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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

Workshop on the Constitutional Court in a State Ruled by Law

Baku, 4-5 December 1997

organised by the Supreme Court of the Azerbaijan,
and the Venice Commission
in co-operation with COLPI

S Y N O P S I S

Together with the Supreme Court of Azerbaijan, the Venice Commission organised a workshop on the Constitutional Court in a State governed by the Rule of Law" in Baku on 4-5 December 1997. In this workshop, the Venice Commission also co-operated with the Constitutional and Legislative Policy Institute in Budapest (COLPI).

Shortly before the workshop, the Parliament of Azerbaijan had adopted the Law on the Constitutional Court. The procedure of nomination of judges for the new Constitutional Court was to begin soon.

The international delegation was headed by the President of the Venice Commission, Mr La Pergola. Other participants were the Presidents of the Constitutional Courts of Russia and Georgia, Messrs Baglay and Demetrashvili as well as the Former President of the Constitutional Court of Portugal, Mr Marques Guedes.

In addition to the co-organiser, the Supreme Court, the Presidential Administration and the Parliament were represented. Members of Parliament who had participated in the elaboration of the Law on the Constitutional Court were able to provide first hand information on the process of drafting of this text.

Papers presented focused on the new Law on the Constitutional Court, judicial independence, the

individual complaint to the Constitutional Court, case management and the effect of decisions by the Constitutional Court.

During the discussion, Article 4 of the Law on the Constitutional Court was given particular attention. This provision gives the individual the possibility to access the Constitutional Court via the Supreme Court. The latter is to refer to the Constitutional Court applications by individuals who claim their constitutional rights to be infringed upon. Such a mechanism had been proposed by the Venice Commission in its opinion on the Law on the Constitutional Court (CDL (96) 86) because the Constitution did not foresee an individual complaint to the Constitutional Court. Access via the Supreme Court had seemed the best solution available, short of changing the Constitution itself. Participants underlined that the subsequent practice of the Supreme Court in application of this article will determine its effectiveness in the protection of human rights.

On the sidelines of the seminar, the participants were received by the President of the Republic, Mr Heidar Aliev who expressed his appreciation of the work done and informed the international participants about the situation in the Karabach region.

G. BUQUICCHIO