

0980

INTERNATIONAL COMMISSION OF JURISTS

DANISH SECTION OF ICJ RE-LAUNCHED

INTERNATIONAL COMMISSION OF JURISTS

DANISH SECTION OF ICJ RE-LAUNCHED

In January 1993 a group of lawyers in Copenhagen, Denmark re-established the Danish Section of the International Commission of Jurists (ICJ). Scandinavian lawyers have long played a leading part in the work of the ICJ, as in the international human rights movement generally. For many years, the distinguished Danish lawyer, Mr Per Federspiel served as a Commissioner of the ICJ. Upon his retirement, he was appointed an Honorary Member of the ICJ. However, for some years the ICJ lacked in Denmark the nucleus of interested judges, lawyers and academics to keep a Section of the ICJ alive. This lack has now been rectified.

In late 1992 an initiative was taken by a number of lawyers in Copenhagen, to re-establish a Section of the ICJ. One of the most active proponents was Adv Frantz Dahl. An invitation was extended to the Chairman of the Executive Committee of the ICJ, Justice Michael Kirby of Australia, to visit Copenhagen for a meeting to coincide with the re-establishment of the Danish Section. The visit took place on 10-12 January 1993.

The primary purpose of the visit was a meeting on 12 January 1993 in Copenhagen where the lawyers present resolved to re-establish the Section. Justice Kirby outlined to the meeting the history, present organisation, funding, personnel and activities of the ICJ. Tabled at the meeting was an updated report on the activities of the Executive Committee of the ICJ setting out the numerous missions, trial observances, human rights conferences, seminars and other activities in which the ICJ had participated in the previous

half-year. Justice Kirby addressed the rôle of the ICJ in charting the future dimension of human rights. He emphasised the expansion of global human rights standards and the duty of judges and lawyers in every country to become involved in the domestic application of international human rights norms. The session in Copenhagen was a lively one in which many questions were addressed to Justice Kirby concerning the possible functions of a Danish Section of the ICJ in international scrutiny of human rights standards. In late 1992 a delegation from the Danish Parliament had participated in observance of the elections in Kenya. Justice Kirby said that there were many activities in Central and Eastern Europe in which a Danish Section of the ICJ could become closely involved. He pointed out that he would himself be visiting Moldova after the meeting in Denmark.

During Justice Kirby's visit to Denmark he met a wide cross-section of judges and leaders of the legal profession of that country. He called on Justice Niels Pontoppidan, President of the Supreme Court of Denmark. He also had discussions with Mr Jan Erlund, President of the Bar Council of Denmark. He visited the Department of Public International Law at the University of Copenhagen where he held discussions with Professor Lars Adam Rehof. After the lecture to members of the judiciary and legal profession, a dinner was given attended by the Permanent Under-Secretary of the Danish Department of Foreign Affairs (Mr Woehlk), the Permanent Under-Secretary of Justice (Mr Michael Lunn) and the Private Secretary to the Queen of Denmark (Dr Niels Eilschou-Holm). Also present at the dinner was the President of the Supreme Court and Judge Isi Foighel, the Danish judge of the European Court of Human Rights.

Matters of concern which were discussed during these meetings with leaders of the legal profession in Denmark included:

The domestic application of human rights norms. Denmark from July 1992 has incorporated the *European Convention on Human Rights* into its domestic law;

The recruitment of judges who have tended in the past to be recruited from the civil service, especially the Ministry of Justice;

The acceptance by judges of appointment as private arbitrators and the consonance of this practice with international principles governing the independence of the judiciary; and
Judicial review of police powers and the provision of bail to persons awaiting trial, a facility much rarer in Denmark than in most common law countries.

On the last day of his visit to Denmark, Justice Kirby called on the Ministry of Justice and had a meeting with members of the Department of Foreign Affairs.

Justice Kirby's visit to Denmark came during a busy week in that country. Later in the week, there was tabled in the Danish Parliament a report of a judge criticising the Prime Minister for his statements to Parliament concerning a case involving certain Tamil refugees in Denmark. As a result of the report, the Danish Government resigned and a new Government was formed. The incident provided a notable illustration of the healthy operation of the rule of law in Denmark.