Human Rights Law Journal · HRLJ

HRLJ 30 December 2016 Vol. 36 No. 7-12

ISSN 0174/4704 Pages 241-480

Judicial activism and judicial self-restraint in the EurCourtHR: Two sides of the same coin

Colloquy in Honour of Paul Mahoney

on the occasion of his 70th birthday, organised on 9 September 2016 in Strasbourg in the Human Rights Building by the Human Rights Law Journal (HRLJ)

Editorial Board

Lawrence Early, Strasbourg • Stéphane Gervasoni, Luxembourg • Søren C. Prebensen, Strasbourg

Welcome Address: Guido Raimondi, President of the European Court of Human Rights	241
Introduction to the Colloquy: Norbert Paul Engel, Publisher of the HRLJ	242
First theme	
Eirik Bjorge, Bristol – The Convention as a Living Instrument Rooted in the Past, Looking to the Future • Debate chaired by Eleanor Sharpston, Luxembourg	243 256
Second theme	
Ed Bates, Leicester – Activism and Self-Restraint: The Margin of Appreciation's Strasbourg Career, and Its 'Coming of Age'? • Debate chaired by Sir Michael Wood, London	261 277
Third theme	
Erik Møse, Strasbourg – Is the Court Prevented from Having Regard to Subsequent Developments in Making Its Assessment After the Last National Decision? • Debate chaired by Gertrude Lübbe-Wolff, Bielefeld	282 289
Fourth theme Luzius Wildhaber, Basel – The Old Court, the New Court and Paul Mahoney • Debate chaired by Guido Raimondi, Strasbourg.	292 297
Concluding remarks	
Paul Mahoney, Strasbourg – Judicial Power plus Judicial Duty Equals Judicial Legitimacy, and Other Concluding Remarks	300
Paul Mahoney's Curriculum Vitae and List of Publications	304/305

(Contents continued on last page)

Table of contents (continued)

	tions to the Colloquy in Honour of Paul Mahoney
	enbacher, Luxembourg – Fundamental Rights in the Case-Law of the EFTA Court
	ackburn, London – The Idea of a British Bill of Rights
	suyt, Antwerp – Unduly Harsh Treatment of Sweden in Asylum Cases in Strasbourg?
	ey, Edinburgh – The Principle of Subsidiarity: A More Positive Approach
	ijer, Amsterdam – Margin-of-Appreciation Doctrine and the Strengthening of the Principle arity in the Recent Reform Negotiations
Douglas M	IcWilliams, London: The UK – Leaving the EU but Staying in the ECHR
and Judici	onpää, Helsinki – "Living Instrument" in Search of Balance between Judicial Activism al Self-Restraint: Reflections on Other Courts and Tribunals as a Source of Inspiration ropean Court of Human Rights
	Prebensen, Strasbourg – Importance of the National Courts' having Duly Considered nation Matter
ECISIONS a	nd REPORTS
- 5.XI.15 -	UN Human Rights Committee (UN-HRCee), Geneva U.S./Australian prisoner-transfer arrangement / Enforcement violates detainee's right to liberty / here: Prisoner, held from 2002-2007 at Guantánamo Bay, finally sentenced in 2007 by the U.S. Military Commission after having pleaded guilty (support for terrorism), returned home to Australia in 2007 to serve the remaining 7 months of his sentence / Hicks v. Australia
- 23.III.16 –	Discrimination on political grounds / Civil servants pressured in 2003/2004 to resign from their functions with the SIS (Government intelligence service) based on the sole ground of their having already served in the relevant Ministry before 1989 (during the Communist era) / M.K. et al. v. Slovakia
- 8.XI.16 -	European Court of Human Rights (EurCourtHR), Strasbourg Authorities' refusal to provide an NGO with information relating to the work of <i>ex officio</i> defence counsel / Violation of the right of access to information (Article 10 of the Convention) / Magyar Helsinki Bizottság v. Hungary (GC)
23.VIII.16 –	Potential violation of the prohibition of inhuman and degrading treatment (Article 3) in the event of the applicants' removal to Iraq / Rejection of asylum applications in 2011/2012 / Ex nunc evaluation of security situation in Iraq in 2016 / J.K. et al. v. Sweden (GC)
OCUMENT	ATION
12.XII.16 –	European Commission for Democracy through Law (Venice Commission), Strasbourg Opinion no. 865/2016 on Emergency Decree Laws in Turkey adopted following the failed coup of 15 July 2016
ENDING PF	ROCEEDINGS
14.XII.12 –	European Court of Human Rights (EurCourtHR), Strasbourg Allegations of secret detention and ill-treatment of the first "high value detainee", now held in Guantánamo Bay, in a CIA detention facility in 2005/2006 in Lithuania / Application communicated / Abu Zubaydah v. Lithuania