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# TU101-WORLD, ASEAN, THAILAND **HUMAN RIGHTS AS GLOBAL VALUE**

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# WHAT DO WE DO TODAY?

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- Discussing the nature of international community
  - Understanding idea of human rights
  - Questioning global values of human rights
    - Role Play — 5 cases of controversial issues  
(Burqa, headscarf in public school, erotic film on religious background, protection of media source, cultural activity that discriminate against minority)
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# NATURE OF INTERNATIONAL COMMUNITY

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- no supreme power to rule — **anarchy**
  - no equality of real power — **uncertainty**
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**STATE**

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““The state is a hierarchical, centralized organization that holds a monopoly on legitimate force over a defined territory.”

– *Francis Fukuyama.*

*“Political Order and Political Decay.*

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# WHAT IS **STATE**?

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- Territory
  - Population
  - Government
  - Capability to have relations with other states
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# STATE SOVEREIGNTY



- **Supreme Power** in national territory

- **Sovereign equality** on international plane



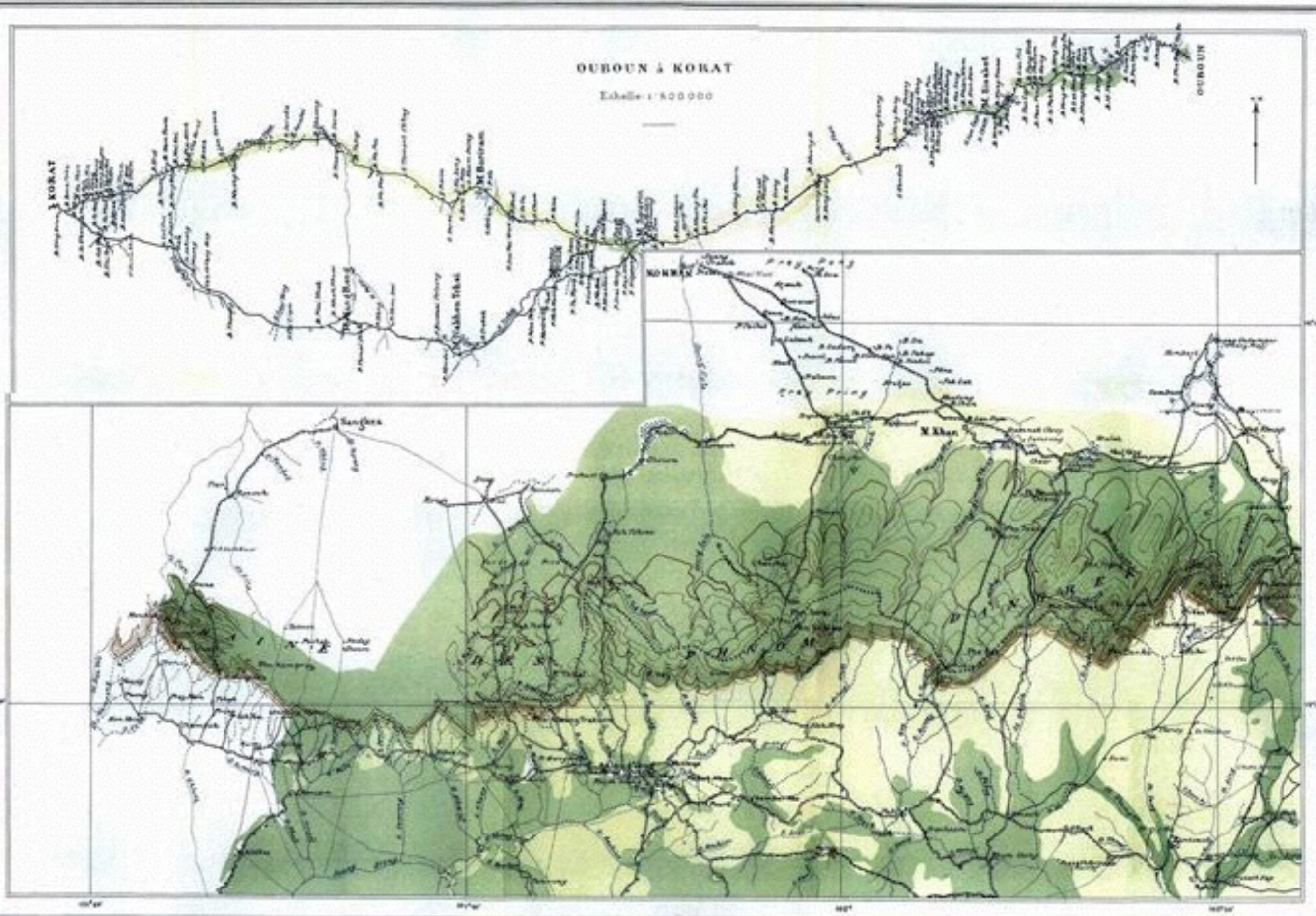


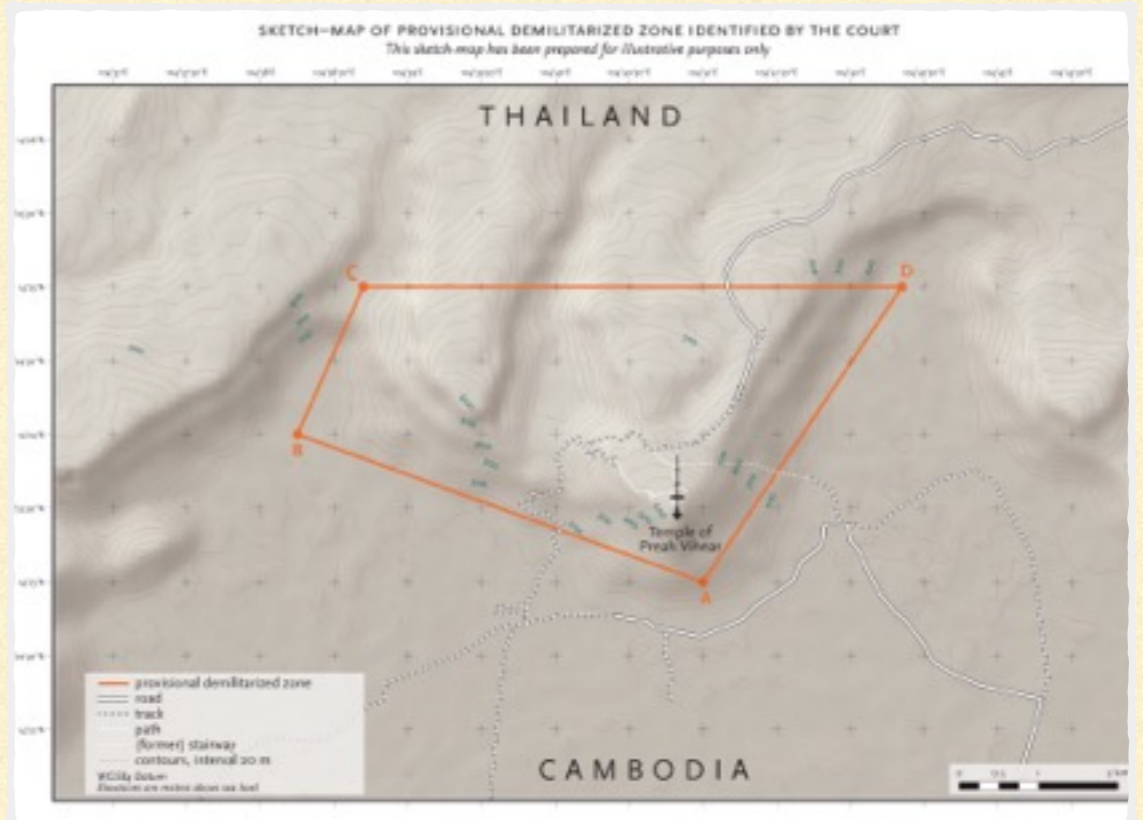
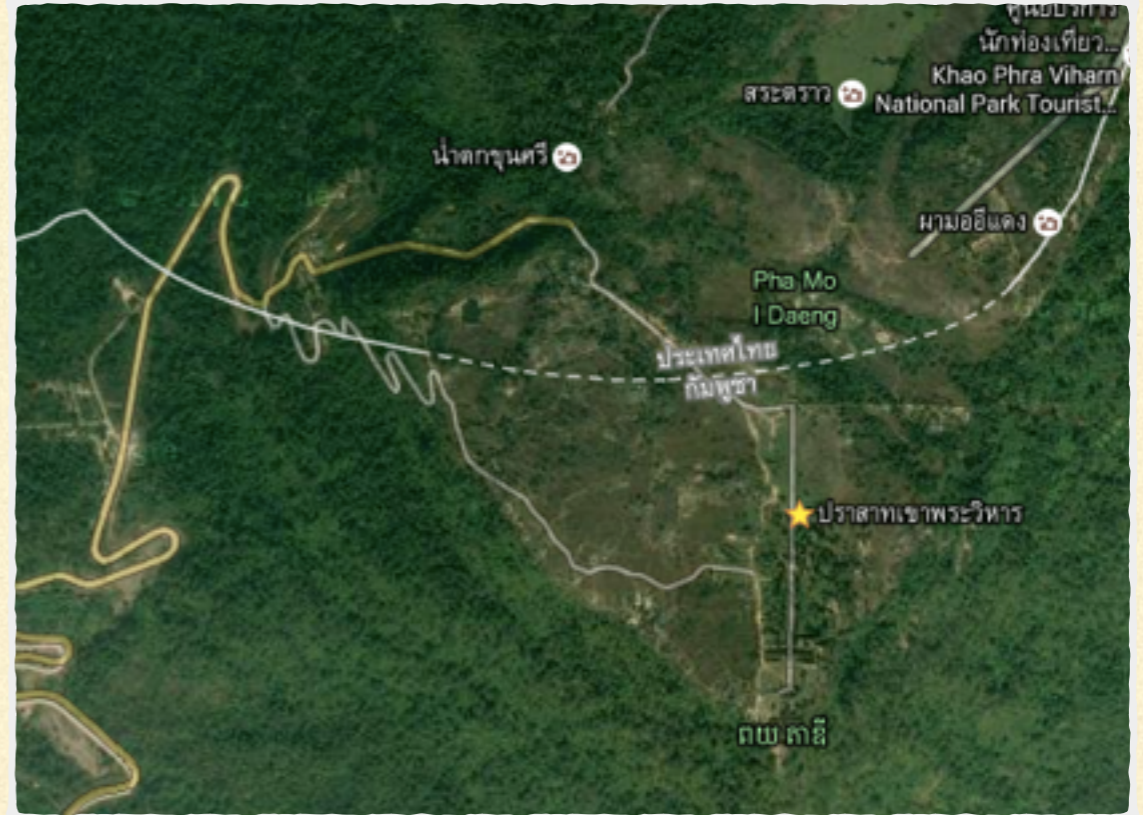
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# BORDER IN BORDERLESS WORLD

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- **Is territorial border still matter today?**
    - Cyber world ex) twinstar
    - Economic integration ex) EU — BREXIT
    - Prear Vihear Dispute
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# NON-STATE ACTORS

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# NON-STATE ACTORS

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- International Governmental Organisations (IGOs)
  - Multinational Enterprises (MNEs)
  - Civil Societies
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# UN

- control of the use of force
- security council's collective security
- international cooperation
- protection of human rights

## PURPOSES AND PRINCIPLES

### *Article 1*

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for **the principle of equal rights and self-determination of peoples**, and to take other appropriate measures to strengthen **universal peace**;
3. To achieve **international cooperation** in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and **encouraging respect for human rights and for fundamental freedoms** for all without distinction as to race, sex, language, or religion; and
4. To be a center for **harmonizing** the actions of nations in the attainment of these common ends.

### *Article 2*

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

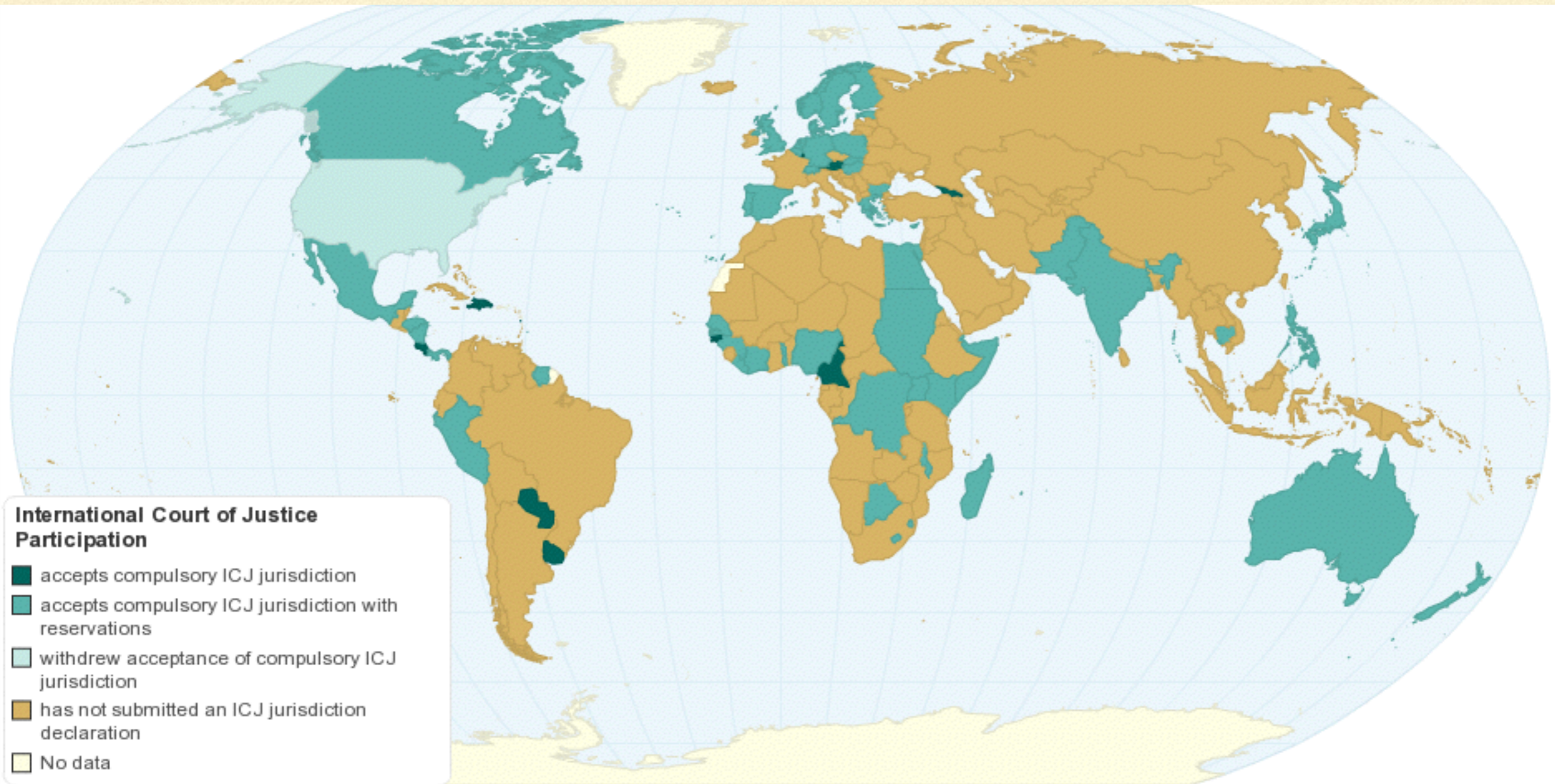
## CHAPTER II MEMBERSHIP

### *Article 3*

The original Members of the United Nations



# INTERNATIONAL COURT OF JUSTICE — ICJ





# HOW THE WORLD HAS CHANGED?

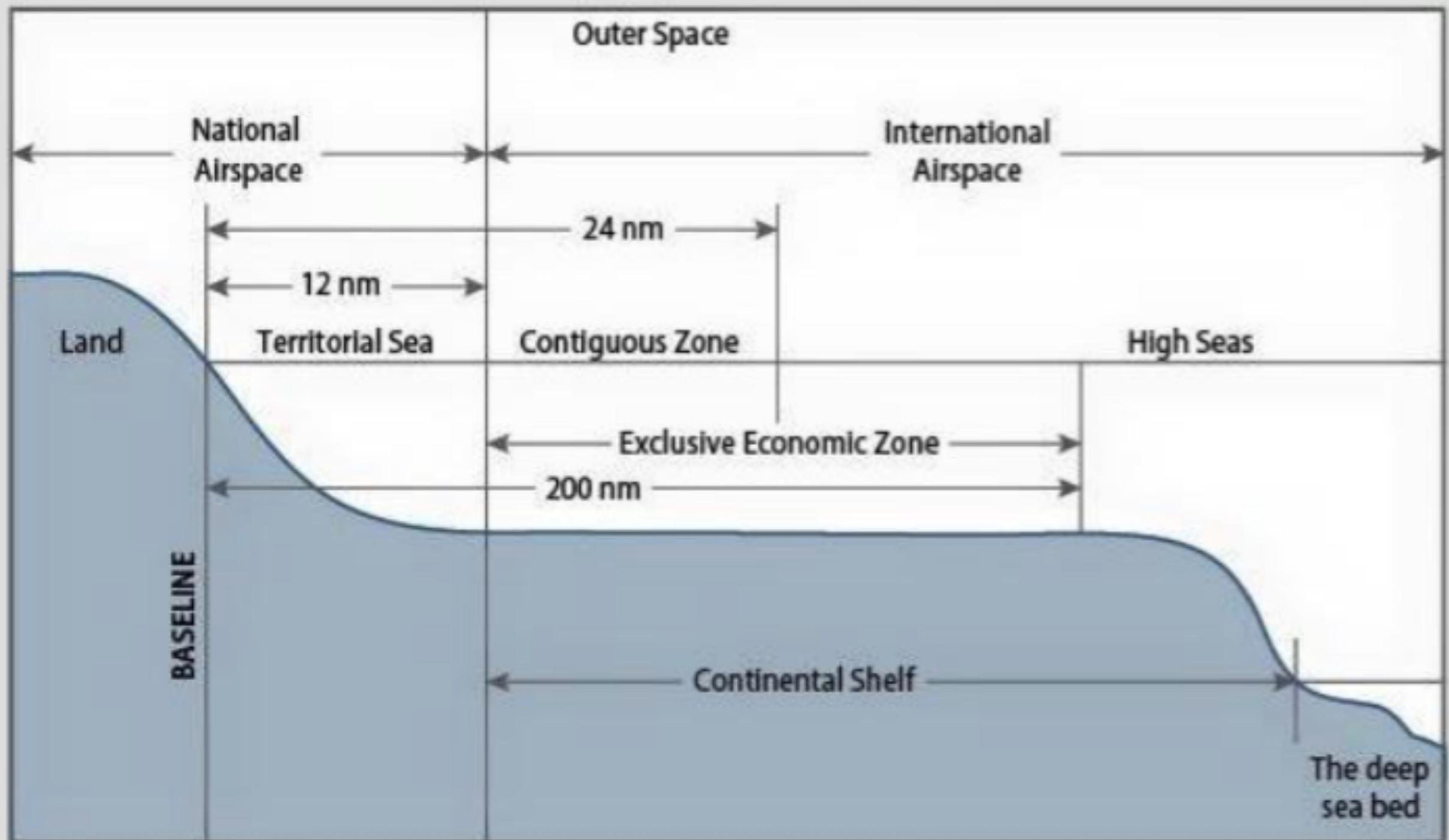
ERA	10-17 C	18 C	21 C
SOCIETY	Agriculture	Industrialised	Knowledge based Economy
COMMUNITY	Rural	City	<u>Virtual</u>
RELATIONS	Stable	Development	Dynamic
CENTER	Local	International	Transnational
SPEED	months	days / hours	seconds



UPDATED  
MAP OF ONLINE COMMUNITIES  
SIZE ON MAP REPRESENTS VOLUME OF DAILY SOCIAL ACTIVITY  
(POSTS, CHAT, ETC.). BASED ON DATA GATHERED OVER THE  
SPRING AND SUMMER OF 2010



# UN CONVENTION ON THE LAW OF THE SEA — UNCLOS



Note: nm = nautical mile

Source: U.S. Navy, *The Commander's Handbook on the Law of Naval Operations* (2007).

# **DIVERSITY** vs **UNITY**

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**Sovereign Egoism**

**Protectionism**

**Independence**

**Right to development**

**Self-determination**

**Rational Global Administration**

**World Trade Regime (WTO)**

**International standard**

**Environmentalism**

**Universal Human Rights**

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WHAT IS HUMAN RIGHTS?

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# The Criminals' ~~Human~~ Rights Act 1998

# Human Rights ???

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- Is human rights **domestic** or **international issue**?
- Is human rights **universal concept**?
- Is **political** or **social rights** more important?
- Who is **the most effective agent** in promoting human rights protection?
  - Who should have **obligations** to protect human rights?
  - Who are main **perpetrators** of violation of human rights?

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# Where do we find human rights law?

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- ❖ US Independent Declaration & Constitution
- ❖ Déclaration des Droits de l'Homme et du Citoyen de 1789
- ❖ German Basic Law
- ❖ UK Human Rights Act
- ❖ Japanese Constitution
- ❖ Cambodian Constitution
- ❖ Thai Constitution
- ❖ ....

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# Where do we find international human rights law?

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- ❖ UN Charter
- ❖ UDHR
- ❖ International Bill of Rights
  - ❖ ICCPR
  - ❖ ICESCR
- ❖ CIL?

## CHAPTER I: PURPOSES AND PRINCIPLES

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### Article 1

The Purposes of the United Nations are:

- 1** To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
- 2** To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- 3** To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- 4** To be a centre for harmonizing the actions of nations in the attainment of these common ends.



“No **plea of sovereignty** shall ever again be allowed to permit any nation to deprive those within its borders of fundamental rights on the claim that they are matters of internal concern. It is now a matter of **international concern** to stamp out infractions of basic human rights”

–America Jewish Committee, 1945



The **99%**  
Will Not Be  
**SILENT!**

**“International law is still concerned with the protection of sovereignty, but, in its modern sense, the object of protection is **not the power base of the tyrant** who rules directly by naked power or through the apparatus of a totalitarian political order, **but the continuing capacity of a population freely to express and effect choices about the identities and policies of its governors.**”**

**—Michael Reisman, 1990**

Is there any **limits** to  
human rights protection?

# ICCPR Article 2

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- 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals **within its territory and subject to its jurisdiction** the rights recognized in the present Covenant, **without distinction** of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take **the necessary steps**, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
- 3. Each State Party to the present Covenant undertakes:
  - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an **effective remedy**, notwithstanding that the violation has been committed by persons acting in an official capacity;
  - (b) To ensure that any person claiming such a remedy shall have his right thereto determined **by competent judicial, administrative or legislative authorities**, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of **judicial remedy**;
  - (c) To ensure that the competent authorities shall enforce such remedies when granted.

# ICESCR Article 2

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- 1. Each State Party to the present Covenant undertakes to take steps, **individually and through international assistance and co-operation**, especially economic and technical, to the maximum of its available resources, with a view **to achieving progressively the full realization of the rights** recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
- 2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised **without discrimination** of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals

# Derogations and Restriction

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## **Derogation** — ICCPR Art.4

- 1 . In time of **public emergency** which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
- 2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.
- 3. Any State Party to the present Covenant availing itself of the right of derogation shall **immediately inform the other States Parties** to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

## **Restriction** — embedded in each articles

- with conditions;
  - 1. **prescribed by law**, 2 with **legitimate aim**, 3. **necessary/proportionate means**

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# What are difference between the two covenants?

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ICCPR

ICESCR

**civil and political rights**

**economic, social and cultural rights**

negative rights  
(first generations)

positive rights  
(second generations)

immediate implementation

long-term implementation

justiciable

non-justiciable?

ideological

non-ideological?

## The International Covenant on Civil and Political Rights (ICCPR)

(Unofficial summary)

- This Covenant was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. By the end of 2001, the Covenant had been ratified by 147 states.
- The Covenant elaborates further the civil and political rights and freedoms listed in the Universal Declaration of Human Rights.
- Under Article 1 of the Covenant, the states commit themselves to promote the right to self-determination and to respect that right. It also recognises the rights of peoples to freely own, trade and dispose of their natural wealth and resources.

### Among the rights of individuals guaranteed by the Covenant are:

#### Article 2

The right to legal recourse when their rights have been violated, even if the violator was acting in an official capacity.

#### Article 3

The right to equality between men and women in the enjoyment of their civil and political rights.

#### Article 6

The right to life and survival.

#### Article 7

The freedom from inhuman or degrading treatment or punishment.

#### Article 8

The freedom from slavery and servitude.

#### Article 9

The right to liberty and security of the person and freedom from arbitrary arrest or detention.

#### Article 11

The freedom from prison due to debt.

#### Article 12

The right to liberty and freedom of movement

#### Article 14

The right to equality before the law; the right to be presumed innocent until proven guilty and to have a fair and public hearing by an impartial tribunal.

#### Article 16

The right to be recognised as a person before the law.

#### Article 17

The right privacy and its protection by the law.

#### Article 18

The freedom of thought, conscience and religion.

#### Article 19

The freedom of opinion and expression.

#### Article 20

Prohibition of propaganda advocating war or national, racial or religious hatred.

#### Article 21

The right to peaceful assembly.

#### Article 22

The right to freedom of association.

#### Article 23

The right to marry and found a family

#### Article 24

The rights for children (status as minors, nationality, registration and name).

#### Article 25

The right to participate in the conduct of public affairs, to vote and to be elected and access to public service.

#### Article 26

The right to equality before the law and equal protection

#### Article 27

The right, for members of religious, ethnic or linguistic minorities, to enjoy their culture, practice their religion and use their language.

## International Covenant on Economic, Social and Cultural Rights (ICESCR)

(Unofficial summary)

Cultural Rights (1966), together with the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966), make up the International Bill of Human Rights. In accordance with the Universal Declaration, the Covenants recognize that "... the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights."

#### Article 1

All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development.

#### Article 2

Each State Party undertakes to take steps to the maximum of its available resources to achieve progressively the full realization of the rights in this treaty. Everyone is entitled to the same rights without discrimination of any kind.

#### Article 3

The States undertake to ensure the equal right of men and women to the enjoyment of all rights in this treaty.

#### Article 4

Limitations may be placed on these rights only if compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

#### Article 5

No person, group or government has the right to destroy any of these rights.

#### Article 6

Everyone has the right to work, including the right to gain one's living at work that is freely chosen and accepted.

#### Article 7

Everyone has the right to just conditions of work; fair wages ensuring a decent living for himself and his family; equal pay for equal work; safe and healthy working conditions; equal opportunity for everyone to be promoted; rest and leisure.

#### Article 8

Everyone has the right to form and join trade unions, the right to strike.

#### Article 9

Everyone has the right to social security, including social insurance.

#### Article 10

Protection and assistance should be accorded to the family. Marriage must be entered into with the free consent of both spouses. Special protection should be provided to mothers. Special measures should be taken on behalf of children, without discrimination. Children and youth should be protected from economic exploitation. Their employment in dangerous or harmful work should be prohibited. There should be age limits below which child labor should be prohibited.

#### Article 11

Everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing. Everyone has the right to be free from hunger.

#### Article 12

Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.

#### Article 13

Everyone has the right to education. Primary education should be compulsory and free to all.

#### Article 14

Those States where compulsory, free primary education is not available to all should work out a plan to provide such education.

#### Article 15

Everyone has the right to take part in cultural life; enjoy the benefits of scientific progress.

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# UN Guiding Principles on Business and Human Rights

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- ❖ Adopted by Human Rights Council, 2011
- ❖ “Protect, Respect, Remedy”
  - ❖ States’ duty to protect human rights
  - ❖ Corporates’ duty to respect human rights
  - ❖ Individuals’ rights to be remedied
- ❖ **What kind of rights is concerned with business?**
  - ❖ Rights recognised in International Bill of Rights (ICCPR and ICESCR)
  - ❖ Labour rights in the 8 Core ILO’s Conventions — right not to be forced labour, right to association and collective bargaining, right not to be discriminated, right to equal remuneration, prohibition of worst forms of child labour
- ❖ other related guidelines — OECD Guidelines for Multinational Enterprises, ISO 26000 (Guidance on Social Responsibility), EU Strategy for CSR

**GLOBAL VALUES OF HUMAN RIGHTS**

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**QUESTIONING BY ROLE-PLAYING!**

Wear only what WE want you to wear...



Don't wear what WE don't want you to...



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# IRAC METHOD FOR LAW INTERPRETATION

- ❖ **Issue**
  - ❖ What *facts* and *circumstances* brought these parties to court?
- ❖ **Rule**
  - ❖ What is the *governing law* for the issue?
- ❖ **Analysis**
  - ❖ **How** does the rule *apply* to these unique facts?
- ❖ **Conclusion**
  - ❖ How should the issue be *decided*?

# IRAC : EXAMPLE

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## ▶ Facts

- ▶ At X university, faculty of law has a policy regarding the late submission of coursework that states that the penalty for the submission up to one day after the deadline without good cause or prior permission attracts a deduction of 10 marks.
- ▶ Furthermore, work that is submitted more than one day late but within a week of the deadline attracts a deduction of 25 marks and work that is submitted more than one week late receive a mark of zero.
- ▶ The essays must be submitted both in email and hard copy. The essays are stamped with the time and date of submission upon receipt in the general office. The submission deadline for final essay is 16:00 pm on Friday.
- ▶ Student A submitted her final essay at 16:02 pm on Friday. She told the staff at general office that she was late because of especially bad traffic in Bangkok.

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## IRAC EXAMPLE

- ❖ **Issue**
  - ❖ Will student A's essay receive a penalty?
- ❖ **Rule**
  - ❖ The rules state that work *without good cause or prior permission* received after the deadline receives a 10-mark deduction.
- ❖ **Analysis**
  - ❖ A submitted the essay 2 minutes late due to the bad traffic.  
**Is bad traffic considered as 'good cause'?**
- ❖ **Conclusion**
  - ❖ A 10-mark deduction?

# HOW TO INTERPRET LAW?

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- ▶ Ordinary meaning of words
- ▶ Context – preamble ,annex
- ▶ Objects and purposes
- ▶ Principle / exception
  - ▶ Reasoning for principle and exception
- ▶ Relevant law
- ▶ Relevant case law

# EXAMPLE OF LEGAL INTERPRETATION

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## ▶ Article 19

- ▶ 1. Everyone shall have the right to hold opinions without interference.
- ▶ 2. Everyone shall have the right to freedom of expression; **this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.**
- ▶ 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are **provided by law** and are **necessary**:
  - ▶ (a) For respect of the **rights** or **reputations of others**;
  - ▶ (b) For the protection of **national security** or of **public order** (ordre public), or of **public health** or **morals**.

# EXAMPLE OF LEGAL INTERPRETATION

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## ▶ Article 17

- ▶ 1. No one shall be subjected to **arbitrary or unlawful interference** with his privacy, family, home or correspondence, nor to **unlawful attacks** on his honour and reputation.
- ▶ 2. Everyone has the right to the protection of the law against such interference or attacks.

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# ROLE PLAY INSTRUCTION

- ▶ 5 Groups
  - ▶ Divide yourselves into 2 small groups
- ▶ You will receive one case study with facts and legal provision
  - ▶ Assign yourselves to positions in your case study
- ▶ **BRAINSTORM** – Read and try to interpret the provision **according to your positions**; ex) journalist, family, government, film director, court etc.
- ▶ **PRESENTATION** – Explain **reasons** why you can interpret it in such way that benefits your positions

# CASE STUDY (1)

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- ▶ **FACTS** – A film director was refused a certificate by the British Board of Film Classification, because his video film "Visions of Ecstasy" was considered as blasphemous. The film evokes the erotic fantasies of a sixteenth century Carmelite nun, St Teresa of Avila, whose sexual passions in the film being focused on the figure of the crucified Christ. As a result, the director would have committed a criminal offence if he were to supply the video in any manner, whether or not for reward.
- ▶ **LAW** – ICCPR Article 19
  - ▶ 1. Everyone shall have the right to hold opinions without interference.
  - ▶ 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of **all kinds**, regardless of frontiers, either orally, in writing or in print, **in the form of art**, or through **any other media** of his choice.
  - ▶ 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are **provided by law** and **are necessary**:
    - ▶ (a) For **respect of the rights** or reputations of others;
    - ▶ (b) For the protection of national security or of public order (ordre public), or of **public health** or **morals**.
- ▶ **ROLES** – (1) Film Director (2) British Board of Film Classification

# CASE STUDY (2)

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- ▶ **FACTS** – A trainee-journalist was found guilty by the British Court because he refused to follow the court order to disclose the identity of a person who previously supplied him with financial information derived from a confidential corporate plan of a private company.
- ▶ **LAW** – ICCPR Article 19
  - ▶ 1. Everyone shall have the right to hold opinions without interference.
  - ▶ 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of **all kinds**, regardless of frontiers, either orally, in writing or in print, **in the form of art**, or through **any other media** of his choice.
  - ▶ 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are **provided by law** and **are necessary**:
    - ▶ (a) For **respect of the rights** or reputations of others;
    - ▶ (b) For the protection of national security or of public order (ordre public), or of **public health** or **morals**.
- ▶ **ROLES** – (1) Trainee-journalist (2) British Court

# CASE STUDY (3)

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- ▶ **FACTS** – French government ban “dwarf tossing” event in discotheque because it represents a degrading affront to human dignity. As a result, Monsieur A, who suffers from dwarfism, lost his job.
- ▶ **LAW** – ICCPR Article 19 and Article 26
  - ▶ Article 19
    - ▶ 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of **all kinds**, regardless of frontiers, either orally, in writing or in print, **in the form of art**, or through **any other media** of his choice.
    - ▶ 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are **provided by law** and **are necessary**:
      - ▶ (a) For **respect of the rights** or reputations of others;
      - ▶ (b) For the protection of national security or of **public order (ordre public)**, or of public health or morals.
  - ▶ Article 26
    - ▶ All persons are **equal before the law** and are entitled **without any discrimination** to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, **religion**, political or other opinion, national or social origin, property, birth or **other status**.
- ▶ **ROLES** – (1) Software developer (2) Police

# CASE STUDY (4)

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- ▶ **FACTS** – Turkish government prohibits any students in state university to wear headscarf or cross or any other symbols of religion for the state should provide secular education.
- ▶ **LAW** – ICCPR Article 18
  - ▶ 1. Everyone shall have the right to freedom of thought, conscience and **religion**. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
  - ▶ 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
  - ▶ 3. **Freedom to manifest one's religion or beliefs** may be subject only to **such limitations as are prescribed by law** and are **necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others**.
  - ▶ 4. The States Parties to the present Covenant undertake to have respect for **the liberty of parents** and, when applicable, legal guardians **to ensure the religious and moral education of their children in conformity with their own convictions**.
- ▶ **ROLES** – (1) Muslim Parents (2) Turkish Government

# CASE STUDY (5)

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- ▶ **FACTS** – French government prohibits wearing full-face cover cloth in public space.
- ▶ **LAW** – ICCPR Article 18 and 26
  - ▶ Article 18
    - ▶ 3. **Freedom to manifest one's religion or beliefs** may be subject only to **such limitations as are prescribed by law** and are **necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.**
    - ▶ 4. The States Parties to the present Covenant undertake to have respect for **the liberty of parents** and, when applicable, legal guardians **to ensure the religious and moral education of their children in conformity with their own convictions.**
  - ▶ Article 26
    - ▶ All persons are **equal before the law** and are entitled **without any discrimination** to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, **religion**, political or other opinion, national or social origin, property, birth or **other status.**
- ▶ **ROLES** – (1) Muslim women who want to wear Burqa (2) French Government

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# PRESENTATION

- ▶ Example – Group 1
  - ▶ **Film Director vs British Board of Film Classification**
  - ▶ Each side has 2 rounds (3 minutes per round) to present and rebut
    - ▶ 3 minutes for Film Director's presentation
    - ▶ 3 minutes for British Board of Film Classification's presentation
    - ▶ 3 minutes for Film Director's rebuttal
    - ▶ 3 minutes for British Board of Film Classification's rebuttal
    - ▶ 3 minutes for answering Judges and juries' questions