

INTERNATIONAL SEMINAR
“Rule of Law in Times of War: Risks and Practical Implementation”

organised by the Research Group “Rule of Law and the Future of European Democracy”
 in the framework of the “FUTURE DEMOCRACY LAB (FDL)”

26 June 2023 (Monday)

10:00 – 12:00 (CET), 11:00 – 13:00 (EET, Kyiv time), 09:00 – 11:00 (UK time)
 Jagiellonian University in Cracow
 (Faculty of Law and Administration, Krupnicza 33a, room 109 & online)

Welcoming and Introduction

Prof. Monika Florczak-Wątor (Head of the Centre for Interdisciplinary Constitutional Studies of the Jagiellonian University, Leader of the Research Group “Rule of Law and the Future of European Democracy”, FDL)

Moderator:

Associate Professor **Kristina Trykhlíb** (Yaroslav Mudryi National Law University in Kharkiv, Ukraine; member of the Research Group “Rule of Law and the Future of European Democracy” at the Jagiellonian University, FDL)

Speakers:

1. **Prof. Stanislav Shevchuk** (National Academy of Legal Sciences of Ukraine, National University Kyiv Mohyla Academy, 10th Chairman of the Constitutional Court of Ukraine) – *Human rights limitations in times of war (Ukrainian experience)*
2. **Prof. William A. Schabas** (Middlesex University London) – *Independence and impartiality of the international judiciary*
3. **Dr Kostiantyn Pilkov** (Justice of the Supreme Court of Ukraine, Grand Chamber) – *From the rule by law to the rule of law: evolution of application of basic legal principles in the Supreme Court jurisprudence*
4. **Dr Alice Donald** (Middlesex University London) – *Defending the rule of law in the Council of Europe: the road from Reykjavik*
5. **Prof. Angela Di Gregorio** (University of Milan) – *Constitution-building in the former Soviet Republics: competing models and recent evolutions*

Discussion

Closing Remarks

Prof. Marta Soniewicka (Jagiellonian University, member of the Research Group “Rule of Law and the Future of European Democracy” at the Jagiellonian University, FDL)

Main organiser of the seminar is Dr Kristina Trykhlíb – PhD in Law, Associate Professor at the Department of Theory of Law of Yaroslav Mudryi National Law University in Kharkiv, Ukraine. E-mail: kristina.trihleb3105@ukr.net.

A short Bio of Key Speakers

Professor Stanislav Shevchuk was born on June 11, 1969 in Kharkiv, Ukraine.

In 1993 he graduated from the Ukrainian Law Academy (nowadays – Yaroslav the Wise National Law Academy of Ukraine) and completed postgraduate studies at this institution, where he worked as an assistant at the Department of theory of state and law in 1996 – 1997.

1997 – 2000 – research consultant of the judge of the Constitutional Court of Ukraine.

2000 – 2003 – Director of the Centre for Comparative Law and its legal successor – Centre for European and Comparative Law at the Ministry of Justice of Ukraine.

2004 – 2009 – Professor, Department of Public Law at International Solomon University.

From 2009 – Professor, Department of general theoretic and state and legal sciences at the National University of "Kyiv–Mohyla Academy".

He has extensive international experience, in particular as a UN Mission legal expert in the Republic of Tajikistan, World Bank and OSCE Project Co-ordinator in Ukraine. He completed research studies and internships on comparative constitutional law, international and European law, human rights and philosophy of law at Duke University (USA), University of Chicago (USA), University of Birmingham (UK), University of Leuven (Belgium) as well as an internship on European integration and human rights at the Lord Chancellor’s Department and the Office of the United Kingdom Representative to the European Court of Human Rights.

2009 – 2012 – *ad hoc* judge of the European Court of Human Rights with respect to Ukraine. Founder of the Ukrainian Bar Association, member of Ukrainian Association of International Law.

In March 2014 he was appointed Judge of the Constitutional Court of Ukraine by the Verkhovna Rada of Ukraine. He took the oath of a judge of the Constitutional Court of Ukraine on March 13, 2014.

Member of research and advisory boards of the Supreme Court of Ukraine and the High Administrative Court of Ukraine, Research and Methodological Council of the National School of Judges of Ukraine.

Doctor of Legal Sciences, Professor, Corresponding Member of the National Academy of Legal Sciences of Ukraine.

Areas of scientific research: theory of delegation of state powers, analysis of the role of court in the process of law formation in the world and Ukrainian practice, normativity of acts of judicial power, theory of judicial precedent, problems of the constitutional jurisdiction, European human rights law, comparative law research, development of methodology for adaptation of the Ukrainian legislation to the EU law.

Author of over 120 research publications on the theory of state and law, constitutional law, human rights, including 12 monographs (including 6 as a sole author), in particular “Principles of Constitutional Jurisprudence” (2001), “Comparative Case-Law on Human Rights” (2002), “Freedom of Expression” (2005), “Freedom of Expression: Case-Law of the European Court of Human Rights in Comparative Perspective” (2005), “Judicial Protection of Human Rights: Case-Law of the European Court of Human Rights in the Context of the Western Legal Tradition” (2006), “The Judicial Law-Making: International Experience and Prospects in Ukraine” (2007), “Convention for the Protection of Human Rights and Fundamental Freedoms in the Jurisprudence of Courts of

Ukraine” (2008), “International Proceedings” (2009) as well as co-author of textbooks “The History of State and Law Doctrines” (2008), “Theory of State and Law” (2014).

On February 21, 2018 at the special plenary session of the Constitutional Court of Ukraine Stanislav Shevchuk was elected Chairman of the Constitutional Court of Ukraine.

Professor William A. Schabas is professor of international law at Middlesex University in London. He is also emeritus professor at Leiden University and the University of Galway, honorary chairman of the Irish Centre for Human Rights, and invited visiting scholar at the Paris School of International Affairs (Sciences Po). Prof. Schabas is a ‘door tenant’ at the chambers of 9 Bedford Row, in London. He has appeared as counsel before several international and national courts and tribunals including the International Court of Justice, the International Criminal Court, the Grand Chamber of the European Court of Human Rights and the Supreme Court of Canada.

Professor Schabas holds BA and MA degrees in history from the University of Toronto and LLB, LLM and LLD degrees from the University of Montreal. He is the author of more than twenty books dealing in whole or in part with international human rights law, including *The European Convention on Human Rights: A Commentary*, Oxford: Oxford University Press (Oxford: Oxford University Press, 2015) and *Unimaginable Atrocities, Justice, Politics and Rights at the War Crimes Tribunals* (Oxford: Oxford University Press, 2012). His new book, *The Colour Line and the International Legal Order: Race, Racism, and the Making of International Law* will be published later this year by Oxford University Press. He has also written more than 400 journal articles and book chapters, principally in the field of international human rights law and international criminal law. His writings have been translated into Russian, German, Spanish, Portuguese, Chinese, Japanese, Arabic, Persian, Turkish, Nepali and Albanian. Professor Schabas has worked as a consultant on capital punishment for the United Nations Office of Drugs and Crime, and drafted the quinquennial reports of the Secretary-General on the status of the death penalty in 2010, 2015 and 2020.

Professor Schabas was named an Officer of the Order of Canada in 2006. He was elected a member of the Royal Irish Academy in 2007. He has been awarded the Vespasian V. Pella Medal for International Criminal Justice of the Association internationale de droit pénal, the Gold Medal in the Social Sciences of the Royal Irish Academy, and he holds several honorary doctorates.

Doctor Kostiantyn Pilkov, PhD in Law is a Justice of the Supreme Court (Grand Chamber) in Ukraine.

He is a graduate of the Kyiv National University of Trade and Economics with master’s degree in law (2005). His second degree in psychology he got from Kyiv Institute of Modern Psychology and Psychotherapy in 2016. Dr. Pilkov obtained his Ph.D in Law degree in 2016 and Senior Research Fellow Rank in 2022.

Dr. Pilkov authored books and research papers on theory of evidence and proof in international commercial arbitration and court proceedings, and lectured as an associate professor at the Department of civil, commercial and international private law of the Kyiv National University of Trade and Economics in 2016 – 2022. Occasionally, he gives lectures on the topics of evidence and sanctions as a guest lecturer of the National School of Judges of Ukraine.

Prior to becoming Supreme Court Justice Dr. Pilkov had been practicing law as an attorney and arbitrator at several national and international arbitration institutions.

Dr. Pilkov is a Justice of the Supreme Court, in the Cassation Commercial Court (division of the Supreme Court) since 2017. In 2020 elected to the Grand Chamber, where the most important cases (of commercial, civil, criminal and administrative jurisdiction) are decided upon in order to develop unified application of the law.

Doctor Alice Donald is Associate Professor in the School of Law at Middlesex University, London. Alice's research interests include the relationship between human rights and democratic governance and matters related to human rights implementation, particularly in the UK and Europe. She is co-editor with Joelle Grogan of *The Routledge Handbook of Law and the COVID-19 Pandemic* (Routledge, 2022) and co-author with Philip Leach of *Parliaments and the European Court of Human Rights* (Oxford University Press, 2016) and 'Responding to Seismic Change in Europe—The Road to Reykjavik and Beyond', *European Human Rights Law Review* (2023) 2, 95-111.

Professor Angela Di Gregorio is a Full Professor of Comparative Public Law at the University of Milano.

Her *research interests* include: transition to democracy, democratic deterioration, constitutional justice, transitional justice, academic freedom. She is a member of many Italian and international lawyer's associations. Editor-in-chief of the journal *Nuovi Autoritarismi e Democrazie* (New Authoritarian Regimes and Democracies: [Nuovi Autoritarismi e Democrazie: Diritto, Istituzioni, Società \(NAD-DIS\) \(unimi.it\)](https://www.unimi.it/nad-dis)).

She has been an expert of the European Parliament (russian-speaking minorities in the Baltic States).

Professor Monika Florczak-Wątor is a Full Professor at the Constitutional Law Department of the Jagiellonian University, Head of the Centre for Interdisciplinary Constitutional Studies, Leader of the Research Group "Rule of Law and the Future of European Democracy" of the Future Democracy Lab, and Director of the Interdisciplinary Ph.D. Program "Society of the Future" at the Doctoral School in Social Sciences of the Jagiellonian University.

Co-founder of Central and Eastern European Chapter of International Society of Public Law (ICON-S), member of: the scientific council of European Law and Governance School in Athens, European Group of Public Law, the Legal Commission of Polish Academy of Arts and Sciences, the program council of Wiktor Osiatyński Archive, the Legal Experts Group of Stefan Batory Foundation and the executive board of Polish Association of Constitutional Law. Author of more than 120 scientific publications, the principal investigator of several research projects.

Professor Marta Soniewicka is Associate Professor at the Department of the Philosophy of Law and Legal Ethics, at the Faculty of Law and Administration of the Jagiellonian University in Krakow and member of the Research Group "Rule of Law and the Future of European Democracy" at the Jagiellonian University, FDL. She holds PhD in both Law and Philosophy, and Habilitation degree in Law. Her research interests concentrate on the philosophy of law, political philosophy, ethics, including bioethics. She authored numerous articles, chapters and books including: *Granice sprawiedliwości, sprawiedliwość ponad granicami* (Boundaries of Justice, Justice Beyond Boundaries) 2010; *Human Genetic Selection and Enhancement: Parental Perspectives and Law* (2019),

co-authored with W. Lewandowski; *After God. The Normative Power of the Will from the Nietzschean Perspective* (2017). She is also an editor of several volumes, and co-editor, together with P. Hellwege, of a series *Krakauer-Augsburger Rechtsstudien*. She is a member of an Editorial Board of the *CEE Forum Legal Theory Yearbook*; editorial staff of the journal *Forum Prawnicze*, as well as the Team working on Research Ethics in Life Sciences within Rector's Committee on Research Ethics at the Jagiellonian University. She is a laureate of numerous scholarships and awards, among others: the prize of the Magazine *POLITYKA* for young scholars (2011), and a Fulbright scholarship at the Boston University in the USA (2011). Currently, she is working on a research project on law and emotions

Doctor Kristina Trykhlil is an Associate Professor at the Department of Theory of Law at the Yaroslav Mudryi National Law University in Kharkiv (Ukraine). She has been teaching courses in State and Law Theory, Legal Deontology, Comparative Law, Human Rights, European Convention on Human Rights, and Legal Writing. Her *research interests* lie at the European integration, harmonization of legislation, rule of law, legal interpretation and reasoning, human rights standards.

She is an author of one monograph and more than 50 scientific and methodological publications in the field of law in Ukrainian, Russian, English and Polish languages, as well as one of the authors of the Ukrainian Encyclopedia of Legal Terms, which was published in 2016.

She is also a Member of Non-Governmental Organization NAMU – National Association of Mediators of Ukraine. Kristina Trykhlil has taken part in the implementation of international scientific projects and was a Visiting Researcher at Warsaw University, Jagiellonian University in Poland, Innsbruck University (in Austria), and the Polish Academy of Sciences.

She was awarded the Diploma of the Winner of the Verkhovna Rada of Ukraine Prize for the Most Talented Young Scientists in the Field of Basic and Applied Research, Scientific and Technological Development in 2018 for her scientific work “Harmonization of Ukrainian Legislation and the EU Law: Approximation of General Legal Terminology”.