner Institutions:



The Hebrew University of Jerusalem, founded in 1918 and opened officially in 1925, is Israel's premier university as well as its leading research institution. The Hebrew University is ranked internationally among the 100 leading universities in the world and first among Israeli universities. The Faculty of law is ranked top 50 in the world in international ranking. <https://law.huji.ac.il/>



Claremont McKenna College (CMC), one of the nation's top liberal arts colleges, prepares students to make a difference. The College educates students for thoughtful and productive lives and roles of responsible leadership through its strong, real-world mission. The school is distinguished by 11 world-class research institutes. Claremont McKenna excels nationally in post-graduate job placement and satisfaction, salaries, and career success



The Israel Bar Association -

The Israel Bar Association was established by law in 1961 as an autonomous statutory entity in order to incorporate the lawyers in Israel and to assure the standard and integrity of the legal profession. The practice of law requires admission to the bar after clerkship and examinations. The Bar association is engaged in continued legal education and pro bono work. Two representatives of the Bar sit as members of the nine member judicial selection committee. Advocate Avi Himi is the current chairman of the Israeli Bar.



JIWP

The International Association of Judicial Independence and World Peace

was founded in the early 1980's and is one of the most reputed international organizations, which unites distinguished academics, practicing lawyers, competent experts in law and leading judges around the world. The work of the Association is focused on drafting international standards of judicial independence, supporting culture of judicial independence in all states, promoting the ideals of peace, democracy, freedom and liberty by strengthening and maintaining judicial independence in all its aspects. The vision of the Association is that Judicial Independence is the cornerstone of liberty and democracy. The Association participated in drafting a number of international documents which are now recognized in many jurisdictions of the world: The New Delhi Code of minimum standards of Judicial Independence (in cooperation with the International Bar Association, New Delhi, 1982), The Montreal Declaration on the Independence of Justice (Montreal, 1983), The Mt Scopus International Standards of Judicial independence 2008, and Bologna Milano Global Code of Judicial Ethics 2015. See <https://www.jiwp.org/our-projects>

The Association's outstanding contribution to the advancement of judicial Independence was evidenced by the Candidacy of the Association for **Nobel peace prize** in 2013. The Association was honored to be nominated for such a prize for conducting the International Project on Judicial Independence, which is the result of its almost 40 years of efforts in pursuit of judicial independence.


JIWP Association and its members introduced innovative concepts of judicial independence clarifying significant components essential for liberty, democracy, human rights and effective world trade. This was done by major international conferences of major important international organizations and drafting international standards and declarations. The concepts include the independence of the individual judge, substantive and personal, the institutional or collective independence of the judiciary as a whole, the internal judicial independence of the judge vis-a-vis his colleagues and his superiors, the principle of fair reflection of society, or judicial diversity and proper considerations and procedures for judicial selection and the careful demarcation of lines between the judiciary and the other branches of government.

The Association Published **five volumes** in the series of Judicial Independence by Brill Nijhoff publishers <https://www.jiwp.org/mt-scopus-standards-2007-curre>

Challenged Justice: In Pursuit of Judicial Independence (Brill/Nijhoff 2021, Edited by Prof. Shimon Shetreet, Prof. Hiram Chodosh, and Prof. Eric Helland
<https://brill.com/view/title/56771>

The Culture of Judicial Independence in a Globalised World (2016) edited by Prof. Shimon Shetreet, Hebrew University of Jerusalem and Prof. Wayne McCormack, University of Utah (2016)

The Culture of Judicial Independence: Rule of Law and World Peace, edited by Professor Shimon Shetreet (Brill/Nijhoff, 2014).
See the link at: <http://www.jiwp.org/#!/judicial-independence/croc>



The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges, edited by Professor Shimon Shetreet and Professor Christopher Forsyth (Brill/Nijhoff, 2012),

Judicial Independence: The Contemporary Debate, edited by Professor Shimon Shetreet and Chief Justice Deschenes (Brill/Nijhoff, 1985),

Co-chairs of Jerusalem 2022 conference

The Co-chairs of the Jerusalem 2022 conference are Professor Hiram Chodosh, President of Claremont McKenna College California; Professor Eric Helland of Claremont McKenna College; Professor Shimon Shetreet of the Hebrew University of Jerusalem, and President of the JIWP Association.

Officers of the JIWP Association

President – Prof. Shimon Shetreet, Hebrew University

Vice President – Prof. Daniel Thurer, University of Zurich

Vice President – Prof. Hiram Chodosh, Claremont McKenna University

Vice President – Prof. Marcel Storme (Deceased 2018)

General Secretary and Treasurer – Senior Adv. Gian Andrea Dansuer, Zurich

Auditor – Prof. Heinz Hoefer, Vaduz, Lichtenstein

Members of the Advisory Board of the JIWP Association

Co-Chairs

Professor Christopher Forsyth, University of Cambridge

Professor Marcel Storme, University of Ghent (Deceased 2018)

Professor Maimon Schwartzschild, University of San Diego

Professor Dr. Fryderyk Zoll, Jagiellonski University and University of Osnabruck

K K Venugopal, Attorney General of India

Prof. Hiram Chodosh, President, Claremont McKenna College California

Members

The late **Advocate Markus Buechel**, Senior Advocate, Liechtenstein (Deceased)

Professor Anton Cooray, City University of Hong Kong

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