

Critical Notes

Petros MILIARAKIS: The European Court in Strasbourg. P.N. Sakkoulas Edit., Series: Law and Economy, Athens, 2000, pag. 157.

The new study of the international outstanding Lawyer Mr. Petros MILIARAKIS includes 4 parts:

Part A': At the first part, there is the Introduction in the Greek Language.

Part B': At the second part, there is the Introduction in the English Language.

Part C': The third part is devoted to the structure of the Convention, as it is in force after the operation of the 11th Protocol. The part C' also includes the structure of the Additional Protocols 1, 4 and 7.

Part D': Finally, the forth part concentrates the texts of the Convention and the Additional Protocols 1, 4 and 7 (analytically by article) in the Greek and the English Language. The English text is the original and the Greek text has been translated under the supervision of the Council of Europe and the Secretariat of the Court.

Everybody will agree with the author of this semantic monograph that the contemporary "European Law" is divided into the "European Law of Human Rights" and the "European Community Law". Both of these branches of Law, from different point of view, defend the "fundamental freedoms of the individual". Of course the branch of the "Human Rights" is more adequate for two reasons:

A. Because of the broad acceptance of the Convention by 41 Countries (of which 15 belong to the European Union).

B. Because of the upgrading of the legal procedure of the private appeal to the Court. Consequently, the Convention recognizes the individual as subject of Law, which is incorporated not only into the European Law, but also as generally admitted rules into the International Public Law.

However, the branch of the "European Law of Human Rights" acquires on a special importance and weight on Law and Politics.

According to the Author, this study seeks to make an initial approach to the nature of the "European Court of Strasbourg" (as the Author calls it) and to examine this "European Court of Human Rights" as subject of the scientific field of the European Law.

The intensions of this study are the followings: first of all, it aims to illustrate the legal and political environment in which the Court operates, and secondly, by this study the Author tries to expound his most important experiences by the handling of legal affairs into the Court.

On the other hand, Mr. Petros MILIARAKIS throught this study, tries – almost successfully - to initiate a dialogue and a channel of communication among the European Lawyers as well as to form a contemporary "European law thought" relative to the Human Rights. This is the reason that Mr. Petros MILIARAKIS writes the study in the Greek and the English Language.

The study in question, is an uncommon study in Law and is distinguished cause of the elegance of speech, the clarity of the Author's reasoning, the exhaustive study of the available bibliography and legislation, the wealth of information, and the ingenious and systematic method of the approximation to the law subjects.

Finally, Mr. Petros MILIARAKIS' study, in addition to the scientific interesting, consists a valuable tool for everybody seeks a new theoretical approach for the institution, or teaches relative subjects, or for everybody needs to be aware of the nature and the philosophy of the European Court of Human Rights in order to act positively for the benefit of the civilians ... in a world such unsafe...

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