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Election of judges to the European Court of Human Rights

List and curricula vitae of candidates submitted by the Government of Monaco

Communication¹

Secretary General of the Parliamentary Assembly

1. The curriculum vitae are presented and published as submitted by the Government of Monaco.



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1. List and curricula vitae of candidates submitted by the Government of Monaco

Letter from Ms Isabelle Berro-Amadeï, Government Advisor, Minister of External Relations and Cooperation, to Ms Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly, dated January 25, 2024

By note dated 1 February 2023, you kindly drew my attention to the upcoming expiry of the mandate of the Judge elected in respect of Monaco to the European Court of Human Rights.

[...]

Consequently, I have the honor to submit to you the list of the following candidates:

- Mr Sébastien BIANCHERI
- Ms Michèle DUBROCARD
- Mr Yves STRICKLER

[...]

2. Information on national selection procedure for the position of a judge of the European Court of Human Rights

On 16 September 2024, Ms Stéphanie Mourou-Vikström's nine-year term (non-renewable) as a national judge at the European Court of Human Rights will end.

Under the procedure for selecting national judges, the Government was required to submit (by 11 December 2023 at the latest) a shortlist of three candidates (names and curricula vitae) to the Advisory Panel of Experts on Candidates for the Election as Judge to the European Court of Human Rights, in accordance with the criteria set out in the Guidelines on the selection of candidates for the post of judge at the Court, for election by the Parliamentary Assembly of the Council of Europe.

This note outlines the national procedure for the selection of candidates for the post of judge at the Court in respect of Monaco.

Firstly, it should be noted that when drawing up the selection procedure, the Monegasque authorities took care to follow the guidelines adopted by the Committee of Ministers.

They drew up a timetable marking out the procedure.

Particular attention was paid to the drafting of the public calls for applications.

As in the previous procedure, a national selection committee was set up by administrative decision with a view to advising the government on the applications received.

2.1. Composition of the National Selection Committee

The Monegasque authorities have shown their willingness to take account of the guidelines adopted by the Committee of Ministers by emphasising, when appointing members of the committee, that the composition of the committee is "an essential consideration" in the procedure and that "its members should collectively have sufficient technical knowledge and command respect and confidence", (first guideline of the Committee of Ministers on the procedure for drawing up the recommended list of candidates).

The National Selection Committee, which was responsible for issuing an opinion on the applications to be forwarded to the government, was composed as follows:

- the President of the High Council of Judges and Prosecutors;
- the President of the Supreme Court;
- the First President of the Court of Revision;
- a representative appointed by the Minister of State, in this case the Director of Legal Affairs;
- the Minister of Foreign Affairs and Co-operation.

2.2. Public call for applications

A first public call for applications, attached hereto, was published in the Official Gazette (*Journal de Monaco*) on 6 January 2023, with a deadline for receipt of applications by the Minister of State of 6 March 2023.

An application dated 28 February 2023, was received by the Minister of State on 2 March 2023 and duly acknowledged. The application was forwarded to the Chair of the National Selection Committee, who was informed that it was the only one received.

In view of this, it was decided to publish a new public call for applications in the Official Gazette of 22 September 2023, as attached, with a deadline for receipt of applications of 23 October 2023.

2.3. Receipt of applications

Three applications were received by the Minister of State on 16, 18 and 23 October 2023 respectively, and then forwarded to the Chair of the National Selection Committee for consideration, the first on 19 October 2023 and the other two on 24 October 2023. The Minister of State wrote to the candidates to acknowledge their applications.

2.4. Examination by the National Selection Committee

In a confidential letter to the Minister of State dated 24 November 2023, the Chair of the Committee reported that the Committee had met at the Palais de Justice on 21 November at 3 pm. She had chaired the meeting in her capacity as President of the High Council of Judges and Prosecutors.

With Ms Sylvie Petit-Leclair in the Chair, the Committee was composed of:

- Ms Isabelle Berro-Amadeï, Government Advisor, Minister of External Relations and Cooperation;
- Mr Stéphane Braconnier, President of the Supreme Court;
- Ms Cécile Chatel-Petit, First President of the Court of Revision;
- Mr Arnaud Hamon, Director of Legal Affairs.

The members of the Committee were assisted by Ms Magali Ginepro, Secretary General of the Directorate of Judicial Services, who provided secretarial services.

The Chair noted that members had received a letter explaining the role of the Committee, which was to check that applicants met the conditions laid down by the European Convention on Human Rights and the various Council of Europe bodies, as published in the national call for applications.

The Committee noted that the applications had been sent to the Minister of State within the deadline set in the call for applications.

The Chair had invited the three candidates to interview in a letter sent by post and emailed on 27 October 2023.

They were each called in turn on Tuesday 21 November 2023 for an interview of equal duration with the members of the Committee.

The candidates were the three then put forward on the list.

The Chair had begun by reminding the assembled Committee of its role and of the procedure for selecting candidates.

During the interviews, the candidates presented their experience, qualifications and skills and explained their reasons for applying and why they would be suitable for the position of a judge at the Court in respect of Monaco.

In its opinion, the Committee set out each candidate's qualifications and reasons for applying, pointing out that the answers given by all three candidates to the specific questions put by members had demonstrated their full knowledge of the Court, the texts in force and the case law.

On the basis of the applications received and the interviews, it concluded that the three candidates met the criteria laid down both in the European Convention on Human Rights (Articles 21 to 23) and in the relevant texts of the Parliamentary Assembly of the Council of Europe.

The Committee found that the three candidates met the requirements of being of high moral character, highly qualified and competent in their field, independent and impartial. They also meet the age and language requirements, with the proviso that one candidate would reach the age limit before the end of her term of office if elected.

The candidates have given a written undertaking that, if elected, they would take up permanent residence in Strasbourg and would be fully available to serve as a national judge at the Court.

Lastly, the Committee wished to point out that, as the candidates were known to its members, it could vouch for the accuracy of the references, qualifications and details provided in their CVs.

2.5. Drawing up the shortlist

After receiving the Committee's reasoned opinion, the Minister of State sent a shortlist of three names, presented in alphabetical order, comprising one woman and two men.

The Monegasque authorities would like to stress that, despite the country's small population and the need to fill positions of public responsibility at national level, they are putting forward serious candidates who meet the criteria.

Appendix 1 – Curriculum vitae of Sébastien BIANCHERI

I. Personal details

Name, forename: Biancheri, Sébastien

Sex: male

Date and place of birth: 5 June 1980 in Monaco

Nationality: Monegasque

II. Education and academic and other qualifications

2001 – Diplôme d'Etudes Universitaires Générales (DEUG) (university diploma taken after two years of study) in Law, University of Nice Sophia-Antipolis (*mention très bien* (distinction))

2002 – Degree (*Licence*) in Law, University of Nice Sophia-Antipolis (*mention bien* (merit)). Certificate of International Law (grade: B), summer programme, Hofstra University (New York)

2003 – Master's Degree in Private Law, University of Nice Sophia-Antipolis (merit, first in his year)

2004 – Advanced Postgraduate Diploma (DEA) in private law and criminal sciences, University of Nice Sophia-Antipolis (merit). Member of the Private Law Research Centre (CERDP) at the University of Nice Sophia-Antipolis

2004-2005 – Legal trainee at the French legal service training college (ENM), Bordeaux, and secondment to the Avignon Tribunal de Grande instance. Awarded a foreign legal trainee diploma (with distinction)

III. Relevant professional activities

a. Description of judicial activities

2006 – Substitute judge at the Monaco Court of First Instance: Associate judge for the civil and criminal benches, all types of case, judge in charge of labour disputes over accidents at work

2007 – Substitute prosecutor serving as a deputy to the Principal State Prosecutor of Monaco: prosecution at criminal and youth court hearings, management of investigations in real time, settlement of judicial investigations, processing of extradition cases

2008-2011 – Judge at the Monaco Court of First Instance: General civil proceedings, conciliating family affairs judge, enforcement of sentences, juvenile delinquency criminal and trial benches. Alternating presidency of the trial office of the Labour Court, labour disputes

2012-2018 – Chief judge at the Monaco Court of First Instance. General civil and criminal proceedings, administrative proceedings. Urgent applications judge at the Labour Court. Exclusive presidency of the commercial bench, presiding judge in *flagrante delicto* hearings. Judge in charge of the execution of international requests for judicial assistance in civil cases. Responsibility for urgent applications cases through delegation by the President. Presiding judge in civil advisory division hearings (protection of adults, guardianship disputes)

2018-March 2021 – Vice-President of the Monaco Court of First Instance. Regular presiding judge in hearings on civil cases and urgent applications, administrative proceedings, occasionally presided over criminal and *flagrante delicto* hearings, exclusive presidency of the commercial bench. Cases delegated by the President of the Court, participation in Criminal Court proceedings

Since March 2021- Judge at the Monaco Court of Appeal. All civil, criminal, administrative, labour and commercial appeal proceedings, investigation division, extradition cases, Criminal Court.

b. Description of non-judicial legal activities

Since September 2012 – Secretary of the Council of State of the Principality of Monaco (post which is required by law to be occupied by a member of the judiciary)

– Preparation of the reports of meetings and of the opinions of this constitutional advisory body

- Drafting of activity reports (see below)

Since 2021 – Chair of the Disciplinary Division of the Monégasque Anti-Doping Committee

- In his capacity as appeal court judge: application of the provisions of the World Anti-Doping Code and the rules of WADA. Monitors developments in the case law of the European Court of Human Rights on sport, particularly on the public nature of hearings and the statutes of the Court of Arbitration for Sport

Since 2021 – Member of the campaign auditing committee

- In his capacity as appeal court judge: auditing of election campaign funding and the accounts of candidate lists, in accordance with the recommendations of GRECO (3rd evaluation round, 2017). Rapporteur on list audits for the 2023 municipal elections

2012-2015 – Member of the Drafting Committee of the law review, the *Revue de Droit Monégasque*

2010-2014 – Full member of the Monégasque judicial service commission, the Haut Conseil de la Magistrature:

- Justice Council in Monaco set up in 2009: opinions on career development and responsibility for ethical and disciplinary matters
- Rapporteur in 2011 on the project to draw up a set of rules on in-service judicial training
- Participation in the organisation of an exchange with the Italian judicial service commission and a conference hosted by the Vice-Chair of the Italian commission on 6 June 2011 on the role of elected judges and prosecutors on Justice Councils

c. Description of non-legal professional activities

None.

IV. Activities and experience in the field of human rights

Since 2022 – Member of the list of ad hoc judges at the European Court of Human Rights in respect of the Principality of Monaco.

Since 2015 – Member of the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe.

- participation in biannual plenary meetings as a representative of the Principality of Monaco: activities and votes on the preparation of CEPEJ guidelines and tools (relating in particular to judicial time management, gender equality in recruitment, the promotion of judges and the European Ethical Charter on the use of artificial intelligence (AI) in judicial systems)
- national correspondent in charge of co-ordinating, managing and drawing up replies to the biennial questionnaire for the CEPEJ report assessing the quality and efficiency of judicial systems. Participation in five evaluation rounds
- member of the network of pilot courts
- point of contact for working groups (in particular the SATURN group on case-weighting in judicial systems)
- member of the judging panel for the Junior Crystal Scales of Justice (June 2020) on behalf of CEPEJ

June, July, September 2022 – Three-month study visit to the European Court of Human Rights: Secondment to the French unit of the Registry, active participation in the unit's daily work:

- processing of applications and drafting of many single judge notes in co-operation with the non-judicial rapporteur
- preparation of draft communications and research documents and drafting in connection with Chamber decisions
- prior preparation of documents and attendance at a section meeting for Chamber decisions (French, Ukrainian and Latvian cases)
- preparation and attendance with the senior French legal expert at a Grand Chamber hearing (Sanchez v. France)

- interim measures (Rule 39 of the Rules of Court)
- attendance at a “country meeting”: organisation and planning of the processing of a French case in Court section V
- preparation and running of two training sessions in Monégasque law for members of the unit

Examples of human rights-related proceedings. The Council of Europe and international law at the Court of First Instance and the Court of Appeal:

- criminal judgments and decisions: many cases in which Article 5 and 6 of the ECHR were applied: presence of a lawyer during police custody, right to remain silent, issues of access to the case file, being brought before a judge within the meaning of Article 5, frequent application of other Council of Europe conventions (including ETS No. 141 on the confiscation of proceeds of crime of 8 November 1990)
- nullity cases during judicial investigations (Judge’s Chambers of the Court of Appeal)

2018 – Chair of the Board of Appeals on decisions of the remand prison disciplinary board and questions relating to detention conditions in the context of the enforcement of sentences

- liberties and detention judge (2008-2021): supervision of custody extensions and oversight of administrative interception of electronic mail to preserve national security as part of an hoc committee
- extradition proceedings (Judge’s Chambers of the Court of Appeal): European Extradition Convention of 13 December 1957 (ETS No. 24) and consideration of the reports of the European Committee for the Prevention of Torture
- civil and labour law proceedings: many judgments and decisions on questions of discrimination in companies and in public service, right to private and family life, right to freedom of the press and of expression, gender transition issues. Decisions on family affairs in the context of international abductions of minor children. Decisions on applications to enforce foreign judgments and on the application of foreign laws in private international law
- cases delegated by the President of the Court: cases of treatment without consent and involuntary hospitalisation (2018-2021)
- frequent judgments and decisions applying the HCCH Hague Conventions (No. 34 of 19 October 1996 for the protection of children, No. 35 of 13 January 2000, on the international protection of adults)

In the course of his work for the Council of State:

Questions relating to freedom of association, objection to acquisition of nationality, work on the 4th GRECO evaluation round concerning Monaco, opinions on freezing of criminal assets (UN resolutions), personal data protection and conformity with Council of Europe 108+ and a Law establishing a Code of Private International Law

2023 – hearing as a representative of the Court of Appeal by a delegation from the Group of Experts on Action against Trafficking in Human Beings (GRETA) as part of the 3rd evaluation round on “Access to justice and effective remedies for victims of human trafficking”

2022 – mission to assess the needs of the OSCE Office for Democratic Institutions and Human Rights (ODIHR): presentation of the Court of Appeal’s role in electoral disputes

2018 – working visit to Monaco by the European Union’s Counter-Terrorism Coordinator: as Vice-President of the Court of First Instance, presentation of the court’s powers and the balance between anti-terrorism measures and respect for fundamental rights

2015 – hearing in his capacity as urgent applications judge of the Labour Court by a delegation of the European Commission against Racism and Intolerance (ECRI): the tools available to courts to combat discrimination

2014 – participation in the Council of Europe symposium on legislation on and use of electronic bracelets in member states

V. Public activities

a. Public office

None.

b. Elected posts

None.

c. Posts held in a political party or movement

None.

VI. Other activities

a. Area

1/ preparation of examinations and vocational training in Monaco; 2/ higher education in France 3/ in-service training

b. Duration

1/ since 2007, 2/ since 2016, 3/ since 2009.

c. Duties

1/ **Since 2009 – Regular contributor to the initial training of trainee lawyers** through “traineeship lectures”: applied courses in Monégasque law for practitioners (especially the proportionality review mechanism)

Since 2020 – Contributor to the preparation of examinations for lawyers for the Monégasque Training Institute for the Legal Professions

2007 and 2008 – Member of the jury for the recruitment competition for police inspectors and senior and other officers in the police department

2-1/ Since 2018 – Annual contribution to the Private Law Master's II course in criminal sciences at the University of Nice Sophia-Antipolis (run by Professor JF. Renucci and Y. Strickler)

Themes: Compatibility of Monégasque law on collective procedures with the ECHR; implementation of the principle of subsidiarity under the ECHR: means of application by Monégasque courts

2-2/ **2023 – Contribution to the Law degree course (*licence*) at the University of Nice Sophia-Antipolis:** (Professor Marina Teller): the CEPEJ Ethical Charter on the use of artificial intelligence in judicial systems: full jurisdiction within the meaning of Article 6 of the ECHR in the light of the use of algorithms.

2-3/ Law degree course at the University of Nice Sophia-Antipolis: (Professor Marina Teller): introduction to Monégasque law

3/ In-service training provided by the French legal service training college (ENM). Regular input to training in the human rights field, including: the European Court and Convention for Human Rights (2010, then 2022), judges and prosecutors and human rights (2023), common law (2012), the standing and ethics of judges and prosecutors (2016) and psychiatric treatment without consent (2018)

2013 – participation in a colloquy of the International Association of Lawyers on current criminal and civil ECHR case law

2013 – training course on combating racism in Europe, held in Monaco by the Commissioner for Human Rights, Mr Nils Muiznieks with the co-operation of President J.P Costa

VII. Publications and other works

(related to human rights and fundamental rights):

2004 – drafting of research papers during his DEA and work at the CERDP at the University of Nice Sophia-Antipolis including: urgent applications and freedom of expression and the concept of private life as interpreted by the Strasbourg Court

2009 – Speech at the opening of the judicial year: “L’humanisme juridique dans les statuts criminels du Prince Louis I^{er}” in Journal de Monaco (Official gazette of the Principality), 31 October 2009

2022 – Research workshop on “Cross-border persons” (“la personne transfrontalière”), of 29 November 2022 (under the direction of Professor Nathalie Rubio, International and Community Research and Study Centre (CERIC), University of Aix-en-Provence): contribution on the theme “The H.F. France v. France judgment [GC] 2022, the interpretation of the concept of borders in the case law of the ECHR”

2023 – Study: “La protection des lanceurs d’alertes, à propos de l’arrêt Halet c. Luxembourg GC 2023”, Revue Procédures Lexis Nexis 2023 No. 7

2023 – Article: “Binationalité et identité au sens de l’article 8 de la CEDH: quelle approche pour le juge monégasque?” in Mélanges en mémoire du professeur Jean-François Renucci, Dalloz, 2024 (not yet published)

2023 – Speech at the annual opening of courts and tribunals, 1 October 2023: “La Cour européenne des droits de l’homme à l’ère de la maturité de la protection des droits” in Journal de Monaco (Official gazette of the Principality) (not yet published)

VIII. Languages

Language	Reading				Writing			Speaking		
	Very good	good	fair		very good	good	fair	very good	good	fair
a. First language:										
- French	X			X				X		
b. Official languages:										
- English	X			X				X		
c. Other languages:										
- Italian	X			X				X		

- English: TOEIC, dating from 2 December 2022: 950/990
- Italian: regular practice (Italian family on mother’s side)

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court

I confirm that I will do so if necessary.

X. Other relevant information

None.

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court

I confirm that I will do so.

Appendix 2 – Curriculum vitae of Michèle DUBROCARD

I. Personal details

Name, forename: Dubrocard, Michèle

Sex: female

Born on 12 November 1959 in Marseille (France)

Nationality: French

II. Education and academic and other qualifications

- 06/01/1986-04/01/1988: admission through competitive examination to the French legal service training college (ENM), followed by two years' training at the college in Bordeaux (France).
- 01/10/1979-01/10/1983 (1st session): Master's degree in private law at the Faculty of Law, Nice (France) Awarded two prizes by the Chamber of Notaries of the département of Alpes-Maritimes, one for the highest total number of points and the other for the best mark in the civil law paper.
- 01/10/1976-30/06/1979: Degree in French language and literature, Faculty of Arts and Humanities, Nice (France).
- September 1969 – June 1976: upper secondary school studies at the Lycée du Parc Impérial, Nice (France). Baccalaureate (series D).

III. Relevant professional activities

a. Description of judicial activities

16/04/2012-14/03/2017: Justice Adviser, Permanent Representation of France to the European Union in Brussels (Belgium), Ministry of Justice:

- ran negotiations in the areas of data protection, online justice, fundamental rights and criminal law (European legislation on data protection, the European Public Prosecutor's Office, Regulation establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons);
- expert legal opinions in these areas.

07/09/2009-13/04/2012: Head of the Institutional Affairs and Advice Office, Department of European and International Affairs, Ministry of Justice, Paris (France):

- responsible for institutional affairs relating to the European Union and other European and international agencies or bodies;
- supervision of cross-sectoral issues in the area of European law (online justice, judicial training, devaluation of judicial systems);
- expertise in fundamental rights: monitoring of the case law of the European Court of Human Rights and Court of Justice of the European Union, participation in the presentation of France's reports to the UN Committee on the Elimination of Racial Discrimination.

02/09/2002-04/09/2009: Legal advisor, French Embassy in the Netherlands, The Hague (Netherlands):

- in charge of relations with all the international legal and judicial institutions based in the Hague (ICTY, International Criminal Court, Special Tribunal for Lebanon, International Court of Justice, Hague Conference on Private International Law, Permanent Court of Arbitration, Hague Academy of International Law);
- monitoring of the activity of each of these institutions and implementation of judicial co-operation between France and international criminal courts;
- preparation of plans to promote French legal culture.

31/08/1998-30/08/2002: Deputy Director for Human Rights, Directorate of Legal Affairs, Ministry of Foreign Affairs, Paris (France):

- Co-agent of the Government before the European Court of Human Rights: preparation of the Government's defence before this court, followed by the enforcement of its judgments;
- participation in multilateral negotiations on legal texts (on human rights);
- participation in the work of expert committees at the Council of Europe (particularly the Steering Committee for Human Rights).

02/11/1994-30/08/1998: Legal drafter at the Sub-Directorate of Human Rights, Directorate of Legal Affairs, Ministry of Foreign Affairs, Paris (France):

- preparation of the French Government's submissions in defence before the European Court of Human Rights;
- participation in multilateral negotiations in the field of human rights;
- participation in the work of expert committees at the Council of Europe (particularly the Steering Committee for Human Rights).

31/08/1992 – 31/10/1994: Judicial officer at the central justice department, Directorate of Prison Administration, Ministry of Justice, Paris (France):

- processing of documents for the allocation of prisoners sentenced to long periods of imprisonment;
- daily management of detention issues;
- drafting of legal notes on the criminal status of prisoners.

12/02/1990-30/08/1992: Judicial officer at the central justice department, Directorate of Criminal Affairs and Pardons, Ministry of Justice, Paris (France):

- February 1990 to February 1991: drafting officer at the Pardons Office, (processing of individual pleas for pardons and preparation of decrees granting collective pardons);
- February 1991 to September 1992: legal drafter at the Office for the Protection of Victims and the Prevention of Delinquency: management of funds assigned to victim support associations, participation in interministerial meetings on urban policy.

04/01/1988-09/02/1990: Judge for execution of sentences, Rouen Tribunal de Grande Instance (France):

- individualisation of criminal sentences in open environments (community sentences) and closed environments (imprisonment);
- participation in criminal hearings.

b. Description of non-judicial legal activities

01/10/2021 to present: Legal expert at the office of the European Data Protection Supervisor, Brussels (Belgium):

- drafting of opinions of the Supervisor on all the legislative proposals of the European Commission where they have an impact on persons' rights with regard to personal data processing;
- participation in international discussions and negotiations directly linked to data protection, in particular following negotiations on the Council of Europe Convention on artificial intelligence.

15/03/2017 – 30/09/2021: Seconded national expert, Secretariat of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, Brussels (Belgium):

- oversight of legislative negotiations in the area of fundamental rights (particularly data protection and women's rights) and on criminal matters.

c. Description of non-legal professional activities

01/10/1983-01/06/1984: French foreign language assistant at the University of Toronto (Canada).

IV. Activities and experience in the field of human rights

Council of Europe expert on human rights: participation in seminars forming part of the co-operation established by the Council of Europe with new States Parties:

- training seminar for Estonian legal practitioners on the legal effects of the European Convention on Human Rights and its protocols: Tallinn (Estonia), 30 and 31 May 1996;
- Seminar on fair trials: Odessa (Ukraine), 28 and 29 October 1996,
- Seminar on the European Convention on Human Rights: Skopje (North Macedonia), 13 and 14 November 1997;
- Seminar on the European Convention on Human Rights: Kyiv (Ukraine), 14 and 15 June 1998;
- Seminar on the European Convention on Human Rights: Prague (Czech Republic), 30 September – 1 October 1998;
- Seminar on the European Convention on Human Rights: Irkutsk (Russia), 28 and 29 September 2000;
- Seminar on the European Convention on Human Rights: Stara Zagora (Bulgaria), 22 and 23 June 2001;
- Seminar on the European Convention on Human Rights: Tbilisi (Georgia), 12 and 13 December 2001.

Annual participation from 1998 to 2002 in the day given over to the case law of the European Court of Human Rights concerning France: Human Rights Research and Study Centre (CREDHO), University of Paris-Sud, Jean Monnet Faculty.

Participation in national and international seminars:

- Meeting of Government agents to the European Court of Human Rights: Vilnius (Lithuania), 10-12 May 1999;
- Seminar on national and international prospects for women's rights: Oxford Brookes University, 2 July 1999;
- Conference on legal remedies in the human rights sphere and their impact in international and comparative law on UK legal practice, University of Notre Dame, London Law Centre, London, 17 and 18 March 2000;
- Symposium on respect for the presumption of innocence: Paris Bar Association, Paris Bar In-Service Training Institute, April 1999;
- Symposium on criminal procedure and Article 6 of the European Convention on Human Rights, Paris Bar Association, Paris Bar In-Service Training Institute, 5 June 2000;
- Seminar on transitional justice: Yaoundé (Cameroon), 4-6 December 2006;
- Judges' colloquy on the use of new technologies in judicial systems, Quebec (Canada), 30 October – 1 November 2013;
- Conference on the use of artificial intelligence by the judiciary, Council of Europe and Latvian Ministry of Justice, Riga (Latvia), 27 September 2018;
- Conference on personal data protection in the context of the FILIT project, intended to provide training for bailiffs and legal officials in EU law, Lisbon, 13 October 2022;
- Debate on Simone Veil's campaigns for better prison conditions, gender equality and Europe, *Nuit du Droit à Arras* (Arras Law Night), 4 October 2023.

V-VII. Public and other activities

None.

VIII. Languages

My level of English enables me to work without difficulty in an exclusively English-speaking environment (level C1 of the Common European Framework of Reference for Languages).

IX. Residence

Lastly, I confirm that if I am elected, I will take up permanent residence in Strasbourg.

Appendix 3 – Curriculum vitae of Yves STRICKLER

I. Civil status

Name, forename: Strickler, Yves Christian

Sex: male

Date and place of birth: 31 July 1965 (aged 58) in Strasbourg, France

Nationality: French

II. Education and academic and other qualifications

Higher education

Robert Schuman University – Strasbourg, 16 October 1993:

- Accreditation to supervise research
- Doctorate in Law, under the direction of the Honorary Dean, Georges Wiederkehr. Subject: “Le juge des référés, juge du provisoire” (urgent applications judges, judges of the provisional).

High distinction (*mention très honorable*) with a special commendation from the examining board; thesis award from the Association for the Development of Relations between the Economy and Research at the Universities of Strasbourg and Haute Alsace (ADRERUS); thesis award from the National Association of Doctors of Law (ANDD); thesis award from the Strasbourg University Faculty of Law, Political Sciences and Management, prize-winner of the Strasbourg University Faculty of Law, Political Sciences and Management; Gaussail Prize from the Toulouse science and literature academy, the *Académie des Sciences, Inscriptions et BellesLettres*; thesis submitted for a grant from the Ministry of Higher Education and Research.

February 1989: Advanced Postgraduate Diploma (DEA) in Private Law (pass (*mention assez-bien*)), diploma awarded during the candidate's national service year (53rd Infantry Regiment, Mutzig, Alsace).

June 1987: Master's degree in Private Law (Pass)

June 1986: Degree (*Licence*) in Law (Merit)

June 1985: DEUG (university diploma taken after two years of study), specialising in law (Merit)

Secondary education

Fustel de Coulanges state upper secondary school, Strasbourg, 1980-1983: Baccalaureate specialising in literature and music (A-6 bis) (Pass).

III. Relevant professional activities

a. Description of judicial activities

No judicial activity within the strict meaning of the word, but:

- has served as **ad hoc judge to the European Court of Human Rights** in respect of the Principality of Monaco since 17 January 2020;
- completed work placements in courts following his studies and before registering for his doctorate.

b. Description of non-judicial legal activities

Academic functions

- Professor (special class grade 2 (*classe exceptionnelle 2*) since 2017, when promoted by the National Universities Board (CNU); promoted to special class grade 1 (*classe exceptionnelle 1*) by the CNU in 2012; promoted to first class (*première classe*) by the University of Strasbourg in 2004):

Professor at the Côte d'Azur University, Nice Faculty of Law and Political Science, since 2010. Subjects taught during this period (current courses in bold type): **"Methodology of competitions"** and **"Contract law"** **Institute of Judicial Studies**, preparation for competitions for admission to the judiciary); **"Civil law of property"** (Year 1 and Master's 1- Administration and liquidation of companies in difficulty), **"Civil procedure"** (Master's 1 Administration and liquidation of companies in difficulty; **Master's 2 – Fundamental private law**; **"Law of obligations"** (**Master's 2 – Fundamental criminal law**); **"Introduction to ethics"** (Master's 1, DS4H graduate school; Doctoral Schools); **"Introduction to Monégasque Law"**, **"Expedited civil and criminal proceedings"** and **"Research methodology"** (**Master's 2 Fundamental private law and Master's 2 Fundamental criminal law – joint courses**); **"Property disputes"** (Master's 2 Case management); **"Liability in tort"** (Master's 2 Liability Law).

Teaching at the University of Strasbourg over the same period: at the Faculty of Law: courses in **"Ordinary private law"** and **"Emergency procedures"** (**Master's 2, Justice, trials and procedures**); **"Civil liability law"** (Master's 2, Fundamental Private Law speciality, 2010-2018); at the Centre for International Intellectual Property Studies (CEIPI): courses in **"Civil procedure"**, **"Property law"** and **"Execution procedures"** (**Master's 2 Law, Economics, Management, majoring in Intellectual Property Law and specialising in Industrial Property**).

– University of Strasbourg (1998 to 2010):

Subjects taught: 1st year: **"Property law"**; 2nd year: **"Liability law"**; 3rd year: **"Ordinary private law"** DEA in private law, **"Research methodology"** and **"Liability law"**; DEA in public law; seminars on **"Comparative procedures"**; Institute of Judicial Studies: **"Preparation for competitions"**.

– University of Nancy (1995 to 1998):

Subjects taught: 2nd year: **"General criminal law"**; **"Criminal procedure"**; 3rd year: **"Ordinary private law"**; DEA in private law, **"Research methodology"** and **"Liability law"**; DEA in criminal sciences, seminars on **"Criminal procedure"**; DESS in legal proceedings: seminars on **"Rapid procedures"**; Institute of Judicial Studies: **"Preparation for competitions"**.

– Senior lecturer: University of Toulouse-Capitole (1994-1995):

Subjects taught: 2nd year of **"capacity in law"** catch-up course (*Capacité en droit*), **"Civil procedure and execution procedures"**; 1st year: **"Introduction to law studies"**, 2nd year: tutorials in civil law (Common company contracts); 3rd year: tutorials in labour law; Institute of Judicial Studies, seminars to prepare for the competition for admission to the legal service training college (ENM).

Research grantee – Monitor, then temporary teaching and research assistant: Robert Schuman University, Strasbourg III (1989-1992; 1992-1994): tutorials in: **"Civil family law"** (1st year); **"Commercial law"** (3rd year), and **"Liability law"** (2nd year).

For collective responsibilities taken on during his university teaching career, see c. below.

Member of the Judicial Service Commission of the Principality of Monaco: Sovereign Order No. 6.935 of 15 May 2018; renewal: Sovereign Order No. 9.217 of 25 April 2022. Activities at the Commission included recruitment of French judges seconded to the Principality of Monaco, promotion of Monégasque judges and drafting a digest of ethical and professional standards (2017).

Legal drafting

I would like to highlight four experiences in this area, which differed in terms both of their method and of their results.

- **Member of the Committee for the Revision of the Codes of the Principality** since 9 April 2018. Rapporteur for the revision of the Code of Civil Procedure (April 2018 – June 2019: report drafting, initial draft of the law and the explanatory memorandum). Result: Law No. 1.511 of 2 December 2021 amending the civil procedure.
- International expert for the Republic of Djibouti. Drafting, with two lawyers from Djibouti, of two laws (Law No. 187/AN/I 7/7th L. of 29 May 2017 on payment injunctions in civil and commercial law and Law No. 182/AN/I 7/7th L. of 29 May 2017 amending Law No. 52/AN/94/3rd L. on the jurisdiction of the Civil and Commercial Divisions of the Court of First Instance and the Appeal Court), then a Civil Code (2412 articles) and Code of Civil Procedure (including provisions on the organisation of the courts, civil procedure and execution procedures; 1721 articles completed) from June 2016 to April 2018. The

legislation to implement the codes was adopted on 9 April 2018 by 90.48% of the votes cast and enacted by the President of the Republic with the date of entry into force set for 12 April 2018. Since this date, the candidate has provided follow-up free of charge on questions arising in connection with the interpretation of the codes.

- Consultation by the French Directorate of Civil Affairs and Seals on the transformation of urgent applications on procedural matters into an accelerated procedure on the merits: Order No. 2019-738 of 17 July 2019 issued pursuant to Article 28 of Law No. 2019-222 of 23 March 2019 on the 2018-2022 programme and judicial reform.
- Participation in a working group of the French Conseil d'Etat on administrative class actions chaired by Mr Philippe Belaval, member of the Conseil d'Etat and Head of the Administrative Courts Inspectorate (2008-2009).

Scientific Director of the Monégasque Institute of Training in the Judicial Professions. The institute was set up in 2021 in response to the findings of members of examining boards for lawyers' examinations and competitions for admission to the judiciary. Sovereign Order No. 9.766 of 22 February 2023 went beyond the "initial training" programmes to preparing for other examinations and competitions giving access to the judicial professions and set up the function of Scientific Director of the Institute.

The Institute is now tasked with preparing candidates for the competition for admission to the judiciary and for the examination giving admission to the placement needed to begin practising as a lawyer and for all other examinations and competitions giving access to the judicial professions; providing training seminars for judges, lawyers, defending lawyers and the other judicial professions; holding events or colloquia on legal themes; and helping to disseminate Monégasque law.

Examining and competition boards

- Monaco:

Member of the examining board for lawyers of the Principality of Monaco (2018 to 2022);

- France:

Vice-Chair and member of the examining board for admission to the Lawyers' College of South-East France (EDA SUD-EST) (2013 to 2018); examiner for the entrance examination for the written papers on Civil Liability Law (2010 to present) and for the same examination for Lawyers of Alsace (1999 to 2004: main oral examination on fundamental freedoms and written papers on liability law);

Chair of the examining board for the main oral examination on protection of fundamental rights and freedoms for the EDA SUD-EST entrance examination (2010 to 2017);

Examiner for the Police Commissioner's competition, written paper on criminal law and criminal procedure (1995-2000);

Member of the examining board for the entrance examination for the Training Centre for the Profession of Notary, written papers on summary notes and civil law – Liabilities and property – and oral examinations on civil law and general knowledge and judicial institutions (1999 to 2007);

Member of the examining board for the entrance competition for admission to the French legal service training college (2nd and 3rd competition), written and oral papers on general knowledge (1998);

Marker for the competition for admission to the French national public service college, the *École Nationale d'Administration* (external competition), written paper on civil law (2006 and 2007).

Legal consultant

This is a secondary activity, which enables me every year, to look at 3 to 6 cases proposed by legal practitioners to maintain the essential link between theory and practice.

To avoid any risk of conflicts of interest owing to my appointment in February 2023, as the scientific director of the Monégasque Institute of Training in the Legal Professions, I took the decision in agreement with the Director of Judicial Services, to refrain from that point on from giving any legal advice requested of me by a Monégasque lawyer concerning a case in the Principality.

Activities linked to the right to arbitration

From 2011 to 2021: establishment in Nice of the “Far South” branch of the European Court of Arbitration. Presidency, member of the Board of Directors and appointments committee and management of the registry; improvements to arbitration regulations and translation into English; preparation of model arbitration clauses.

Outside the Far South Section, carrying out some arbitrations (internal and international) as sole arbitrator and within an arbitration tribunal.

c. Description of non-legal professional activities

Ethics and academic integrity officer for Côte d'Azur University:

Since 20 June 2019. The tasks of the ethics and academic integrity officer include, in particular, supervision of the implementation by the university of a policy on all ethical issues (including academic integrity); advising the president and the university authorities on all ethics-related issues; giving opinions when ethical and/or deontological problems arise (examples of themes in the university's files which gave rise to an opinion are academic freedom, freedom of expression and various interpersonal conflicts); setting up mediation procedures or any other form of appeasement for all conflict situations reported; collecting all allegations of breaches and investigating cases from a disciplinary viewpoint in particular and preparing the file where legal action is recommended (including chairing administrative inquiry boards); helping to set up training in ethics for all PhD students; and taking part in national and international networks which support his role.

Chair of the Research Ethics Committee of the Côte d'Azur University:

Since 20 June 2019. Tasks of the Chair of this 21-member committee include seeing to it that each month, it can assess research files in all the university's academic fields, appointing rapporteurs and preparing reports himself, for presentation, discussion and adoption at committee meetings. The Chair gears the rules on the functions and the functioning of this committee to the university's needs and the ethical demands of research work.

Collective responsibilities at university

Member of a large number of bodies, including the following: the Academic Board of Côte d'Azur University (21 July 2015 – July 2019); Vice-Dean in charge of research at the Nice Faculty of Law and Political Science (13 May 2014 – 14 May 2019); instigator then President of the Federative Research Institute “Interactions” (1 January 2018 – 5 June 2020); Member of the Management Board of the Nice Faculty of Law and Political Science (18 April 2014 – 2020) then of the Steering Committee of the University Research School “Lex & Society” (2020 to present); Director of the Master's 2 in private law until 2021, currently Director of the Master's 2 in fundamental private law and, until 2022, Co-Director of the Master's 2 in criminal law and human rights; Director of the Research and Study Centre in Procedural Law (1 January 2011 – 30 June 2016); member of the board of the Doctoral School of Law, Economics, Politics and Management (2010 – June 2016); and joint drafter of the internal regulations.

Previously, in Strasbourg: Vice-President in charge of doctoral research and studies; member of the Steering Committee and Select Bureau of the University of Strasbourg (preparing for the merger of Strasbourg's three universities: 2008-2009) and drafter of the joint research section of the university programme contract 2009-2013; instigator then Director of CNRS Research Federation No. 3241 on “*L'Europe en mutation*” (A Changing Europe), set up on 1 January 2009 and bringing together 160 research teachers and research workers; Deputy Dean of the International Comparative Law Faculty (2009-2010); member of the Management Board, the Academic Board and the Grants Commission of the European Doctoral College (2006-2010); Director of the Institute of Judicial Studies of the Strasbourg Law Faculty (1999 – 2005); member and chair of judging panels for the 20th René Cassin Human Rights Competition (2004, 2005 and 2008).

IV. Activities and experience in the field of human rights

Incorporation of Court case law into my lessons, particularly those on civil and criminal procedure, property law and, above all, procedural law.

Drafting of legal articles and commentaries which take account of European requirements (see below, section VII).

Organisation of a visit to the European Court of Human Rights and a meeting with one of its judges for a delegation of Chinese professors and prosecutors.

Reminder (see above):

- **Appointed by the Principality of Monaco to serve as ad hoc judge at the European Court of Human Rights since 17 January 2020.**
- member and chair of judging panels for the 20th René Cassin Human Rights Competition (2004, 2005 and 2008).

V. Public activities

a. Public office

See above, III, b and c.

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

Work placement at the Strasbourg Tribunal de Grande Instance from 4 September 1989 to 30 October 1989.

Work placement at the Paris Tribunal de Grande Instance from 5 to 30 June 1989.

Member of the National Students' Association for Prisoner Education (Genepi) in 1986, 1987 and 1989.

VII. Publications and other works

Direction of 29 doctoral theses in private law and criminal sciences since the beginning of my career.

Some 400 publications: books (including about twenty as author or as editor of a collective work), articles and commentaries.

Instigator and director of collections:

- “Droit privé et sciences criminelles”, L'Harmattan publishers (established: March 2012);
- “Procédure(s)”, Bruylant publishers (established: November 2012);
- “Études de droit canonique”, L'Harmattan publishers (established with Professor Méлина DouchyOudot as co-editor: December 2019).

Member of the editorial board of the review published by GRASCO (Research-action group against organised crime), an online review published since 15 April 2012.

Cited works

1. “Le droit à un procès équitable”, in *Libertés et droits fondamentaux* (ed. R. Cabrillac), 29th ed., Dalloz, May 2023, update (initial text published in 2013), pp. 611-630.
2. “La procédure civile, d'un droit servant à un droit fondamental”, speech given in the presence of HSH Albert II for the formal annual opening of Courts and Tribunals, 1 October 2020, Monaco. Legal year 2020-2021, Multiprint, pp. 15-23.
3. “Medidas provisórias justificadas pela urgência e pela evidência” (“Interim measures justified by urgency and the evidence”), *Revista de Processo*, vol. 300 year 45, pp. 93-106. São Paulo: Ed. RT, February 2020 (co-ord. T. Arruda Alvim; translation R. Dotti).
4. “De l'effectivité de l'accès au juge: la jurisprudence Platakou contre Grèce à la lumière d'un arrêt de la Cour de Révision de Monaco”, commentary on a judgment of the Monaco Court of Revision, 15 October 2014, JCP ed. G. 2015, 155.

5. “Des limitations au droit d'accès au juge”, Contribution to a *Liber amicorum* in honour of Renée Koering-Joulin, Anthemis, 2014, pp. 719-727.
6. “Le juge unique en procédure pénale”, in French Legal System and Judicial Reform, Journal of Justice, Xiamen University Press, China, 2014. 3, pp. 183-294 (translated into Mandarin by Professor Xin Xu and Mr Zhuang Tian).
7. “Pour une nouvelle approche de la provision ad litem. Les soubresauts du volet civil de l'affaire du Médiateur”, Recueil Dalloz 2013. Chron., pp. 2588-2593.
8. “Les référés en la forme”, in collaboration with President Marcel Foulon, President of the Honorary Division of the Paris Court of Appeal, Dalloz publishers, September 2013, 340 pp.
9. “Les arrêts pilotes: le pragmatisme au service des droits humains”, in collaboration with Professors Jean-François Renucci and Natalie Fricero, Recueil Dalloz 2013, pp. 201-208.
10. “La place de la victime dans le procès pénal”, foreword and post-face, published in partnership with CETEL (Professor Christian-Nils; Robert, University of Geneva, Switzerland) Bruylant publishers, December 2009. 320 pp.

VIII. Languages

Mother tongue: French

Passive knowledge:

- English: diploma in legal terminology
- German

My English language skills are exercised more in the written sphere than in the oral, so if elected judge at the Court, I undertake to take intensive English language classes prior to, and if need be also at the beginning of, my term of duty.

IX. Residence

I confirm hereby that if elected judge at the Court, I will take up permanent residence in Strasbourg.