



The Constitutional Court
of the Republic of Indonesia

Association of Asian Constitutional Courts and Equivalent Institutions

Jl. Medan Merdeka Barat No.6. Jakarta 10110
Phone: +62 21 2352900 ext 18216 | website: www.aacc-asia.org



AACC SPC

AACC SPC Newsletter: August 2020

Dear AACC members!

Greetings from Jakarta!

Three Permanent Secretariats were established in 2017 by the amendment of AACC Statute: The Secretariat for Planning and Coordination, the Secretariat for Research and Development, and the Center for Human Resources Training. The Constitutional Court of the Republic of Indonesia is honoured to be appointed as the SPC, and commits to contribute and support the Association based on the assigned tasks.

This newsletter is dedicated as an instrument to spread the updated information regarding the completed tasks done by the SPC during January—September 2020. By the time this newsletter is disseminated to all member countries of AACC, several tasks have been completed such as below.



Meeting with General Registrar of the Supreme Court of Bangladesh

1. Bangladesh's Admission

Referring to Part II article 7 of the AACC Statute, one Constitutional Court or any equivalent institution from a sovereign country can apply for AACC membership by submitting written application for admission which also mentions an acceptance of the ACC Statute along with any legal document that support or mention its jurisdiction. The written application shall be signed by the Head of Institution and addressed to the President of AACC.

The SPC has assisted the process of Ban-

gladesh's admission by conveying the copy of its official application letter to all members, collecting their responses, and reporting it to the President of AACC as a material for the deliberation process during the conduct of upcoming Board of Members Meeting (BoMM) in Nur-Sultan City, Kazakhstan, in August 2020.

The picture above was taken from the official visit of the SPC representatives to the Supreme Court of Bangladesh in December last year on conducting further deliberation of SPC proposal that sent before. For your reference, in 2019, the Association welcomed two institutions, which are The Supreme Court of India and the Supreme Court of the Maldives. Meanwhile this year, the Supreme Court of Bangladesh who has been applying for AACC membership since January 2020, will be granted its admission to AACC through the decision on the BoMM.



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2. Initiated the AACC Covid-19 Awareness Campaign

Since being declared by the World Health Organization (WHO) as a global pandemic, the Covid-19 spread has come amid concern in Asia about its serious impact. To respond to the global situation due to the Covid-19, the SPC has initiated to launch the AACC Covid-19 Awareness Campaign in early May 2020. This campaign consists of four major agendas, a declaration of Joint Statement, flyer information about Coronavirus, member countries' action policies, and videos from all member countries of AACC. This campaign is not only aimed to reassure and strengthen the ties among AACC members but also to encourage all members to be more aware of the pandemic and encourage one another on preventing/combating it. Although this situation is unfortunate for the society, digital technology plays its essential role during current situation in modern judiciary. These four major agendas of AACC Covid-19 Awareness Campaign could be found at www.aacc-asia.org.

JOINT STATEMENT
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT INSTITUTIONS (AACC)
IN ENHANCING COOPERATION ON CORONAVIRUS DISEASE 2019 (COVID-19) RESPONSE
May 15th, 2020

WE, the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), representing:

- The Independent Commission for Overseeing the Implementation of the Constitution of the Islamic State of Afghanistan;
- The Constitutional Court of the Republic of Azerbaijan;
- The Supreme Court of India;
- The Constitutional Council of the Republic of Kazakhstan;
- The Constitutional Court of the Republic of Korea;
- The Constitutional Chamber of the Supreme Court of the Kyrgyz Republic;
- The Federal Court of Malaysia;
- The Supreme Court of the Maldives;
- The Constitutional Court of Mongolia;
- The Constitutional Tribunal of the Republic of the Union of Myanmar;
- The Supreme Court of Pakistan;
- The Constitutional Court of the Russian Federation;
- The Constitutional Court of the Republic of Tajikistan;
- The Constitutional Court of the Kingdom of Thailand;
- The Supreme Court of the Philippines;
- The Constitutional Court of the Republic of Turkey;
- The Constitutional Court of the Republic of Uzbekistan;
- The Constitutional Court of the Republic of Indonesia.

considering the rapidly-evolving outbreak of COVID-19 which was declared by the World Health Organization (WHO) on 30th of January 2020 as a Public Health Emergency of International Concern (PHEIC), and later as a pandemic on 11th of March 2020, as an ultimate test that affected the various sectors of social life, including the work and judicial processes of many courts in members' countries;

Recognizing the significance of people's lives and safety;

Appreciating the mutual cooperation and active engagement among AACC members through various international events;

Expressing our deep condolences and sympathies to the loss of lives and those who are suffering due to the COVID-19;

Acknowledging the threat of the COVID-19 in the region and its significant impact on the important sectors in each of the AACC members' countries, without diminishing our independent standing.

we agree collectively to:

1. Acknowledging the efforts taken by each of the AACC members' countries in combating and preventing the COVID-19 outbreak;
2. Enhancing the exchange and sharing of information amongst members of the AACC on the recent situation and impact of the COVID-19 pandemic to its institutions by utilizing the platforms on digital technology, as a platform for the sharing of best practices and lessons learned;
3. Continuing the existing mutual cooperation and cooperation with other relevant international bodies that can usefully contribute to the implementation by the constitutional review bodies of the functions assigned to them by the Constitution and other legislative acts;
4. Strengthening the ties among AACC members and acknowledging the grave impact of the pandemic as a valuable lesson particularly for our institutions protecting human rights, democracy and rule of law;
5. Wishing everyone around the world to stay healthy and safe during this anxious time;
6. Expressing our highest appreciation and support for the holding of the 4th Congress of the AACC as a biennial event that will be held shortly afterwards in Nur-Sultan city of Kazakhstan.

Here with this Joint Statement has been declared by all members of AACC.

Coronavirus

Overview

Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus. This disease was referred to 2019 novel coronavirus ("2019-nCoV") the Covid-19 which is a new virus linked to the same family of viruses as Severe Acute Respiratory Syndrome (SARS) and some type of common cold. In late 2019, this virus that closely related to SARS coronavirus first identified and outbreak in Wuhan City, Hubei province, China. It was initially reported to the WHO on December 31st, 2019. The virus later caused severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) caused an illness known as Covid-19 which was similar to SARS and was being characterized primarily by fever and respiratory symptoms.¹

Most people infected with the Covid-19 virus will experience mild to moderate respiratory illness and recover without requiring special treatment. Older people and those with underlying medical problems like cardiovascular disease, diabetes, chronic respiratory disease, and cancer are more likely to develop severe illness.²

The virus was also highly contagious. By early 2020, it had spread through-out regions of China and had reached around the globe having been carried by travelers from affected regions. On March 11th, 2020, the WHO declared the Covid-19 outbreak a global health emergency. On March 11th, 2020, the World Health Organization declared the outbreak a pandemic. To first such designation since declaring of H1N1 influenza pandemic in 2009.

Since it has been declared as the outbreak a pandemic, a travel to, from and within many countries was severely restricted as an effort to contain its spread. School, business, sports activities closed, and stay-at-home guidelines were implemented, which strongly encouraged people not to leave their places of residence.

¹ World Health Organization (2020). What you need to know about the new coronavirus and your health. (4). WHO, accessed May 2nd, 2020. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/faq-questions>

² World Health Organization (2020). What you need to know about the new coronavirus and your health. (4). WHO, accessed May 2nd, 2020. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/faq-questions>

³ World Health Organization (2020). What you need to know about the new coronavirus and your health. (4). WHO, accessed May 2nd, 2020. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/faq-questions>

How it Spread and Symptoms

The Covid-19 spreads from person to person in close proximity, similar to other respiratory illnesses, such as the flu. Droplets or bodily fluids such as saliva or mucus from an infected person are dispersed in the air or on surfaces by coughing or sneezing. These droplets can come into direct contact with other people or can infect those who pick them up by touching infected surfaces and then touch their face. However, it is not clear how long a virus can survive on a surface, and how long it stays on an air surface for several hours. It is not yet known how long the virus can survive outside a host, but other viruses, if exposed to their hosts by insects, such as the delivery of ticks, are most at risk of becoming severely ill or dying from the Coronavirus. Although the total number of deaths has not exceeded those recorded during the 2002–2003 outbreak of severe acute respiratory syndrome (SARS), the current mortality rate is much lower than that of SARS. The Coronavirus mortality rate stands at 2.4%, while SARS killed 6% of those infected.¹

Covid-19 affects different people in different ways. Most infected people will develop only mild to moderate illness and recover without hospitalization. Most common symptoms can include:

- Fever
- Cough
- Shortness of Breath

¹ World Health Organization (2020). What you need to know about the new coronavirus and your health. (4). WHO, accessed May 2nd, 2020. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/faq-questions>

Less common symptoms:

- Aches and pains;
- Diarrhea;
- Conjunctivitis;
- Headache;
- Loss of taste or smell.

A rash and/or discoloration of fingers or toes.

Serious symptoms:

- Difficult breathing or shortness of breath;
- Chest pain or pressure;
- Loss of speech or movement.

You might have to seek immediate medical attention if you have serious symptoms, but people with most symptoms will see immediate healthy recovery through their symptoms of fever, the average, it would take 5–14 days from when someone is infected with the virus from symptoms to those or more to 14 days. Remember that some people without symptoms might also spread the virus.¹

Prevention

Here are five possibilities to avoid infection:

1. Wash your hands frequently using soap and water or an alcohol-based handrub.
2. Avoid close contact with anyone who has had or flu-like symptoms.
3. Avoid coughing or sneezing into your hands.
4. Avoid touching your face.

¹ World Health Organization (2020). What you need to know about the new coronavirus and your health. (4). WHO, accessed May 2nd, 2020. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/faq-questions>

You should wash your hands often, especially before eating, after blowing your nose, coughing or sneezing, and going to the bathroom. Soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always use proper hand hygiene technique. Wash for at least 20 seconds. Clean and disinfect frequently touched surfaces daily. This includes tables, door knobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks. If surfaces are dirty, clean them. Use detergent or soap and water prior to disinfection. Use a household disinfectant.

The use of mask is advised if you have respiratory symptoms (coughing or sneezing) to protect others. If you don't have any symptoms then there is no need to wear a mask. If mask were worn, they must be used and removed properly to avoid self-contamination and to limit any personal risk of transmitting the virus. The use of mask alone is not enough to stop infection and must be combined with frequent hand washing, covering nose and mouth, and avoiding close contact with anyone with cold or flu-like symptoms.

Patients should discontinue especially when they are able to gain their general and medicine, get to the doctor, and complete banking activities unless otherwise possible. If must go to person, stay at least 6 feet away from others and disinfected items you must or have touched. Get deliveries and balance, and limit person contact to must be possible.

If not necessary, there is no specific treatment for Covid-19, but you can seek medical care to help relief your symptoms. If you need medical attention, call about the best way to protect yourself to avoid being exposed to the virus that causes Covid-19. At this time, no specific vaccine is not yet known, however there are many ongoing clinical trials assessing potential vaccines.

3. Supporting the Congress, MSG, and BoMM on 27—28 August 2020 at Nur-Sultan, Kazakhstan

Serving as the President of AACC from 2019—2021, The Constitutional Council of Kazakhstan hosts the series of AACC events: the 4th Congress, Meeting of Secretaries General, and BoMM that will be held on 26—27 August 2020 at Nur-Sultan, Kazakhstan. Unfortunately, the suffering global situation due to the Covid-19 attack has restricted the international flights as an effort to diminish the spread of Covid-19. Therefore, the events will be conducted online through video conference. The events will also be streamed through the Host's website and the Host's Youtube channel.



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Since the beginning of 2020, the SPC has intensively communicated with our counterpart in Kazakhstan to prepare the events including sharing some previous documents as a reference on arranging the schedule. The result of this consistent hardwork will be seen on August 26—27, 2020, where all member countries of AACC are welcomed to the events.

4. Upgrading Process of the AACC website

To express the commitment of SPC on ensuring a fulfilment of its task, the SPC launched a website of AACC at www.aacc-asia.org on 2018. The website has many features that facilitate all member countries of AACC to update their information about their institutions, events, and landmark decisions. Each member has obtained their own username and password therefore it is more convenient for them to update the information.

As a result from the Liaison Officer (LO) Meeting of AACC on November 6th, 2019, in Bali, the SPC had re-delivered the username and password to all AACC members including to the new member, the Supreme Court of India and the Supreme Court of the Maldives. The SPC expresses its deepest appreciation for members who has continuously updated their information and always encourages other members to do aforementioned. In the future, SPC is planning to launch new features to gather all information regarding all data collected from the very first AACC events in 2010.

5. The 17th Anniversary of the Constitutional Court of the Republic of Indonesia

Established in August 13th, 2003, as a result from the amendment of 1945 Constitution, the Constitutional Court of the Republic of Indonesia has a significant role to the society. Its authorities include of large range from judicial review, resolution of disputes over the state institutions as well as resolution of disputes over the results of general election and the election of governor, regents, and mayors. This year, commemorating the seventeenth anniversary of the Court, besides conducting a ceremony, the Court also humbly wishes for successful endeavours in the future, more fruitful established cooperation with counterpart countries, and particularly on handling the given tasks on guarding and protecting the Constitution as well as promoting democracy and rule of law in society.



This year, commemorating the seventeenth anniversary of the Court, besides conducting a ceremony, the Court also humbly wishes nothing but a successful endeavour in the future, more fruitful established cooperation with counterpart countries, and particularly on handling the given tasks on guarding and protecting the Constitution as well as promoting democracy and rule of law in society.



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6. The Meeting of Secretaries General (MSG), Board of Members Meeting (BoMM), and the 4th Congress of AACC

The SPC conveys its sincere appreciation to the Constitutional Council of the Republic of Kazakhstan as a Host of the conduct of the Meeting of Secretaries General (MSG), Board of Members Meeting (BoMM), and the 4th Congress of AACC on August 26—27, 2020. Due to the outbreak of the Covid-19, the events conducted through video conference and participated by all AACC members except the Philippines.

Some landmark decisions from the events are the Bangladesh admission, the MoU between AACC and Eurasian Association of Constitutional Review Bodies, the amendment of AACC Statute, and the Nur-Sultan Declaration. The SPC believes that the conduct of these events will bring fruitful accomplishments to the AACC in the future.



7. Highlights on International Events of AACC Members

One of the feature on SPC Newsletter is to highlight International Events of AACC Members. During 2020, there were five international events conducted by AACC members. Among those five events, two of them were cancelled due to the early Covid-19 outbreak while three of them were successfully conducted in offline and online platform as below.





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- The International Judicial Conference “Judiciary and the Changing World” conducted by the Supreme Court of India on February 21—23, 2020;
- The International Conference “The Protection of Fundamental Rights and Freedoms in the Age of Internet” conducted by the Constitutional Court of Turkey but cancelled due to the outbreak;
- The International Conference “The Role and Significance of the Constitutional Control during Constitutional Reform” conducted by the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic but cancelled due to the outbreak;
- The 8th Summer School “Restriction of Human Rights and Freedoms on Health Emergencies: The Example of Covid-19” conducted by the Constitutional Court of Turkey on September 7—8, 2020, using online platform;
- The 2nd International Research Conference “Freedom of Expression: Experience of AACC Members” conducted by the Constitutional Court of Korea on September 23—25, 2020, using online platform.

To strengthen the ties among AACC members and to organize the schedule of international events from each AACC members, the SPC has launched the internal menu on AACC website that contains schedule calendar therefore each AACC members allow to set the date of their international events to avoid any coincident date with other AACC members.
