

# TLS

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Please, if you wish your relevant research and updates to be published in our newsletter then send all your input to: [TLS@rug.nl](mailto:TLS@rug.nl)



TLS wishes everyone a merry Christmas and a happy 2020!

## Upcoming Events

**December 18, 2019**

**General TLS Meeting**  
**15:30-17:00**  
*Room 1312:213A*

**TLS Christmas Dinner**

**17:30-22:00**  
*Harbour Café, Groningen*

## Issue no. 6

December 17, 2019

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## GENERAL ACTIVITIES AND NEWS

### Bettina Zijlstra

After chasing and achieving many personal goals on the bike in the past few years I have decided that in 2020 I want to ride for a goal much bigger than my personal achievements. I will participate in the Alpe d'Huzes on 4 June 2020...this means climbing (and descending) Alpe d'Huez six times in one day!! I won't do this because Alpe d'Huez is the most beautiful climb I can think of ( ;-)) but because, together with a team from the Nij Smellinghe hospital in Drachten, we want to raise money for cancer research. The funds that we will raise (together with hundreds of other participants) will go to the Dutch Cancer Society (<https://www.kwf.nl/en/english>) and will be used for cancer research with the overall objective: *'less cancer, more cure and a better quality of life for (former) cancer patients.*

I kindly ask you to consider supporting me as well as the indispensable work of the Dutch Cancer Society.

Many, many thanks! Bettina Zijlstra



### SPOTLIGHTED

**John Morijn** about supporting Wojciech Sadurski, a Polish professor currently defending himself against defamation charges (while tweeting critically), see John's blog:

<https://verfassungsblog.de/supporting-wojciech-sadurski-in-a-warsaw-courtroom>

The screenshot shows a fundraising page for Bettina Zijlstra's participation in the Alpe d'Huzes 2020. The page features a header with the event logo and navigation links. A main banner image shows cyclists on a mountain road. A central blue box displays the fundraising goal: 'HELP MIJ OM MIJN DOEL TE HALEN' with a progress bar showing 'Opgehaald €206' and 'Mijn streefbedrag €2.500'. Below this is a red 'DONEER' button and a 'Kies donatiebedrag' section with icons for Euro, person, and envelope.



For those of you who want to support Bettina, visit her fundraising website: <https://www.opgevenisgeenoptie.nl/fundraisers/BettinaZijlstra10700>

## Good Luck Trophy

Who will win **the TLS Good Luck Trophy** this year?

**Lottie Lane**, the winner of last year, will reveal the lucky one during our upcoming Christmas Dinner!



With his [note on a case of the Disciplinary Court of Attorneys](#) about the use of a non-anonymized verdict by an attorney (JBP 2019/31) **Koen Konings** was nominated for the [Magna Charta Public Award](#) for 'best note' in the category of Privacy Law. It now appears his note is in the top three of articles chosen. The winner will be announced by the end of January 2020, see: <https://mcpublieksprijs.nl/>



**MAGNA CHARTA**  
PUBLIEKSPRIJS  
**PRIVACYRECHT**  
ARTIKELN | TOP 3  
1e uitlokker op volgorde

	<b>MARTIJN POULOS</b> ADVOCAAT, PLOUM
Opinie EDPB over de (speciale?) verhouding tussen de e-Privacyrichtlijn en de AVG	
	<b>KOEN KONINGS</b> ADVOCAAT, NORD ADVOCATEN
Raad van discipline Amsterdam 11/01/2019, 18-561/A/A, 18-562/A/A, 18-563/A/A, 18-564/A/A, 18-565/A/A en 18-566/A/A	
	<b>ELLEN TIMMER</b> ADVOCAAT, PELLICAAN ADVOCATEN
De privacy van de uiteindelijke belanghebbende	

MAGNA CHARTA | Ploum Advocaten van 1914 | NORD ADVOCATEN | PELLICAAN | ACADEMIE voor de RECHTSPRAKTIJK

## NWO grant on “Making the hidden visible: Co-designing for public values in standards-making and governance”

**Dr Mando Rachovitsa** (RuG, co-applicant) together with Prof Paul Groth (UvA, co-applicant), Dr Stefania Milan (UvA, main applicant) and the Dutch standardisation body were awarded a grant by the NWO for the project “Making the hidden visible: Co-designing for public values in standards-making and governance”.

The 4-year project (budget 750,000 euros) brings together the humanities, computer science and international law in order to better understand and investigate the relationship between societal values (e.g., openness, human rights, transparency, inclusion of all concerned parties, neutrality) and ICT standards on products, services and processes. The project asks the question: "To what extent can new approaches, methodologies, and technologies contribute in "wiring in" public values in standard-making?". The research will explore how standards can be value- and rights-respecting by design and it aims at designing a corresponding methodology and intelligent interventions to involve public and private actors. Three case studies are under investigation: (a) Applications of 5G Cellular Mobile Communication for Social Inclusion; (b) Global Identity Management Standards and Local Applicability; and (c) Development of Cybersecurity Standards for IoT. There will be strong collaboration with national stakeholders, including the Ministry of Foreign Affairs, Ministry of Justice & Security and the Municipality of The Hague, producing policy-relevant outcomes and finding ways for citizen participation in national and international ICT standard-setting processes.

## Upgrading *TLS: TaLkS!*

It has been more than a year that we started to gather together every month and discuss our work-in-progress projects, papers, or ideas from our research. *TLS: TaLkS!* has proved to be a great way of building bridges and engaging in amazing discussions. This has been a great uniting experience, and we learned a lot from each other. Yet there is so much more to learn! This is why we are upgrading *TLS: TaLkS!* from January on. We believe that with the help of this seminar we can build strong and mutually beneficial ties between different sections of our department, which should go beyond mere acquaintance with our individual research projects. So meet the new shiny format of *TLS: TaLkS!*

First, we are making the seminar more inclusive so that we are more aware of current research affairs at the department. Our organisation team now includes Dr Evgeni Moyakine, and we hope that with his help *TLS: TaLkS!* will start featuring a much more balanced variety of topics.

Second, we are changing the announcement format. We know how challenging it may be to find time for *TLS: TaLkS!*, especially for those with a tight schedule. We have been trying our best to inform about the upcoming seminars for at least two weeks in advance, but this is still not an ideal solution. From January on, we will plan the seminars for three consecutive months (January-March-April, May-June-July, September-October-November), thus offering you more flexibility in building up your schedule. We will distribute the first announcement in the new format in the early January.

Finally, we would like to expand the seminar and offer it as a platform for external speakers as well. Our department has many ties with various research groups all around the country and *TLS: TaLkS!* may become a great way of strengthening those ties and we encourage our colleagues to submit proposals as to whom we could invite for a

presentation. We would therefore appreciate if you let us know in advance if you expect a guest so we can timely include him or her in our programme.

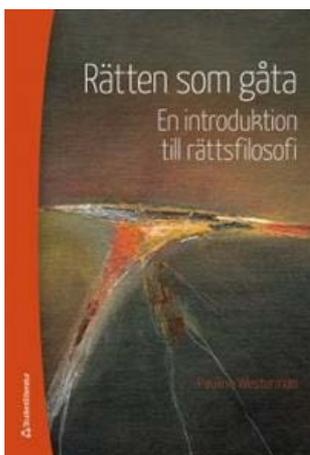
But of course, *TLS: TaLkS!* remains a primarily departmental seminar. We are very much looking forward to hearing about your research, so please let us know if you have something to present; this does not necessarily have to be an article or a book, but also a report or a draft or just a speech.

On a final note, we are looking for a nicer and more spacious venue for *TLS: TaLkS!* Stay tuned for further announcements!

**Trix Mulder** finished her research in Baltimore, Washington and New York beginning of December and is now back in Groningen. She looks back on a very productive and amazing experience and expects to finish the final version of her paper around the beginning of January. Her paper focuses on the differences regarding the legal protection of health data in the US and Europa and looks for possible solutions for both legal regimes to come closer together. She is, furthermore, completing her contribution to a new book on HealthTech, which will be published in 2020 by Edward Elgar Publishers.

### Pauline Westerman

August 29, I, was invited to give a lecture on my book *Outsourcing the Law* for the network of social scientists and philosophers organised around the theme of Sustainable Cooperation. I told them among other things that law is the mechanism par excellence for ensuring continuity and stability to any form of human interaction- (for which reason lawyers should be included in the network as well....) but I am not sure whether they agreed to this.



October 1 I went to Stockholm, where students are obliged to read the Swedish translation of my introductory book. Every year I give an opening lecture there -and every year I deplore the fact that I did not include in my book the interesting theories of the Scandinavian Realists. When I wrote the book I did not know that it would later be used in Lund and Stockholm. Every year I intend to remedy this defect, which I never actually carry out.

October 17 I was invited to give a speech on "The position of legal theory" at the workshop: "After Abstraction: Intellectual Thought in International Law", at Queen Mary University of London. It is a topic of which I virtually know nothing but -probably precisely for that reason- gave rise to an interesting debate.

The day after I departed for Shanghai University of Political Science and Law, where I was invited to give 4 lectures in the philosophy of law by Mrs Li Ze. Li Ze has been a guest lecturer at our department of legal theory in 2011 and we never lost contact. It was very nice to see her again and to get acquainted with her colleagues as well. Students were very eager to listen and even to discuss philosophical and political dilemmas in a way and at a level that I did not expect, despite the language problem.



### Anne Ruth Mackor

**Anne Ruth Mackor** was invited by professor Yasushi Koide of the Shibaura Institute of Technology (SIT), Tokyo, Japan, to give keynotes on **Euthanasia in the Netherlands** in Tokyo and Kyoto. The audience consisted mainly of professors, lecturers and PhDs in the field of law, medicine and medical ethics. She explained the euthanasia law and the review practice in the Netherlands. One of the topics being discussed were the necessary conditions for a good, transparent and reliable law on and practice of euthanasia. Among others a good health care system and a constructive involvement of the medical association and an open discussion with the patient about his or her medical condition and prognosis are obviously essential. The latter, however, is not self-evident in Japan. Her presentation on Euthanasia has been translated in Japanese and will be published spring 2020.



Anne Ruth, with Yasushi Koide of the Shibaura Institute of Technology (SIT), at the Golden Temple in Kyoto, Japan



On the occasion of this year's Human Rights Day, the Netherlands Network of Human Rights Research (NNHRR) will be launching HUMAN RIGHTS HERE (HRH), its new blog on human rights research and practice!

**HUMAN RIGHTS HERE** aims to build bridges between scholars and practitioners working on human rights, such as government and international organisation officials, civil society and non-governmental organisations, national human rights institutions, independent administrative authorities, students and the media.

Are you interested in submitting a contribution?

HUMAN RIGHTS HERE will be posting blog entries not only on human rights topics but also on human rights events.

Submissions are invited from scholars and practitioners both inside and outside of The Netherlands. Members of the NNHRR and early career scholars are especially encouraged to submit a piece.

We will accept contributions on human rights that present the results of recent research, but also those that analyse recent administrative, political and legislative developments and case-law. The blog post should also demonstrate societal relevance.

You may send your contribution or questions to [HumanRightsHere@asser.nl](mailto:HumanRightsHere@asser.nl)

Should you need more information you may as well contact Katerina Tsampi from our Department ([a.tsampi@rug.nl](mailto:a.tsampi@rug.nl)), member of the HRH Editorial Board along with Elif Durmus, Stephanie Rap and Felisa Tibbitts.

### A New Reading Group Format in the New Year: TLS Reads!

After one year of reading and discussions we are happy to announce that the Transboundary Legal Studies International Law Reading Group (**TLSIL Reading Group**) will go into 2020 with a new and improved format. In order to account for the various reading interests of members of our department we have decided to broaden the reading focus of the group, and open it up to more interested participants.

As of 2020, the reading group will focus on readings from the field of general international law. To reflect this broader focus, the group will be (re)named **TLS Reads!**. The reading list for *TLS Reads!* will include publications on a generality of topics from the field of international law, and will focus more particularly on recent publications by fellow international lawyers. The aim will be to provide a platform for colleagues where we can gather to discuss contemporary publications and developments in international law. Interested colleagues will also have the opportunity to suggest readings, so that we can make sure that the group covers a broad range of interests. This group will meet once a month for one and a half hours, and will be open to all interested colleagues. The first meeting with the new format will take place in **January 2020**, and the exact date as well as reading material will be announced after the holidays.

In addition to TLS Reads, we have decided to also explore the option of maintaining a smaller reading group which will focus on readings specifically from the field of legal theory. Therefore, as of **February 2020** we will launch a pilot group called **TLS Reads Classics**. The aim of *TLS Reads Classics* is to address the more specialized interest of some colleagues to read and discuss seminal works of legal theory. Since the group will focus on reading foundational works of legal theory, it will also be open for interested LLM students. The pilot trial for this reading group will go on for three months, and will show us whether it is viable and necessary to maintain two separate reading groups, one of which is open for student participation.

Colleagues are welcome to join one or both of the reading groups. Please note that joining the reading groups is completely voluntary, and is meant to be a flexible and enjoyable activity. The meeting dates and times for the new reading groups will be announced in January 2020.

Both reading groups will continue to be coordinated by PhD researchers Nina Mileva and Kostiantyn Gorobets. You can contact Nina and Kostia with any questions or suggestions you might have about the reading groups at [n.mileva@rug.nl](mailto:n.mileva@rug.nl) or [k.v.gorobets@rug.nl](mailto:k.v.gorobets@rug.nl)

## Memberships/Appointments

**Panos Merkouris** joined the ILA Study Group on International Tax Law as Member

**Panos Merkouris** was appointed Open Access Ambassador of the Faculty of Law of the University of Groningen (information on Open Access Ambassadors [here](#))

**Panos Merkouris** was installed on 30 September 2019 as a member of the Young Academy of Groningen



## SEMINARS, EVENTS, WORKSHOPS AND CONFERENCES

**Anne Ruth Mackor** and **Hylke Jellema** organized a “North Sea Group on legal evidence and proof” (NSG) **workshop on evidence and proof in criminal law** (7-9/11/2019).

The topic of this workshop was Bayesian and explanation-based approaches in criminal trials and the relationship between them. Bayesian and explanation-based approaches are possibly the two most influential ways of thinking about legal evidence and proof at the moment. Much has been said about their relationship, but even more remains unclear. Do these approaches exclude one another or can they be combined? Furthermore, if they are compatible, do they simply exist side-by-side or can they inform one another? Finally, are both approaches legally and psychologically feasible? The workshop therewith was a truly transboundary legal study (TLS).

Speakers were:

**Dave Lagnado** - Explaining the evidence: Causal models in legal reasoning

**Norman Fenton** - Resolving the so-called probabilistic paradoxes in legal reasoning with Bayesian networks, Comments by Frank Zenker and Amit Pundik

**Lonneke Stevens** - Reasoning with the suspect's defence: how can silence and incredible/implausible explanations be used in a convicting verdict?, Comments by Hylke Jellema

**Anne Ruth Mackor** - Different ways of being naked. A scenario approach to the naked statistical evidence problem, Comments by Ronald Meester

**Christian Dahlman** - Naked Statistical Evidence and the Futility of Lawful Conduct, Comments by Marcello di Bello

**Leah Henderson** - IBE and Bayesianism in legal settings, Comments by Martin Neil

**Eivind Kolflaath** - Bayesian networks, and a distinction between causal models and proof models, Comments by Ruta Lipiena

Results of the workshop were among others the creation of a website of the NSG Group (soon to be online) and the date and location of the next NSG workshop in Lund, June 2020.

**Panos Merkouris** presents his research and the TRICI-Law project in the Research Minute.

The video link can be found [here](#).

**Panos Merkouris**, on 22 November 2019, organised a trip for the TRICI-Law team and the LLM students of the Advanced International Law module to attend the Ongwen proceedings at the ICC, and visit the ICJ.



**Brigit** attended a [conference](#) at the Brocher Centre in Geneva from 4-7 November on legal, ethical and social implications of ageing and health, and the possibility to adopt a treaty on the rights of older persons

**Brigit** attended a [conference](#) on International Health Governance at the Max Planck Institute in Heidelberg from 13 - 14 November

**Panos Merkouris** (Discussant) Book Launch of Daniel Peat's book Comparative Reasoning in International Courts and Tribunals (17 October 2019, the Hague)

**Panos Merkouris** (Speaker & Organiser) 'The Relevance of Interpretation of Customary International Law' in: Seminar on International Tax Governance and the Digitalization of the Economy in a Broader Perspective (16 October 2019, the Hague)

**Panos Merkouris** (Invited Speaker) 'CIL Interpretation as Stabilizing Force in A Fractious World' in: International Law Weekend: 98th Annual Meeting of the American Branch of the International Law Association (12 October 2019, New York)

**Panos Merkouris** (Invited Speaker) 'Judicial Dialogue/Discord after the Achmea' in: Actors in International Investment Law: Beyond Claimants, Respondents and Arbitrators (28 September 2019, Paris)

**Panos Merkouris** (Invited Speaker) 'Interpretation of Investment Treaties' in: Summer ELSA Law School Athens on International Investment Law (23 August 2019, Athens)

## Publications

**Panos Merkouris** & Photini Pazartzis (eds) Permutations of Responsibility in International Law - Queen Mary Studies in International Law Vol. 36 (Martinus Nijhoff/Brill 2019): <https://doi.org/10.1163/9789004390485>

**Panos Merkouris**, 'TRICI-Law Project' (GROJIL-blog, 21 October 2019) ;<https://grojil.org/2019/10/21/trici-law-project/>>