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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**3<sup>rd</sup> Meeting of the Joint Council on Constitutional Justice**  
**(Venice, 10 March 2004)**

**REPORT**

### **1. Adoption of the agenda**

The agenda was adopted unchanged.

### **2. Election of the co-chair in respect of the liaison officers**

**On a proposal by Ms Jaeger, Ms Huppmann was unanimously elected co-chair in respect of the liaison officers.**

Mr Buquicchio thanked Mr Mavčič for the time he had served as co-chair. His expertise, knowledge and personal qualities had enabled him to play a pivotal role in constitutional justice, both within the Venice Commission, in which he had been involved since its inception, and throughout Europe.

Mr Buquicchio welcomed the choice made by the liaison officers, who were thereby addressing one of the Council of Europe's major concerns, that of promoting a policy of parity between the sexes. The co-chair in respect of the liaison officers was elected for a term of two years.

### **3. Communication by the Secretariat**

The Secretariat advised the Joint Council of the appointment of the following new liaison officers since the last meeting, held in Oslo on 9 May 2003 (in chronological order): Ms M. Berkaliyeva, second liaison officer, Constitutional Council of Kazakhstan; Mr S. Petrovski, Constitutional Court, "the Former Yugoslav Republic of Macedonia", replacing Mr B. Mircevski; Ms F. Flanagan, Attorney General's Office, Ireland, and Ms M. Kane, Supreme Court, Ireland, replacing Mr J. Dalton; Mr G. Gontovnik, second liaison officer, Supreme Court, Israel; Mr N. Iwai, General Consulate of Japan, Strasbourg on behalf of the Supreme Court of Japan, replacing Mr N. Onishi; Mr T. Antkowiak, Inter-American Court of Human Rights, replacing Ms C. Brom; M. J. Kjærsgaard Nørøxe, Ministry of Justice, on behalf of the Supreme Court of Denmark, replacing Ms A-K. Stig-Andersen; Ms K. Hofmeyer, Constitutional Court, South Africa, replacing Ms K. Williams; Ms B. Laznickova, Constitutional Court, Czech Republic, replacing Ms A. Macova; Ms K. Kont-Kontson, Supreme Court, Estonia, replacing Mr P. Roosma; Ms O. Kravchenko, Constitutional Court, Ukraine, replacing Mr I. Shevliak.

A training session for liaison officers had been held on 9 March 2004 on the drafting and indexing of précis for the Bulletin. A previously published decision had served as a practical example, making it possible to point out and highlight indexing traps and the problems encountered in selecting keywords and providing a concise, yet comprehensive, summary of the facts and of the law.

Mr Buquicchio, Secretary of the Venice Commission, then informed the Joint Council of the main agenda items for the plenary session of the Commission to be held on 12 and 13 March. The plenary session would afford an opportunity for an exchange of views with Ms Nino Burdjanadze, Speaker of the Georgian Parliament, and the Presidential Committee of the Parliamentary Assembly of the Council of Europe concerning a proposal aimed at stepping up co-operation between the Commission and the Parliamentary Assembly and its committees. The Commission would adopt opinions on: the Albanian draft property identification, restitution and compensation law; the status and rank of the Human Rights

Ombudsman of Bosnia and Herzegovina; the draft amendments to the Georgian Constitution and the *amicus curiae* opinion on the relationship between the freedom of expression and defamation with respect to defamatory allegations of unsubstantiated facts, as requested by the Georgian Constitutional Court; and the two draft laws amending the Act on National Minorities in Ukraine.

Kyrgyzstan was the first non-member state of the Council of Europe to accede to the Venice Commission enlarged agreement, on 1 January 2004.

During the plenary session, Mr Solyom would also be briefing the Commission on the conclusions of the meeting of the Joint Council on Constitutional Justice.

The opinions adopted could be consulted on the Venice Commission web site, <http://venice.coe.int>, under the document series CDL-AD.

#### **4. Updating of details concerning participating courts**

The liaison officers were invited to notify the Secretariat on a regular basis of any changes to the details set out in the list of Constitutional Courts (CDL-JU (2004) 6), including the composition of the courts, the list of liaison officers (CDL-JU (2004) 7) and the list of web sites of Constitutional Courts and equivalent bodies (CDL-JU (2004) 8). This was particularly important, since those details were consulted regularly on the Constitutional Justice web site <http://venice.coe.int/ju>, and the Secretariat was often called upon to provide such information both within and outside the Council of Europe; the Constitutional Courts' details consequently needed to be accurate and up-to-date.

Changes could be sent to the Secretariat at any time, and at the latest at the same time as contributions to the *Bulletin* were submitted.

<p><b>The liaison officers were invited to notify the Secretariat at any time of any changes to their courts' details, at the latest when sending in their contributions to the Bulletin.</b></p>
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#### **5. Co-operation between Constitutional Courts via the Internet: Venice Forum**

The Secretariat presented the confidential document CDL-JU (2004) 9 on the replies and requests made by liaison officers via the Venice Forum, and welcomed the Forum's growing success and the quality of the replies exchanged. Those exchanges, and consequently the document, were classified "confidential", meaning that they would not be released for ten years.

The procedure was as follows: when a question was raised via the Forum, the Secretariat conducted an initial search in the CODICES database to ascertain whether any data, such as *précis*, might serve as a basis for a reply. The question and any items found in CODICES were then forwarded to the liaison officers, who were invited to reply, preferably by e-mail, directly to the requesting liaison officer, with a copy to the Secretariat. Most questions raised via the Forum related to cases pending before the Court in question, for which the liaison officer wished to know the Constitutional Courts' case-law involving similar points of law. It would consequently be helpful to have access to the replies to each request, for instance the decisions adopted, and for the latter to be sent to the Secretariat for publication both on the Venice Forum and in the *Bulletin on Constitutional Case-Law*.

**The Joint Council took note of the exchanges that had taken place between the courts via the Venice Forum.**

**The Joint Council invited the liaison officers having used the Forum to transmit the decision related to the result of the request to the Secretariat in future; for instance, where the request related to a case pending, the précis and full text of the relevant judgment should be forwarded.**

## **6. Scope for the Venice Commission to act as an *amicus curiae* to the Constitutional Courts**

The Secretariat explained that Constitutional Courts and equivalent bodies could ask the Venice Commission for comparative constitutional law studies relating to cases before them. In such studies, the Venice Commission would not be looking into the merits of the matter before the Court, for instance whether a given law was in accordance with the national Constitution, but would merely provide information about comparative law.

Through its liaison officer, the Georgian Constitutional Court had made a request via the Forum concerning the relationship between freedom of expression and protection of the right to honour.

It had also asked the Commission to give an opinion on the subject.

The Georgian Constitutional Court's request was the first *amicus curiae* request made to the Commission, which, thanks to its status and its co-operation with Constitutional Courts and courts of equivalent jurisdiction, was eminently qualified to supply information about comparative law and case-law. The replies given to this question via the Forum might also prove to be an ideal means for the Commission rapporteurs to obtain information about relevant case-law.

The opinion drawn up by Mr Nolte, substitute member for Germany, would be submitted to the plenary session of the Commission for adoption.

**The Joint Council was advised of the Venice Commission's willingness to receive *amicus curiae* requests, either directly or via the Forum. The Joint Council invited the liaison officers to pass this information on to the presidents of their courts.**

## **7. Co-operation activities**

### **7.a Series of seminars with Constitutional Courts (CoCoSem)**

The Secretariat said that the following seminars had taken place since the previous meeting of the Joint Council; those held in 2003 were set out in document (CDL-JU (2004) 10):

From April 2003:

April	Albania, Tirana	“Effects of the Constitutional Courts’ Decisions”
June	Belarus, Minsk	“Strengthening the Principles of a Democratic State Ruled by Law in the Republic of Belarus by means of Constitutional Control”
July	Azerbaijan, Baku	“Role of the Constitutional Court in the Protection of Democratic Values”, on the occasion of the 5 <sup>th</sup> anniversary of the Constitutional Court of Azerbaijan
July	Tanzania, Zanzibar	Meeting of Presidents of Constitutional and Supreme Courts of the Southern African Region: “Sustaining Independence of the Judiciary. Co-operation between the Judiciary of the Region”
September	Lithuania, Vilnius	Conference on “Constitutional Justice and the Rule of Law” in co-operation with the Constitutional Court of Lithuania on the occasion of its 10 <sup>th</sup> anniversary
October	Armenia, Yerevan	Conference: “Basic Criteria of Limitation of Human Rights in the Practice of Constitutional Justice”
November	Albania, Tirana	International conference on the occasion of the “Fifth Anniversary of the Adoption of the Albanian Constitution – Achievements and Challenges”
November	Namibia, Windhoek	2 <sup>nd</sup> seminar for Liaison Officers of Constitutional and Supreme Courts of the Southern African Region
2004		
January	Spain, Madrid	International seminar on “25 Years of the Spanish Constitution: 1978-2003”
February	Bosnia and Herzegovina, Sarajevo	“International Legal Training Workshop: Effective Case Management – Effective Decision Drafting – Understanding the ECHR”
February	Azerbaijan, Baku	“International Legal Training Workshop: Improving Examinations Methods of Individual Complaints – Effective Case Management – Effective Decision Drafting”

February	Russian Federation, Moscow	Conference organised in co-operation with the Conference organised in co-operation with the Constitutional Court of the Russian Federation on “The Role of the Constitutional Court in the Maintenance of the Stability and Development of the Constitution”
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### **Provisional seminar programme for 2004 and 2005**

June	“the Former Yugoslav Republic of Macedonia”, Skopje	Conference on the occasion of the 40 <sup>th</sup> anniversary of the Constitutional Court, on “Constitutional Protection: Current State of Affairs and Perspectives”
July	Botswana	Conference on “Independence, Enforcement of Decisions and Access to the Courts”
July	Tanzania, Zanzibar	25 Years of the Appeal Court of Zanzibar
September	Azerbaijan, Baku	The Value of Precedents (National, Foreign, International) for Constitutional Courts
September	Belarus, Minsk	Conference on the occasion of the 11 <sup>th</sup> anniversary of the Constitutional Court
September	Aix-en-Provence, France	Constitutional Justice, European Justice, Ordinary Justice, GERJC
September/ October	Slovenia, Ljubljana	Conference on the occasion of the 40 <sup>th</sup> anniversary of the Constitutional Court: the Position of Constitutional Courts following Integration into the EU
October	Armenia, Yerevan	9 <sup>th</sup> International Yerevan Conference on the Rule of Law and Constitutional Justice
October	Bosnia and Herzegovina, Sarajevo	Seminar on the Budget of the Constitutional Court
February 2005	Moldova, Chisinau	10 <sup>th</sup> anniversary of the Constitutional Court
February	Seychelles	Conference of Presidents of the Constitutional and Supreme Courts of Southern Africa (SAJC)
September	Slovenia	3 <sup>rd</sup> Conference of the Secretaries General of Constitutional Courts, the Venice Commission’s 2005 budget permitting

Ms Jaeger said that any conference invitations should be sent out as quickly as possible so as to enable the courts in question to accept.

**The Joint Council took note of the programme of activities involving Constitutional Courts. The Constitutional Courts and the Secretariat were asked to send out their invitations as quickly as possible.**

**7.b Co-operation with the Association of Constitutional Courts using the French Language (ACCPUF)**

Mr Brau represented the Secretary General of the ACCPUF, who had been unable to attend the Joint Council's meeting owing to the appointment of a new President of the French Constitutional Council. Ms Patricia Herdt would no longer be attending meetings of the Joint Council on Constitutional Justice, as she had taken up a new position at the Francophonie.

Co-operation between the ACCPUF and the Venice Commission had been established in 1999, then stepped up in Djibouti in 2002. The agreement between the two institutions comprised two main aspects: participation in the CODICES database and mutual exchanges of documentation.

With regard to participation in the database, a total of 20 countries that were members of the ACCPUF but not of the Venice Commission had already submitted more than 100 indexed précis for inclusion in CODICES.

ACCPUF members received the CODICES CD-ROM and the Bulletin on Constitutional Case-Law on a regular basis. For its part, the ACCPUF regularly sent copies of each of its bulletins and papers to the liaison officers and the Commission Secretariat. The Venice Commission had been represented by Mr Buquicchio at the Association's 3<sup>rd</sup> Congress, held in Ottawa in November 2003. The Venice Commission was also invited to take part in the preparatory phase and the Association's current work on the issue of elections.

The Joint Council on Constitutional Justice joined the Secretariat in thanking Ms Patricia Herdt for her contribution to the work of the Venice Commission, and wished her every success in her new role.

**7.c Co-operation with Constitutional Courts and equivalent bodies in Southern Africa**

The Secretariat outlined the advances made as part of the co-operation programme between the Venice Commission and the Constitutional and Supreme Courts of the Southern African region. The setting up of the Southern African Judges' Commission (SAJC) in Johannesburg in December 2003, with the support of the Venice Commission, had been a significant step forward. The Southern African Judges' Commission had a permanent Secretariat, which was in regular contact with the Secretariat of the Venice Commission. The SAJC was made up of the Presidents of constitutional and supreme courts in English- and Portuguese-speaking countries in Southern Africa, ranging from Uganda to South Africa.

The SAJC had been set up primarily to foster close links between courts in the region, so that they could support one another in the event of interference in their work by the executive or the legislature. Another of the SAJC's main aims was to enable courts in the region to exchange information with one another – and with European courts and the wider public – concerning their constitutional case-law, particularly via CODICES. English-language précis of the decisions of Constitutional Courts and equivalent bodies in Southern Africa were in the process of being entered into CODICES. The Venice Commission had also run a training workshop for liaison officers from participating courts in Windhoek in 2003 on the preparation of decisions for inclusion in CODICES. The co-operation programme was financed by the Norwegian and Swiss governments.

**The Joint Council was advised of the setting up of the Southern African Judges' Commission (SAJC) and of the progress made in entering the decisions of Southern African Constitutional Courts and courts of equivalent jurisdiction into CODICES.**

#### **7.d Co-operation with the Conference of the Constitutional Control Organs of the Countries of Young Democracy (CCCOCYD)**

The Secretariat outlined the advances made as part of the co-operation programme between the Conference of the Constitutional Control Organs of the Countries of Young Democracy and the Venice Commission. The Commission had signed a co-operation agreement with the CCCOCYD, providing for exchanges of information and the organisation of annual joint international conferences (CDL-JU (2003) 9). The next conference arising from that agreement was to be held in co-operation with the Constitutional Court of Armenia, from 14 to 16 October 2004.

Modelled on the co-operation agreement with ACCPUF, a protocol providing for the inclusion in CODICES of the case-law of all member courts of the CCCOCYD was planned. In practice, given that the other member courts of the CCCOCYD already contributed to the *Bulletin on Constitutional Case-Law*, this would apply only to the Constitutional Court of Tajikistan. A draft protocol would be drawn up and submitted for approval at the next meeting of the Joint Council on Constitutional Justice.

**The Joint Council was advised that the co-operation agreement had been signed between the Venice Commission and the Conference of the Constitutional Control Organs of the Countries of Young Democracy. A draft protocol to that agreement would be submitted at the Joint Council's next meeting.**

#### **7.e Co-operation with the Constitutional Court of Belarus**

The Secretariat explained the situation with regard to co-operation with the Constitutional Court of Belarus.

For the record, the Secretariat outlined the background to the constitutional situation in Belarus, which had prompted the Venice Commission to suspend publication of decisions of the Constitutional Court of Belarus in the *Bulletin on Constitutional Case-Law*.

In 1996, following a series of decisions of the Constitutional Court of Belarus annulling decrees of the President because of a violation of the separation of powers, the latter had proposed a draft Constitution assigning increased powers to his office. The intention had been



for that text to be adopted by referendum. In response to this presidential draft, two major political groups in Parliament had made a counter-proposal for a constitutional revision that would have abolished the office of the President of the Republic altogether. At the request of the Speaker of Parliament, the Constitutional Court had decided that the existing Constitution (dating from 1994) could be amended only by Parliament and that a constitutional referendum could not have binding effect ([http://venice.coe.int/docs/1997/CDL\(1997\)009-e.html](http://venice.coe.int/docs/1997/CDL(1997)009-e.html)).

Also at the request of the Speaker of Parliament, the Venice Commission had given an opinion on both drafts (presidential and parliamentary) and had come to the conclusion that “both the examined proposals fall short of the democratic minimum standards of the European constitutional heritage” and called on the “authorities of Belarus to abide by the decision of the Constitutional Court” ([http://venice.coe.int/docs/1996/CDL-INF\(1996\)008-e.html](http://venice.coe.int/docs/1996/CDL-INF(1996)008-e.html)).

Nevertheless, a referendum had been held on both proposals, coming out in favour of the presidential draft, which was promulgated by the President, thus ignoring the decision of the Constitutional Court. Seven of the eleven members of the Constitutional Court had resigned and the new Constitutional Court – re-formed in accordance with the new Constitution – had annulled the previous decision on the constitutional referendum.

In response to these events, the Bureau of the Parliamentary Assembly of the Council of Europe had suspended the special guest status of the Parliament of Belarus, thus blocking the procedure for the accession of Belarus to the Council of Europe. This special guest status remained suspended.

In 2002, the Conference of European Constitutional Courts had asked the Venice Commission to resume contact with the Constitutional Court of Belarus, and to keep it informed about such co-operation in view of the Court’s request for full membership of the said Conference.

In conjunction with the Constitutional Court of Belarus, the Commission had organised a conference on “Strengthening the principles of a democratic state governed by the rule of law by means of constitutional control”, during which the Commission delegation had noted that the Constitutional Court had widened its powers, agreeing to deal with individual petitions even though the Constitution and the Constitutional Court Act only provided for appeals by government authorities. The Constitutional Court had thereby been able to establish case-law relating to human rights on the basis of an article in the Constitution which provided for individual petitions to any state institution.

At the preparatory meeting for the Conference of European Constitutional Courts (Nicosia, October 2003), Mr Dürr had presented a report on co-operation with the Constitutional Court (document CDL(2003) 29). The Conference had commended the progress made by the Court, and had postponed its decision on membership.

Given the postponement of that decision, the issue of publication of the Court’s case-law since 1997 arose once again. The Secretariat proposed to publish this case-law in a public document, which would be sent out with the Bulletin to all readers. The document would contain a memorandum explaining the background to co-operation between the Constitutional Court of Belarus and the Venice Commission.

The Venice Commission planned to hold another conference in conjunction with the Constitutional Court, in September 2004; the topic had yet to be decided.

Mr Brau raised the possibility of publishing the Constitutional Court's case-law also in CODICES, where users could be alerted to the background to co-operation by means of a link to a background memorandum.

Ms Huppmann asked the Secretariat about the number of cases the Constitutional Court of Belarus had heard since its powers had been widened, and the enforcement of Constitutional Court decisions. To the Secretariat's knowledge, there had been about sixty individual petitions the previous year, out of the thousands of applications the Court received. The Court had advised the Secretariat that all of its decisions were respected by other government authorities, except for those concerning the right to appeal against disciplinary measures in prisons, which had not been followed through by the Supreme Court.

**The Joint Council decided to publish the case-law of the Constitutional Court of Belarus since 1997 in a public document available from the Secretariat; the document would be sent to Bulletin readers together with a background memorandum. The case-law would be included in CODICES with a link to the same memorandum.**

#### **7.f Co-operation with the Conference of Constitutional Justice of Ibero-America, Spain and Portugal**

The Secretariat said that there had been no significant developments to date in relation to co-operation with the Conference of Constitutional Justice of Ibero-America, Spain and Portugal.

#### **8. Printed publications**

##### **8.a Regular issues of the *Bulletin on Constitutional Case-Law***

*Bulletin* 2003/1 had just been published, somewhat behind schedule, while *Bulletins* 2003/2 and 2003/3 were in preparation. Production of the *Bulletin* represented a great deal of work for the Secretariat, which had to re-read the contributions, standardise the indexing, organise translations, ensure that the two linguistic versions were consistent and arrange for the formatting to be done within the Secretariat. In order to off-set delays in the production of the print version, a provisional version of the CD-ROM was sent to liaison officers once all the contributions had been received and sent for translation. A provisional print version could therefore also be produced.

**The liaison officers invited the Secretariat to publish a provisional print version of the Bulletin on a regular basis; like the provisional version of the CODICES CD-ROM, it would be accessible only to liaison officers and would reflect the state of the *Bulletin* in production.**

## **8.b Special issues of the *Bulletin***

The Cypriot President of the Conference of European Constitutional Courts had asked the Venice Commission to publish a special issue of the *Bulletin* on the theme of the 13<sup>th</sup> Conference, to be held in Cyprus in May 2005: **The criteria for the limitation of human rights**. This theme corresponded to index 5.1.3 in the Systematic Thesaurus; 472 précis had been indexed under this keyword in CODICES. As there were too many précis to publish in a special issue of the *Bulletin*, the Secretariat would send liaison officers a selection of the decisions handed down by their courts. Liaison officers from all participating courts would be invited to review the selection and, if appropriate, to provide additional decisions for this issue of the *Bulletin*.

Ms Jaeger reminded the meeting that each court also had to provide a national report on this subject; it would therefore be advisable for national judges to be aware of the case-law already cited in CODICES. To that end, she invited the liaison officers to contact national judges regarding the selection of decisions to be published in the special issue of the *Bulletin*.

**The Joint Council decided to agree to the request from the Cypriot President of the Conference of European Constitutional Courts that it produce a document for the 13<sup>th</sup> Conference on the theme “Criteria for the Limitation of Human Rights”, and to publish that paper as a special issue of the *Bulletin* following the Conference.**

**The Joint Council invited the liaison officers, in consultation with the judges responsible for drafting the national reports, to check or add to the Secretariat’s selection of précis to appear in the *Bulletin*.**

In view of the publication of the special issue of the *Bulletin*, “*Leading Cases 2*”, the Secretariat invited liaison officers from those Constitutional Courts not included in the volume “*Leading Cases 1*” to send their contributions, comprising 10 to 15 précis of the most important decisions handed down by their courts. For the record, the “*Leading Cases*” Bulletins were designed to provide an overview of the Constitutional Courts’ major decisions prior to 1993 (when the *Bulletin on Constitutional Case-Law* began to be published on a regular basis) or to their first contribution to the *Bulletin*, so as to give an idea of how each court’s case-law had developed since its inception.

France, Hungary, Romania and the United States of America had already submitted their contributions, which would be entered into CODICES. In order to produce a special issue, however, contributions from other courts were needed, particularly those in long-established democracies.

**The Joint Council invited the liaison officers from the courts concerned, particularly those in long-established democracies, to send the Secretariat 10 to 15 précis for publication in the special issue of the *Bulletin*, “*Leading Cases 2*”.**

The Secretariat said that replies to the questionnaire on “**The Status and Functions of Secretaries General**”, following the 2<sup>nd</sup> Conference of Secretaries General held in Madrid in 2002, had been analysed for presentation in summary and comparative form, and would be published this year in the series of special issues of the *Bulletin*.

**The liaison officers were advised that replies to the questionnaire on “the Status and Functions of Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction” were to be published in a special issue of the *Bulletin*.**

Extracts of the laws and Constitutions of the following countries were to be published in a special issue of the *Bulletin*, “*Basic Texts*” n° 7: Argentina, Israel, Kazakhstan, Korea, Kyrgyzstan, South Africa, Sweden, the United Kingdom and the United States of America. The Secretariat would contact the liaison officers in connection with that publication.

**The Joint Council welcomed the planned publication of a special issue of the *Bulletin on basic texts*.**

There were also plans to enter into CODICES, and possibly publish, the texts of Constitutions in French: the liaison officers were invited to send in French versions of their Constitutions to the Secretariat, if these were not already available in CODICES.

### **8.c. New series of publications on the case-law of the Constitutional Courts**

The Secretariat said that Council of Europe Publishing was planning to issue a series of publications on various themes, based on the case-law found in CODICES.

These publications would echo the approach taken in the special issues of the *Bulletin*, but in a different format, with an introduction by a constitutional law expert; they would not entail any additional work on the part of liaison officers, but would raise the profile of constitutional case-law.

While in favour of this idea, Ms Jaeger said that it was important that the introduction to such a publication be written by a respected academic or a member of the Venice Commission, who would be able to present the case-law in its proper context.

Mr Ryckeboer was more cautious about this kind of publication. It was important that the information provided by liaison officers could not be used against the Constitutional Courts. He asked, therefore, that the proviso appearing in each issue of the *Bulletin on Constitutional Case-Law*, stating that “The summaries of decisions and opinions published in the *Bulletin* do not constitute an official record of Court decisions and should not be considered as offering or purporting to offer an authoritative interpretation of the law”, be reproduced and appear in a prominent position.

**The Joint Council agreed to the production of a new series of publications on the case-law of the Constitutional Courts, on the condition that the text of the proviso set out in the *Bulletin on Constitutional Case-Law* appear in a prominent position.**

## **9. Electronic publication**

### **9.a Presentation of a new version of CODICES**

The Secretariat presented the provisional and final version 4.3 2003/1 of CODICES, and gave details of the forthcoming version 5.0 of CODICES; the latter would operate with the NXT4 software, which was to replace the Folio siteDirector and LivePublish software.

### **9.b Entering the full texts of decisions into the CODICES data base**

The Secretariat presented document CDL-JU (2004) 11, which contained the latest figures on the full texts available in CODICES, classified by language and by country. A letter indicating the decisions for which précis, but not the full texts, were available had been sent to liaison officers before the meeting. The Secretariat thanked those liaison officers who had now sent in the missing texts, and invited the liaison officers to send any available texts.

**The Joint Council invited the liaison officers to send the Secretariat the full texts of decisions for which it had précis, for inclusion in the CODICES data base, in electronic form (e-mail, diskette) and in the original language.**

### **9.c Updating the indexing of constitutions in CODICES**

The Secretariat said that the article-by-article indexing of Constitutions (document CDL-JU (2004) 12) was almost finished on paper, and would be incorporated into CODICES. The indexing had been done by trainees, with the Secretariat checking samples of their work. Errors were possible, and liaison officers were invited to notify Mr Dürr of those and any other errors found in CODICES.

Given that the indexing had begun in 1998, using version 10 of the Thesaurus, the original indexes were now being updated in order to apply keywords added subsequently.

**The Joint Council invited participants to notify the Secretariat of any errors found in CODICES.**

### **9.d Updating of constitutions, laws on the constitutional courts and constitutional court descriptions in CODICES**

The Secretariat sent out regular reminders inviting liaison officers to notify it of any changes to Constitutions, laws on Constitutional Courts and court descriptions as published in CODICES. With a view to better data management, liaison officers were also invited to reply to the Secretariat even if no changes were necessary, thereby confirming that the information contained in CODICES was up to date.

**The Joint Council invited the liaison officers systematically to let the Secretariat know whether or not the Constitutions, laws on Constitutional Courts or Constitutional Court descriptions needed to be updated.**

**The Joint Council invited the liaison officers to send in up-to-date French-language versions of their Constitutions to the Secretariat, where these were not available in CODICES.**

### **9.e Data input mask**

The Secretariat reiterated the advantages of using the data input masks found in the CD-ROM and on the Internet.

Ms Kont-Kontson asked how the data in the mask were forwarded to the Secretariat, and how it knew whether a contribution was complete. Mr Dürr said that, in the case of the CD-ROM

mask, liaison officers had to send the document containing their contributions to the Secretariat (on diskette, or preferably by e-mail). With the Internet data mask, liaison officers had to enter the words “unfinished” at the start of the “headnotes” field to ensure that the Secretariat did not download an unfinished contribution.

**10. Revised Venice Commission web site and restricted web site for liaison officers**

The Secretariat presented a preliminary version of the Commission’s revised web site, including the restricted section for liaison officers.

**The Joint Council invited the liaison officers to ask the webmasters of their respective courts to add links to the Commission web site <http://venice.coe.int> (the revised site would have the same address).**

**11. Documentation Centre on Constitutional Justice/Library**

A list of the documents now available from the Documentation Centre on Constitutional Justice appeared on the public web site (<http://venice.coe.int>) and the restricted web site for liaison officers (<http://venice.coe.int/ju>).

The Joint Council thanked the liaison officers for sending documents for the Centre in the original language as well, particularly those from courts that had submitted, and were continuing to submit, complete collections of their case-law digests.

**The Joint Council invited the liaison officers to help the Secretariat obtain digests of case-law or other Constitutional Court publications (in the original language as well) for the documentation centre; these were invaluable for library users.**

**12. Changes to version 15 of the Systematic Thesaurus**

The participants approved the Working Group’s proposals regarding version 16 of the Systematic Thesaurus, as set out in document CDL-JU (2004) 14, which had been drawn up following the Working Group’s meeting on 9 March.

The Joint Council invited the Working Group to consider the possible need for a coherent rewrite of Chapter 5 of the Thesaurus.

Mr Mavčič said that the Slovenian Constitutional Court was also using a Slovenian translation of the Systematic Thesaurus for the national indexing of all its decisions.

The Secretariat noted that of the three versions of the Thesaurus currently in existence, version 14 was the one published in the Bulletin and CODICES, version 15 was the one liaison officers were now using to index their contributions, and version 16 had been submitted for the Joint Council’s approval.

**The Joint Council adopted version 16 of the Thesaurus as proposed by the Working Group, and decided that it would be applicable as from issue 2004/2 of the *Bulletin*.**

### **13. Other business**

Mr Laraba, Secretary General of the Constitutional Council of Algeria, warmly thanked the Venice Commission for its invitation to that Council to participate in the present meeting of the Joint Council on Constitutional Justice as a special guest. The invitation had been issued in response to the keen interest shown by a delegation of the Constitutional Council – during a visit to the Council of Europe – in the work of the Venice Commission, and specifically the Joint Council on Constitutional Justice.

Algeria was changing very rapidly on the economic, political and legal fronts, and the Constitutional Council was playing a leading role in those changes. Algeria had made significant headway in the area of democratisation, as two recent decisions of the Constitutional Council showed: firstly, the Constitutional Council had prohibited ballots in military barracks; it had also ruled on the validity of ten candidate lists for the presidential election, six of which had been approved, including one woman. Multiple lists were a new development, and this was also the first time a woman had stood for president in an Arab country.

The Constitutional Council was following with great interest the Venice Commission's work to establish and strengthen democratic institutions in the new democracies. Mr Laraba hoped that this initial contact would lead to closer co-operation in the future.

### **14. Date and place of the next meeting**

<p><b>At the invitation of the Constitutional Court of Azerbaijan, the next meeting of the Joint Council on Constitutional Justice would be held in Baku, Azerbaijan, in mid-May 2005. The exact dates would be announced at a later stage.</b></p>
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