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The Revision of the Constitution to Strengthen Justice

These were the issues that were discussed among the speakers and the audience during the EPLO event “Revision of the Constitution: Justice” that took place at the EPLO headquarters in Athens in the afternoon of Thursday, 4 April.

It was the second event the EPLO organized concerned with the revision of the Constitution. Panagiotis Pikrammenos, former Prime Minister of Greece, presided over the event, and Olga Kefalogianni, Minister of Tourism, Zoi Konstantopoulou, SYRIZA MP, and ms Milena Apostolaki, former Minister were the speakers.

The audience, consisting of politicians, senior judges, ambassadors, academics, lawyers and other, actively participated in the discussion and interesting positions and proposals were presented. Haralambos Athanassiou, Deputy Minister of Interior, Konstantinos Menoudakos, President of the State Council, Ioannis Karavokyris, President of the Court of Audit and Vasiliki Thanou-Hristofilou, President of the Union of Judges and Prosecutors were among those who spoke.

In his presentation and his interventions, Mr. Pikrammenos underlined that the major issue today is neither the wages nor the delay in the administration of justice, but rather that the two other state powers (the legislative and the executive) do not function properly and this has a direct influence on justice. He supported the opening up of justice to society and added that the economic independence of the judicial system is a condition for its overall independence. In addition, he criticized the “quasi employee-zation” of justice and wondered: “since everyone is talking about the country facing exceptional circumstances, why should we rush into a charged revision of the Constitution?”

In their addresses, they referred to the following:

Olga Kefalogianni: “The revision is a means of addressing the crisis. The abolition of the Supreme Special Court and the establishment of a Constitutional Court for promptly resolving issues of unconstitutionality and uniformity of jurisprudence are proposed. In addition, the release of the Parliament from conducting preliminary examinations and the initiating criminal prosecution procedures, and the delegation of this responsibility to justice, are also proposed. Responsibilities should be assigned to the President of the Republic and mergers between independent authorities should be made”.

Zoi Konstantopoulou: “When the other powers, legislature and executive, do not function properly, the judiciary must intervene. As long as the judiciary is appointed by the executive, the judiciary is not independent. Article 86 establishing the inequality of citizens and ensures the immunity of politicians should be abolished”. She wondered what kind of revision do they envision today, those that do not respect the Constitution.

Milena Apostolaki: “The Constitution is not to blame for the flawed functioning of institutions. The judiciary needs to be fortified against a de-legitimized political class. We need to restore order to the political system through constitutional control. Low wages, lack of automation and other may be adversities to the prompt administration of justice but judges need to surpass themselves”.

Ioannis Karkalis: “Justice must not only be awarded, but this should be shown. The judges should announce their candidacy for high positions. The Parliament –and not the cabinet of Ministers –should make the final selection by secret ballot. Those that receive over 150 or 180 votes should be selected”.

In the discussion that followed doubts were raised regarding the intentions of establishing a Constitutional Court and the proposed ways for selecting the heads of the judiciary. Different approaches regarding the need to revise the Constitution amidst the crisis were also heard. However, everyone agreed that if it is to be done, both the independence of the judiciary and its vital role in the preservation of the democratic institutions should be strengthened.

The event concluded with the EPLO Director, **Prof. Spyridon Flogaitis**, who said that there have been two major milestones in governance since the constitution of states so far: The French Revolution that established the sovereignty of the people and the Nuremberg trial, following WWII, when justice was upgraded to a guarantor of the sovereignty of the people”.