

The International Association of Constitutional Law
Research Group *Discrimination in Post-Conflict Constitutions*
is cordially inviting to the International Conference

***Constitutional Changes in Post-Conflict Societies
through the lens of Transitional Justice***

***Les changements constitutionnels dans les sociétés
post-conflit au prisme de la justice transitionnelle***

Date: **15 April 2024, 9.00 – 16.00**

(Central European Summer Time – **CEST**, Greenwich Mean Time – GMT + 2)

Venue: **Faculty of Law, University of Sarajevo,**
Obala Kulina bana 7, Sarajevo, Bosnia and Herzegovina, **lecture hall 141**

&

online: Zoom Meeting ID 977 2467 6981,

link: <https://zoom.us/j/97724676981>

Langue: English/French

Moderated by **Carna Pistan, Adnan Kadribašić and Alenka Antloga**

The Research Group *Discrimination in Post-Conflict Constitutions* aims to address discrimination along the lines of ethnicity, language, religion, culture, and regional identity within Constitutions, to contribute to discussions on constitution-building in post-conflict settings and the necessity to create more inclusive Constitutions that allow the break with a violent past and human rights abuses.

New members are cordially invited.

<https://www.iacl-aidc.org/en/research/research-groups/discrimination-in-post-conflict-constitutions>

Program

- 9:00 Opening speech by **Helle Krunke**, PhD, President of the IACL II AIDC
- 9:10 Opening speech by Professor **Amila Ždralović**, PhD, Vice Dean for Scientific Research at the Faculty of Law, University of Sarajevo
- 9:20 **Elisenda Calvet Martínez:**
Constitutional Changes in Post-Conflict Societies as a Guarantee of non-Repetition of Past Human Rights Violations
- 9.40 Keynote speech by **Roxan Laubscher:**
Peaceful transition from Apartheid to a constitutional democracy
- 10.00 **Yi-Li Lee:**
Female Victimization, Transitional Justice and Women's Fight for Democracy and Human Rights in Taiwan: A Hollow Hope
- 10.20 Questions and discussion
- 10.30 Break
- 10.40 **Raluca Colojoară:**
Some preliminary reflections on the Impact of Transitional Justice on the Romanian Constitution
- 11.00 **Lejla Balić:**
Privileged position of constituent peoples in BiH – dynamic approach to understanding constitutional discrimination
- 11.20 **Denis Bikeshu:**
Constitutionalising unity and inclusiveness in the Aftermath of the Genocide Against the Tutsi in Rwanda
- 11.40 Questions and discussion
- 11.50 Break
- 13.00 **Chris Shematsi:**
De la constitutionnalisation de la justice transitionnelle dans un contexte post-conflit: l'élaboration d'une nouvelle Constitution comme gage de paix et de sécurité en République démocratique du Congo?
- 13.20 **Çiğdem Serra Uzunpinar:**
Constitutional protection of cultural heritage in a Post-Conflict legal order

13.40 Questions and discussion

13.50 Break

14.00 Roundtable discussion:

Necessary changes to the Constitution of Bosnia and Herzegovina

The power-sharing mechanisms in BiH, established by the Dayton Peace Accords, in the light of the constitutional system of multi-ethnic governance and what followed the Constitutional Court's interpretation of "constitutionality".

Takeaways from the ECtHR in *Sejdić and Finci v. BiH* and other related decisions - can the power-sharing mechanisms co-exist with Article 14 and Protocol 12 of the ECHR?

The role of the international community and the open negotiation process for EU accession - the priority to "ensure equality and non-discrimination of citizens, notably by addressing the Sejdić-Finci ECtHR case law".

Damir Banović

Harun Išerić

Midhat Izmirlija

Jens Woelk

Moderated by **Adnan Kadribašić**

15.50 Closing remarks

Introduction of speakers

Alenka Antloga graduated *cum laude* from the Faculty of Law, University of Ljubljana. She took part in the International Asylum Law Moot Court Competition in Trnava (2010) and participated in several international events, e.g. Kosovo International Summer Academy on Peace building in Post-Conflict areas – Diplomacy, Leadership and Negotiations (2018), International Summer School Sarajevo 2019: Transitional Justice, Institution Building and Human Rights After Conflict, The International Doctoral Seminar in Law in Ljubljana (2020), Geneva School of Diplomacy and International Relations (Certificate of Advanced Studies in International Relations & Diplomacy, 2021), Raphael Lemkin Seminar for Genocide Prevention - Mediterranean Basin Edition (Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, completed with distinction in 2022) and contributed to the 16th Biennial Meeting of the International Association of Genocide Scholars: Authoritarianism & Genocide: Narratives of Exclusion (2023) as a session chair. Alenka is a member of the Association of Constitutional Law of Slovenia, and the United Nations Association of Slovenia, a coordinating editor of the scientific journal *Przegląd Europejski*, and is presenting judgments for the legal journal *Pravna praksa, časopis za pravna vprašanja*.

Lejla Balić, PhD, is an Associate Professor of Constitutional Law at the Faculty of Law of the University of Sarajevo. Her scientific research interests are in the fields of federalism, democratization, parliamentary and electoral law, and European public law. In particular, she researched the topics of European citizenship and the role of democratic principles in the legal system of the European Union. She is the author of the monograph "European Union: Parliament and Democratization," which was published in 2020. She participated in numerous academic projects, the last one being "Bosnia and Herzegovina, the Constitution and EU Accession. An Academic Platform for Discussing the Options" (Knowledge Exchange Program).

Damir Banović (1983) is an Associate Professor at the University in Sarajevo – Faculty of Law (Department for State and Public International Law). He teaches Introduction to Law and Philosophy of Law. His main research focus is on the contemporary socio-legal theory, theory of collective rights, minority rights, consocialism, and comparative federalism. He has published many peer-reviewed articles in academic journals as well as monographs, including *Realistička teorija prava: ogledi o pravnom realizmu, konvencionalizmu i naturalizaciji u pravu*. (Univerzitet u Sarajevu – Pravni fakultet, 2023); *Law in Max Planck Encyclopedia of Comparative Constitutional Law* (Oxford University Press, 2023); *Ethnic Diversity, Plural Democracy and Human Dignity. Challenges to the European Union and Western Balkans*. (Springer Nature, 2022); *The Political System of Bosnia and Herzegovina. Institutions – Actors – Processes*. (Springer Nature, 2021) and *Queer Legal Theory in Feminist Approaches to Law: Theoretical and Historical Insights*. (Springer Nature, 2021).

Denis Bikeshwa, PhD, Associate Professor of Transitional Justice, University of Rwanda, School of Law. Professor Denis Bikeshwa holds LLB and LLM from the National University of Rwanda and a PhD in Law from University of Dar es Salaam. He is currently an Associate Professor of Transitional Justice at the University of Rwanda, School of Law, where he previously served as Dean. He also served as a member of the High Council of the Judiciary and High Council of National Public Prosecution Authority of Rwanda. Denis' areas of academic and research interest include, among others, Transitional Justice systems, Constitutional Law, Criminal Law and Criminal Procedure. Denis also works as a legal consultant for government and other organisations including the Government of Rwanda and has worked for American Bar Association. He was involved in administration of Criminal Justice in the aftermath of the genocide against the Tutsi in Rwanda especially during his work at the National Service Gacaca Courts as a legal officer and later on as a director. Denis is currently a member of the Rwanda's National Technical Operational Safety and Health Steering Committee.

Raluca Colojoară, PhD, is a junior lecturer at the West University of Timișoara, Faculty of Political Sciences, Philosophy and Communication Sciences where she teaches courses on different subjects with a special focus on Humanitarian Crisis, Development Aid, International Public Law, Human Rights, and Criminal Law. She has a PhD in Criminal Law focusing on International Criminal Law. After graduating from the Law Faculty Raluca did a masters in International Criminal Law at the University of Amsterdam and one in European Law at West University of Timișoara. During and after her masters programs she interned with the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, and the OSCE Mission to Bosnia and Herzegovina. Raluca's main fields of interest are interconnected and focus mainly on Transitional Justice, Humanitarian Law and Assistance, International Criminal Law, Human Rights, Responsibility to Protect, and International Public Law.

Harun Išerić is a Senior Teaching and Research Assistant in Administrative Law and Procedure at the University of Sarajevo Faculty of Law, Bosnia and Herzegovina. His research interests are rooted in constitutional and human rights law, focusing on the constitutional judiciary, ECHR, comparative administrative law & procedure, environmental law, elections, and media. He is a PhD candidate in Law at the University of Sarajevo. Harun also serves at the Constitutional Council of the BiH Presidency Member and as a member of the national media self-regulatory body (Press and Online Media Council Complaints Commission). As part of his human rights work, Harun has established and led a Legal Clinic in International and European Human Rights Law at the University of Sarajevo Faculty of Law (2018), completed a European Parliament Sakharov fellowship (2023), and has been providing legal advice for CSOs and international governmental organization in BiH, focusing on three fundamental freedoms (freedom of speech, freedom of religion and freedom of assembly). Harun was a member of the first OSCE Mission to BiH Youth Advisory Groups (2015), BiH Youth Delegate to the Council of Europe (2016), as well as a fellow of the German Marshall Fund (2024) and Humanity in Action (2018).

Midhat Izmirlija is an Assistant Professor at the Law School of the University of Sarajevo where he teaches seminars on human rights, gender and law, and the theory of law and state. He holds a master's degree in law from the University of Sarajevo Law School and a master's degree in human rights and democracy from the University of Sarajevo Center for Interdisciplinary Postgraduate Studies. He holds PhD degree from the University of Sarajevo. His research focuses on human rights, anti-discrimination law, theory of the state, the theory of law, and transitional justice. He served as a legal expert in projects concerning the implementation of antidiscrimination law, gender equality law, and improvement of the system of human rights protection in Bosnia and Herzegovina. Midhat was involved in the capacity of the lecturer/trainer in numerous human rights programs organized by national and international organizations. He participated in developing recommendations, and policy studies, and drafting national legislation in this field. Midhat has published papers related to the legal framework on gender equality, national human rights institutions, anti-discrimination standards, etc.

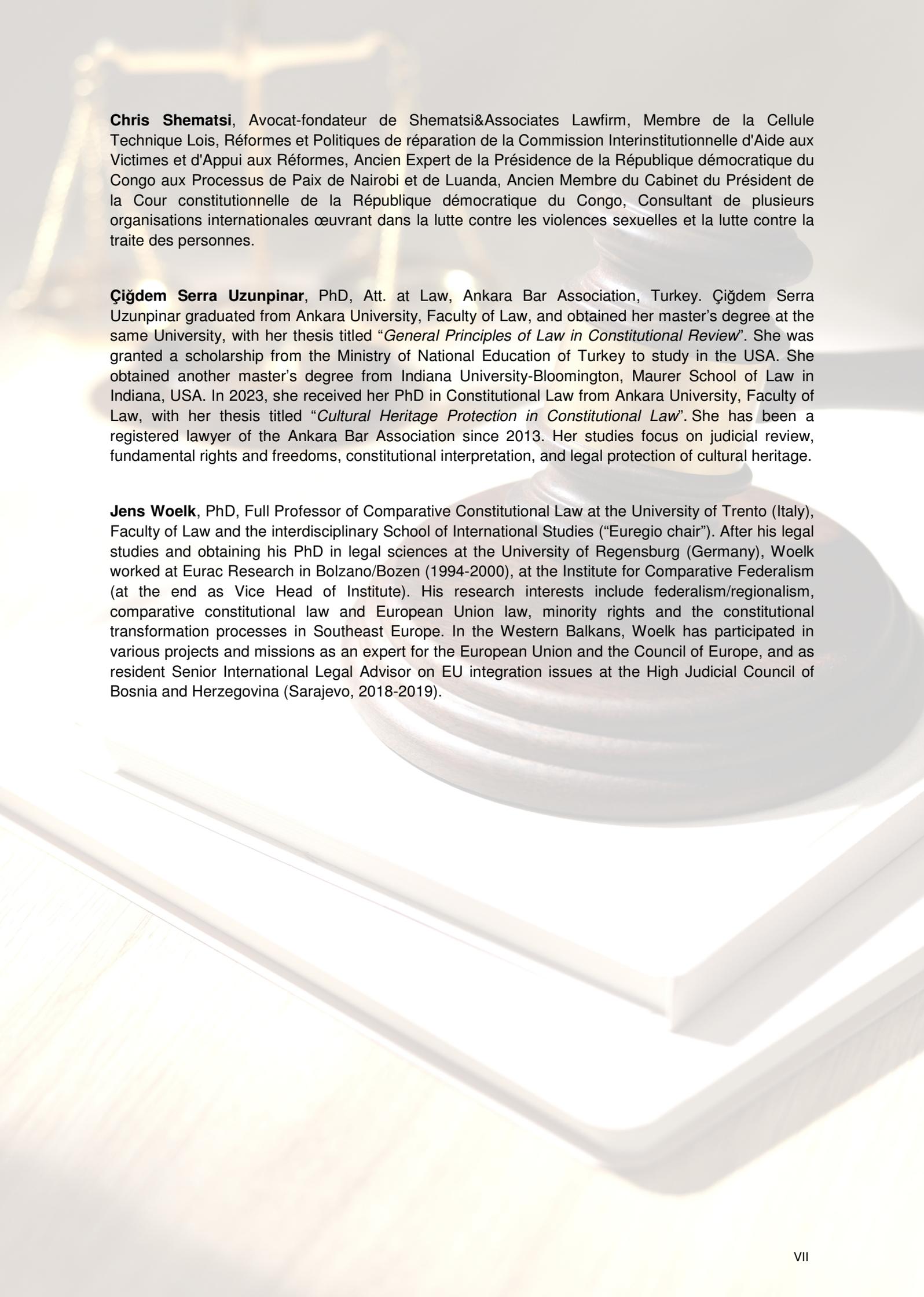
Adnan Kadribašić is with a BA in Law and MA in State Management and Humanitarian Affairs since 2006 involved in human rights advocacy, litigation, policy development and implementation in Bosnia and Herzegovina. In his capacity of a legal adviser in the Agency for Gender Equality of Bosnia and Herzegovina and the OSCE Mission he has successfully participated in the advocacy for the anti-discrimination legislation and was a key part of the working group which has developed the Law prohibiting discrimination and the amendments to the Law on Gender Equality. Subsequently he has developed amendments in the area of non-discrimination and equality which are a part of the legal landscape of Bosnia and Herzegovina today. For his work he was awarded by a fellowship by the Open Society Foundation and UNDP, he's an external associate of the Human Rights Centre of the University of Sarajevo and member of the editorial board of the International Journal on Rule of Law, Transitional Justice and Human Rights. He is also engaged in human rights training and has conducted over 300 days of training for over 3000 participants and was a second lawyer in the case *Sejdić and Finci v. Bosnia and Herzegovina*.

Roxan Laubscher, PhD, is an Associate Professor in the Faculty of Law at the University of Johannesburg. She holds a B.Com law degree, an LLB degree, as well as a master's and doctorate in Constitutional Law from the University of Johannesburg. She has lectured constitutional law and human rights law to undergraduate law students since 2011. She is a member of the editorial board of the *Journal of South African Law/Tydskrif vir die Suid-Afrikaanse Reg* and chief editor of the new student law journal, the *UJ Student Law Review*, which will be launched in 2024. Roxan Laubscher is also the course coordinator of the LLM in Human Rights Law and has been appointed as the Acting Director of SAIFAC, the South African Institute for Advanced Constitutional, Public, Human Rights and International Law. She has also presented papers at various local and international conferences and publishes widely on topics in constitutional and human rights law. She is also a member of the International Society of Public Law (ICON-S).

Yi-Li Lee, PhD, Assistant Professor, Institute of Law for Science and Technology, National Tsing Hua University. Dr. Yi-Li Lee currently serves as an Assistant Professor at the Institute of Law for Science and Technology at National Tsing Hua University in Taiwan. She earned her PhD in Law from the National Taiwan University College of Law. In 2016, she was awarded the Fulbright Research Grant for postdoctoral research at the Human Rights Program and East Asian Legal Studies Center of Harvard Law School. Between 2020 and 2022, Dr. Lee contributed as a member of the Human Rights Task Force under the Ministry of the Interior of the Taiwanese Executive Yuan. Her research spans areas such as digital rights, international human rights law, international humanitarian law, international criminal law, and comparative constitutional law. Dr. Lee's work has been published in the *International Journal of Human Rights (SSCI)*, *Law & Ethics of Human Rights*, *National Taiwan University Law Journal (in Chinese, TSSCI)*, *Soochow Journal of Political Science (in Chinese, TSSCI)* and *Taiwan Human Rights Journal (in Chinese)*.

Elisenda Calvet Martínez, PhD, is an Associate Professor of International Law, Faculty of Law, University of Barcelona, expert on human rights, genocide and transitional justice, co-director of the Legal Clinic for the Fight against Impunity and deputy Vice Dean of Research and International Relations of the Faculty of Law at the University of Barcelona (Spain). She has worked for the Spanish Red Cross, the Inter-American Court of Human Rights, and the United Nations Human Rights Office of the High Commissioner. Her main lines of research are transitional justice, enforced disappearances, genocide and human rights. She is part of the Ukraine Peace Settlement Project of the Lauterpacht Centre for International Law of the University of Cambridge and has participated as an expert on the training for Spanish Judges and Prosecutors on transitional justice, human rights and enforced disappearances. She is a member of the Executive Board of the International Association of Genocide Scholars (IAGS) and a member of the Historical Memory Commission of the Barcelona's Bar Association, among others.

Carna Pistan is a Comparative Public Law scholar with an interest in the emerging field of Law and Memory. She obtained a PhD in Constitutional Law from the University of Bologna (2010) after graduating in Political Science from the University of Trieste (2005). In February 2020 she was awarded the Marie Skłodowska-Curie Global Fellowship for the project: "Illusions of eternity: the Constitution as *a lieu de mémoire* and the problem of collective remembrance in the Western Balkans" to be carried out at the Harriman Institute, Columbia University and the Institute for Comparative Federalism, EURAC research. She is the author of one book, and numerous book chapters and articles focusing on democratic transitions, constitutional justice, hybrid regimes, illiberal constitutionalism, nationalism, collective memory, and national identity, with particular reference to Central and Eastern Europe and the former Soviet Union sphere. She has presented her research at numerous international conferences.



Chris Shematsi, Avocat-fondateur de Shematsi&Associates Lawfirm, Membre de la Cellule Technique Lois, Réformes et Politiques de réparation de la Commission Interinstitutionnelle d'Aide aux Victimes et d'Appui aux Réformes, Ancien Expert de la Présidence de la République démocratique du Congo aux Processus de Paix de Nairobi et de Luanda, Ancien Membre du Cabinet du Président de la Cour constitutionnelle de la République démocratique du Congo, Consultant de plusieurs organisations internationales œuvrant dans la lutte contre les violences sexuelles et la lutte contre la traite des personnes.

Çiğdem Serra Uzunpinar, PhD, Att. at Law, Ankara Bar Association, Turkey. Çiğdem Serra Uzunpinar graduated from Ankara University, Faculty of Law, and obtained her master's degree at the same University, with her thesis titled "*General Principles of Law in Constitutional Review*". She was granted a scholarship from the Ministry of National Education of Turkey to study in the USA. She obtained another master's degree from Indiana University-Bloomington, Maurer School of Law in Indiana, USA. In 2023, she received her PhD in Constitutional Law from Ankara University, Faculty of Law, with her thesis titled "*Cultural Heritage Protection in Constitutional Law*". She has been a registered lawyer of the Ankara Bar Association since 2013. Her studies focus on judicial review, fundamental rights and freedoms, constitutional interpretation, and legal protection of cultural heritage.

Jens Woelk, PhD, Full Professor of Comparative Constitutional Law at the University of Trento (Italy), Faculty of Law and the interdisciplinary School of International Studies ("Euregio chair"). After his legal studies and obtaining his PhD in legal sciences at the University of Regensburg (Germany), Woelk worked at Eurac Research in Bolzano/Bozen (1994-2000), at the Institute for Comparative Federalism (at the end as Vice Head of Institute). His research interests include federalism/regionalism, comparative constitutional law and European Union law, minority rights and the constitutional transformation processes in Southeast Europe. In the Western Balkans, Woelk has participated in various projects and missions as an expert for the European Union and the Council of Europe, and as resident Senior International Legal Advisor on EU integration issues at the High Judicial Council of Bosnia and Herzegovina (Sarajevo, 2018-2019).

The Conference is organised by

The International Association of Constitutional Law

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<https://iacl-aidc.org/index.php/en/>



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Main researcher: **Carna Pistan** (individual fellowship).