



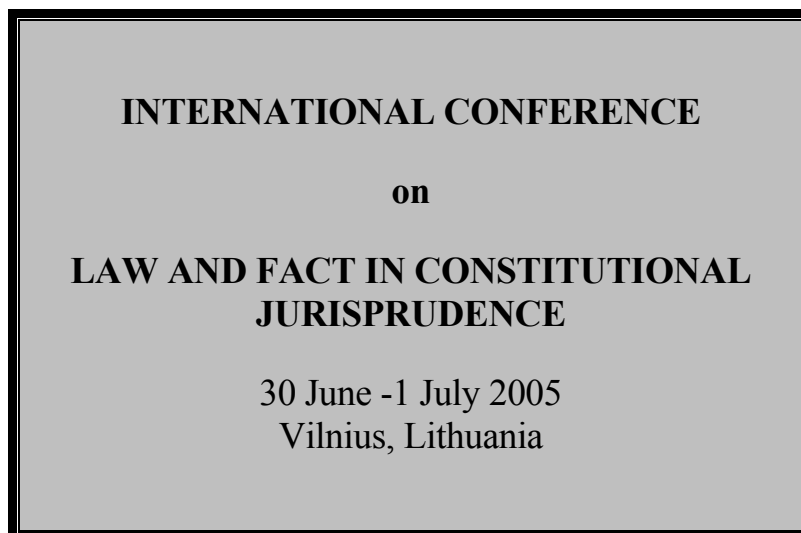
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE CONSTITUTIONAL COURT OF LITHUANIA



SYNOPSIS

In cooperation with the Constitutional Court of Lithuania, the Venice Commission organised a conference on “Law and Fact in Constitutional Jurisprudence” (Vilnius, 30 June – 1 July 2005).

The delegation of the Venice Commission of the Council of Europe was composed of Mr. Stanislav Balík, Judge of the Constitutional Court of the Czech Republic, Mr Richard Ghevontian, Professor, Aix-en-Provence University, Mr Árpád Erdei, Vice-President of the Constitutional Court of Hungary, Mr Eivind Smith, Professor, University of Oslo, Mr Marek Safjan, President of the Constitutional Tribunal Poland, Mr G. Buquicchio, Secretary of the Venice Commission, Ms T. Mychelova, External Relations Officer of the Venice Commission.

Among the local participants there were Constitutional Court judges, Supreme and other courts’ judges, the Speaker of the Parliament and other MPs, a representative of the Presidential Office, the Minister of Justice, academics, students.

As very little legal literature exists on the subject, the conference aimed at practical reflections and a specific exchange of views and experiences of the participating courts.

The need to examine the facts depends on which type of review the constitutional court or equivalent body carries out. Clearly, requests for abstract review of norms from state authorities like parliament or government relate to facts only to a very limited extent. Cases on impeachment, prohibition of political parties or electoral disputes have to deal with facts to a larger extent. Depending on the type of review and the applicable national legislation, each court follows its own procedures for the amendment of evidence. More than in other fields of activity, a number of courts have a direct influence on these issues through the adoption of their own rules for review.

The keynote report by Mr Bradley gave a good impetus for substantial discussions on the role of facts in constitutional justice. Other reports and interventions gave useful information on the different types of constitutional review involving the examination of facts.

In addition, the conference equally gave an opportunity to the participating courts to exchange the information on recent case-law and constitutional developments in their countries.

The seminar was greatly appreciated by all participants. They agreed that there was a need to deepen the exchange of views on the subject.

Media coverage was good in spite of the fact that a domestic political event (resignation of an important politician) had coincided with the seminar and that the topic was rather technical.

The proceedings of the conference will be published by the Constitutional Court of Lithuania.