



**Minutes of meeting Board of Members Meeting
18 September 2024
09.08—11.02 AM (Bangkok Time)**

Participants:

1. Constitutional Court of the Republic of Azerbaijan

Mrs. Humay Afandiyeva, Judge
Mr. Rauf Guliyev, Secretary General
Mr. Orkhan Rzayev, Senior Adviser

2. Supreme Court of the Republic of India

Mr. Prashant Kumar Mishra, Judge
Mr. Augustine George Masih, Judge

3. Constitutional Court of the Republic of Indonesia

Mr. Suhartoyo Suryohadipranoto, Chief Justice
Mr. Heru Setiawan, Secretary General
Mr. Immanuel Hutasoit, Head of Permanent Secretariat of AACC & International Relations
Mr. Achmad Edi Subiyanto, Senior Registrar
Mr. Paulus Rudy Calvin Sinaga, Expert Assistant for Chief Justice
Mr. Luthfi Yudhistira, Foreign Cooperation Analyst

4. Constitutional Court of the Republic of Kazakhstan

Miss Elvira Azimova, Chairperson
Mr. Kairat Zhakipbayev, Judge
Mr. Azat Rakhmetov, Analyst

5. Constitutional Court of the Republic of Korea

Mr. Jongseok Lee, President
Mr. Youngjin Lee, Justice
Mr. Jungwon Kim, Secretary General
Mr. Hyungmok Jo, Rapporteur Judge
Mr. Changsung Song, Rapporteur Judge
Mrs. Hari Im, Assistant Director
Miss Wonju Shin, Legal Translator

6. Constitutional Court of the Kyrgyz Republic

Mr. Emil Oskonbaev, President

Mr. Mukambet Kasymaliev, Justice
Mr. Kanybek Masalbekov, Secretary General
Mr. Rustanbek Dzholchuev, Security Guard

7. Federal Court of Malaysia

Mrs. Tengku Maimun Tuan Mat, Chief Justice
Mr. Abang Iskandar Abang Hashim, President of the Court of Appeal
Mr. Zamri Bakar, Chief Registrar
Miss Firdaus Md Isa, Deputy Registrar

8. Constitutional Court of Mongolia

Mr. Bayasgalan Gungaa, Chief Justice
Mr. Gangabaatar Dashbalbar, Justice
Mrs. Enkhtuya Erdenee, Justice
Mr. Bilguun Ganselem, Head of the Protocol and Foreign Relations Department
Mr. Munkhbat Vanchinjav, Assistant to the Chief Justice

9. Constitutional Tribunal of the Republic of the Union of Myanmar

Mr. Aung Zaw Thein, Chairperson
Ms. Nant Yin Yin Nwe, Deputy Director

10. Supreme Constitutional Court of the State of Palestine

Mr. Ali Muhanna, President
Mr. Bashar Daraghma, Justice

11. Supreme Court of the Republic of the Philippines

Mr. Marvic M.V.F. Leonen, Senior Associate Justice
Mr. Sedfrey Candelaria, Supreme Court Designated Liaison Officer for AACC
Mr. Antonio Ceasar Manila, Deputy Chief Justice Staff Head
Miss MA Cristina R. Villanueva-Guerrero, Deputy Justice Staff Head
Mrs. Clemens Sabitsana, Court Attorney VI
Mrs. Maria Lourdes Cabasug, Court Attorney VI

12. Constitutional Court of the Russian Federation

Mr. Sergei Kazantsev, Judge
Mr. Pavel Ulturgashev, Deputy Head of Department of International Relations and Research of Constitutional Review Practice

13. Constitutional Court of the Kingdom of Thailand

Prof. Dr. Nakharin Mektrairat, President
Dr. Punya Udchachon, Justice
Prof. Dr. Chiranit Havanond, Justice
Mr. Noppadon Theppitak, Justice
Mr. Bunjongsak Wongprachaya, Justice
Prof. Dr. Udom Rathamarit, Justice
Mr. Sumath Roygulchareon, Justice

14. Constitutional Court of the Republic of Türkiye

Mr. Kadir Ozkaya, President
Mr. Irfan Fidan, Justice
Mr. Murat Azaklı, Secretary General
Mr. Mucahit Aydın, Deputy Secretary General
Mr. Muhammet Lutfu Balci, Security Officer
Mr. Ahmet Durmaz, Security Officer

15. Constitutional Court of the Republic of Uzbekistan

Mr. Mirza-Ulugbek Abdusalomov, Chairman
Mr. Abdumannob Rakhimov, Judge
Mr. Sherbek Isakulov, Senior Expert

16. Constitutional Court of the Kingdom of Thailand

Mr. Suttirak Songsivilai, Secretary-General
Ms. Romprang Suamprakham, Deputy Secretary General
Mrs. Pornpimol Ninthajan, Deputy Secretary General
Mr. Aditthep Auiyapat, Senior Expert on Legal Cases, Acting Deputy Secretary General
Mrs. Wipawan Havanond, Expert on Administration, Acting Deputy Secretary General

17. Host Secretariat

Ms. Sivaporn Chalermwong, Academic Expert
Ms. Praiya Tasanasakul, Legal Expert
Mr. Pitaksin Sivaroot, Director of Interpreter and Translation Sub-division
Mr. Thitiphong Roekyen, Constitutional Court Academic Officer
Mr. Sirawat Lipipant, Constitutional Case Officer
Mr. Sakunphong Treesomphong, Constitutional Case Officer
Ms. Piengporn Phetumpai, Constitutional Court Academic Officer
Ms. Tanwarat Khumkiet, Constitutional Court Academic Officer

Opening remarks by the President of AACC

H.E. President of AACC / Chief Justice of the Royal Constitutional Court: Mr. Nakharin Mektrairat

Mr. Nakharin Mektrairat opening the meeting by warmly welcoming all delegates and expressing his gratitude for their presence. He extended special thanks to the three Permanent Secretariats for their contributions and efforts. After briefly reviewing the agenda, he sought its formal adoption by the participants. Mr. Nakharin also informed the attendees that Justice Noppadon Theppitak would serve as the chairman of the meeting, leading the discussions ahead.

Session 1

Chairman: H.E. Mr. Noppadon Theppitak

- a) H.E. Mr. Noppadon Theppitak as chairman conveyed the agenda regarding following-up cooperation with other associations (CCJA, CECC, EACRB). He asked the Chief Justice of Indonesia to give updates of the cooperation between 3 associations.
- b) H.E. Chief Justice of the Constitutional Court of the Republic of Indonesia, Suhartoyo emphasized the active cooperation between AACC and CCJA, formalized in 2017, with a joint 2022 conference and updates featured in the AACC 2024 newsletter. He also discussed the cooperation with EACRB (2021) and CECC (2022), followed up by Thailand inviting their representatives to the 6th AACC Congress. He proposed involving them in future AACC international activities, including events in Indonesia, Türkiye, and Korea.
- c) Chairman noted of the signing of MoU between AACC-CIJC will be initiated in the late morning of 19th of September 2024. Chairman give Indonesia the floor to explained about the process of MoU.
- d) H.E. Chief Justice of the Constitutional Court of the Republic of Indonesia, Suhartoyo congratulated the AACC and CIJC on their newly established cooperation, noting that discussions began years ago between AACC's Permanent Secretariat in Jakarta and CIJC, represented by the Constitutional Court of Spain. He thanked the Constitutional Court of Thailand for its active role in finalizing the memorandum this year and expressed Indonesia's readiness to facilitate the follow-up actions.
- e) The Chairman thanked Indonesia for its efforts in facilitating the establishment of the MoU.
- f) President of the Constitutional Court of Türkiye, H.E. Mr. Kadir Özkaya said that AACC is a crucial platform for cooperation, and Türkiye fully supports its activities. Collaboration with other regional associations is essential and he congratulate the Thai and Indonesian Courts for their successful efforts. Türkiye, as a member of both AACC and CECC, is pleased to announce that CECC will hold its 19th Congress next year in Moldova. At a recent conference in Moldova, the CECC conducted a successful academic program on the rule of law, common law, and case law. Looking forward, the CECC propose joint academic initiatives to address common issues in Europe and Asia, particularly human rights and the rule of law. Regarding AACC, H.E. Mr. Kadir Özkaya suggest two ideas for future cooperation:
 - Both Associations could regularly share case law summaries, perhaps every three months, through the SPC or SRD, distributed to all AACC members via the

Secretariat to keep the members updated on developments in other jurisdictions.

- Both Associations could create a mechanism allowing member courts to submit questions on significant cases they are handling, enabling other members to share relevant laws and case data to assist in resolving or understanding these cases.
- g) Chairman thanked Türkiye for the valuable proposals, continued to the report from the Royal Thai Court as the host president of AACC. SG Mr. Suttirak Songsivilai will provide the report. He also invited Chief Justice of Indonesia to explain regarding the annual fee (financial support) from internal AACC.
- h) H.E. Chief Justice of the Constitutional Court of the Republic of Indonesia, Suhartoyo explained the financial arrangements of AACC, that since its founding in 2010, the organization never has its own financial contribution from its members. It was discussed in 2015 and 2016, but no concrete agreements were reached. He also referred to Article 23 of the AACC Statute, which outlines member contributions based on capability.

The views of Indonesian delegation as follows:

- AACC has achieved success over 14 years through mutual cooperation, despite not having its own financial resources.
 - Indonesia values the principle of mutual cooperation, viewing it as central to AACC's identity. This "Asian way" of shared responsibility has been demonstrated, with each AACC President voluntarily funding congresses and members covering their own attendance costs.
 - While Indonesia believes the current system is sustainable, they are open to exploring new approaches if members wish to pursue a different financial model, and the Permanent Secretariat is ready to assist with further study.
- i) Chairperson of the Constitutional Court of Kazakhstan, H.E. Elvira Azimova stressed the importance of strengthening the platform and highlighted the significance of proposals for potential funding and support for the association's activities. She urged all members to address this issue in good faith and suggested including a provision for voluntary contributions from members and other organizations in the association's statutes, ensuring compliance with legal standards and principles of justice. Furthermore, she proposed submitting this relevant proposal through diplomatic channels, noting that involving constitutional courts in state budgets requires specific procedures. In summary, the Constitutional Court of Kazakhstan supports the proposal and recommends taking appropriate measures to effectively address this issue.
- j) H.E. Chief Justice of the Korean Constitutional Court, Mr. Jongseok Lee agreed on the necessity of financial contributions from AACC members, acknowledging that each member may face different internal and practical challenges. He emphasized the importance of thoroughly reviewing this issue by each member to reach a consensus. Given the longstanding nature of this matter, he suggested that a comprehensive review and collective opinions from all member states would be beneficial.
- k) The Chairman proposed that Indonesia consider all the comments made today and collaborate with other member countries to explore the possibilities regarding financial contributions. He suggested that this topic be further discussed at the next Board Meeting during the 7th Congress of AACC.

- l) President of Constitutional Court Türkiye, H.E. Mr. Kadir Özkaya expressed that it doesn't appear to be a strong will to change the current financing model of the association, where the host covers financial expenses. However, he suggested that further discussion on this issue could take place at the next meeting.
- m) Chairman concluded the decision has been agreeable.

Session II

Chairman: H.E. Mr. Noppadon Theppitak

Chairman outlined that this session will cover two items: the activity reports of the Constitutional Court of Thailand during its presidency of AACC and the reports from the Permanent Secretariat and the Center for Training. He noted that the Thai Constitutional Court assumed the AACC presidency on October 10, 2023, with the transfer of the AACC flag from Mongolia. Since then, Thailand has actively collaborated with the AACC Secretariat, especially the SPC managed by Indonesia. Thailand also participated in the 21st Bureau meeting of the World Conference on Constitutional Justice in Venice on March 26, 2024, as the representative of Asia, where as the President of AACC gave its activities report and launch the AACC's management plan which are the preparations for future AACC events. The floor was then handed to Mr. Suttirak Songsivilai for further updates.

Mr. Suttirak Songsivilai, Secretary-General of the Royal Thai Constitutional Court:

Start of Thailand's AACC Presidency

On 10th October 2023, the Constitutional Court of Mongolia, represented by Mr. Davaadalai Galbaabadraa, Deputy Secretary-General, handed over the AACC Presidency with the flag to the Constitutional Court of the Kingdom of Thailand, represented by Mr. Suttirak Songsivilai, Secretary-General, on behalf of the President of the Constitutional Court of the Kingdom of Thailand. Such an important event was attended by the Ambassador of Mongolia to Thailand as well as the executives of the Office of the Thai Constitutional Court. After that, the Office of the Constitutional Court of the Kingdom of Thailand as the AACC Host Secretariat sent a letter dated 20th October 2023, informing the AACC Permanent Secretariat for Planning and Coordination (AACC PSPC), situated in Jakarta, Republic of Indonesia, about Thailand holding such position officially.

The 21st Bureau of the WCCJ in Venice, Italy

On 16th March 2024, the Constitutional Court of the Kingdom of Thailand as the AACC President chaired the 21st Meeting of the Bureau of the World Conference on Constitutional Justice (WCCJ) in Venice, Republic of Italy. This meeting is one of the mechanisms of the WCCJ, which aims to promote constitutional justice through constitutional review, safeguard human rights, and uphold the rule of law, attended by various regional and linguistic associations of constitutional review bodies.

The Thai representatives' leadership not only led to the management of the meeting, but also enhanced regional cooperation to the international level.

Preparation: The 6th AACC Congress in Bangkok

As the AACC President between 2023 and 2025, the Constitutional Court of the Kingdom of Thailand organized the 6th AACC Congress from 17th to 21st September 2024 in Bangkok, Thailand, under the theme: "The Constitutional Courts and Equivalent Institutions in Strengthening Constitutional Justice for Sustainable Society," which was divided into following three sub-themes:

1. The Constitutional Courts and Equivalent Institutions in Strengthening Constitutional Justice for Sustainable Society;
2. The Evolvement of Constitutional Justice for Sustainable Justice in the Changing World; and
3. Constitutional Justice as the Foundation of Sustainable Social Development.

That event was attended by the members of the AACC, together with other special guests from different regional or linguistic associations that have established academic cooperation with the AACC; that is, 14 countries in total.

The Congress in Bangkok was a forum for all the participants to exchange their experiences and perspectives, covering many constitutional aspects such as the rule of law, equal access to justice, fundamental rights protection, and non-discriminatory law enforcement. To be more specific, the concept of the Congress was formulated from the United Nations Agenda for Sustainable Development Goals (SDGs), or particularly, Goal 16 which focuses on peace, justice, and strong institutions.

Mr. Heru Setiawan, Head of Permanent Secretariat of Planning and Coordination:

- **AACC Statute:**
The Permanent Secretariat in Jakarta has compiled a unified AACC Statute, combining previous amendments into a single-text document. This statute, available in English and Russian, will be published on the AACC website following the Board of Members Meeting (BoMM) in Bangkok.
- **Meetings Between AACC Permanent Secretariats:**
The Permanent Secretariats of Indonesia (Planning and Coordination), Korea (Research and Development), and Turkiye (Training) along with Thailand's Constitutional Court held an online meeting on August 2024, to discussed some issues:
 - Possibilities of having an annual major theme for AACC's international events and symposiums.
 - Technology-based research cooperation among AACC members and similar associations.
- **Congress and BoMM Preparation:** Several online meetings were held to discuss these events, including a working visit to Bangkok by the Indonesian delegation in June 2024.
- **On September 5, 2024, Indonesia and Thailand jointly held an Online Meeting of Secretaries Genera, discussing:**
 - Bangkok Declaration proposals.
 - AACC Presidency matters.
 - Financial arrangements for the Association.
- **New AACC Membership and Cooperation:**

- The Iraqi Federal Court has expressed interest in joining the AACC, with further communication via diplomatic channels.
- Future approaches will be made to Cambodia, Brunei Darussalam, and Timor Leste. Permanent Secretariat also urge the members to approach their neighboring countries to join the Association.
- A memorandum of understanding (MoU) between the AACC and the Ibero-American Conference of Constitutional Justice (CIJC) will be signed at the upcoming Congress.
- **AACC-CCJA Meeting:**
A meeting in Algeria (June 2024) between the permanent secretariat of AACC and the Permanent Secretariat of the Conference of Constitutional Jurisdiction of Africa (CCJA) discussed the second joint congress planned for 2025, which possibly to be hosted by Angolan Court.
- **AACC Newsletter:**
The fourth volume of the newsletter, published in June 2024, includes summaries of activities from 20 AACC member countries, aiming to enhance communication and collaboration.
- **International Short Course (August 2023):**
A short course was held, attended by 16 AACC member countries, with Indonesia, Korea, and Turkiye presenting for the first time.
- **International Activities:**
Overview of collaborative international activities among AACC members.

Mr. Jungwon Kim, Secretary General of Constitutional Court of Korea:

The Permanent Secretariat for Research and Development (SRD) reported that there are two Deputy Secretary Generals at this moment, namely Mr. Suttirak Songsivilai from the Constitutional Court of the Kingdom of Thailand and Mr. Kanybek Masalbekov from the Constitutional Court of the Kyrgyz Republic.

Furthermore, seconded researchers from a couple of members of AACC are working in SRD at this moment. The SRD's main task is to publish a book and host an international conference every year. Each year SRD host a conference dealing with the constitutional justice, with the participation of judges one year and researchers the year after, taking turns every year.

Thanks to the seconded researchers, the SRD has advanced to a new level. The SRD looks forward to the continuous interest and support and also the commitments from all AACC members until now should be appreciated.

The homepage of AACC SRD on the internet website is available not only in English but also in Russian language. As for the 2024 research topic is "Constitutional Rights and the Environment".

So far, SRD has published a series of six volumes of books since 2018 and the conference has been held in Seoul 8 times, 4 times with judges and 4 times with researchers.

Last May, the SRD held the 4th Research Conference on Constitutional Rights and Environment. Next year, the SRD shall host a conference with judges, and would like to encourage all the members to meet in Seoul.

H.E. Chief Justice of the Korean Constitutional Court Mr. Jongseok Lee added that, the AACC SRD has successfully organized eight international conferences for justice and research since

its launch in 2017. The SRD has also published six publications reflecting the outcomes of joint research efforts by AACC members, achievements made possible by the interest and active participation of those members. He expressed appreciation to all AACC members for their contributions. Looking ahead, the SRD Secretariat will hold an international conference at the justice level next year, and he encouraged all member institutions to attend and share valuable insights.

Mr. Murat Azaklı, Secretary General of Constitutional Court of Türkiye:

Mr. Murat Azaklı highlighted that since 2013, the Constitutional Court of Türkiye has successfully organized annual Summer School programs for AACC member representatives, functioning as the Center for Training and Human Resources Development. A dedicated section for the Center has been established on the Court's official website, where presentations from the Summer School are compiled into a digital book, and all related materials are systematically categorized.

The 12th Summer School will be held from September 30 to October 3, 2024, focusing on “Use of Information Technologies and Artificial Intelligence in the Higher Judiciary,” with two representatives invited from each court or institution. The 11th Summer School, themed “Judicial Independence as a Safeguard of the Right to a Fair Trial,” took place in Ankara in September 2023 with participation from 27 countries.

Previous editions included themes such as constitutional rights during health emergencies, presumption of innocence, and migration law. Each event has seen growing participation and has contributed significantly to knowledge sharing among member institutions. The first Summer School was held in 2013, and the initiative has since evolved into an essential part of AACC activities.

H.E. Elvira Azimova, Chairperson of Constitutional Court of the Republic of Kazakhstan:

Chairperson of Constitutional Court of the Republic of Kazakhstan H.E. Madame Elvira Azimova expressed her gratitude for the work done by the Center for Training and Human Resources Development (CTHRD) in Ankara. She emphasized the importance of the CTHRD contributions to the Association and expressed her hope that Kazakhstan would continue to collaborate on meaningful projects with CTHRD and other AACC members in the future.

Session 3

The Chairman introduced the final session of the meeting, which focused on two sub-items. The first sub-item involved the discussion of the 6th Congress Final Document, the Bangkok Declaration. He informed the members that three countries—Palestine, Azerbaijan, and Kazakhstan—had proposed the inclusion of a third paragraph in the declaration, addressing specific issues:

- Palestine: A paragraph regarding the protection of human rights for civilians, particularly in the Palestinian territories.
- Azerbaijan: A paragraph related to their hosting of the 29th Conference of Parties.
- Kazakhstan: A paragraph on cooperation between the Constitutional Court and the Venice Commission.

Additionally, the Chairman acknowledged the receipt of letters from Malaysia, Korea, Russia, and Türkiye, providing their opinions and observations on these proposals.

Thailand, as the chair and drafter of the declaration, expressed no objections to incorporating the paragraphs, yet suggested adjustments to the wording to maintain consistency with the essence of the draft declaration and its main theme. The adjusted draft was presented, with the proposed paragraphs as follows:

- Palestine: Paragraph 3.
- Azerbaijan: Paragraph 4.
- Kazakhstan: Paragraph 5.

The Chairman then invited comments or objections from the floor and other members regarding the proposed additional paragraphs.

- a) H.E. President of the Supreme Constitutional Court of Palestine, Mr. Ali Muhanna acknowledged the legal and constitutional focus of the conference but emphasized that it is difficult to separate legal issues from political matters, particularly in the case of Palestine. He highlighted the suffering of the Palestinian people over the past 70 years, citing the devastating impacts of recent conflicts in Gaza and the West Bank. He mentioned that more than 41,000 people had been killed, and over 100,000 had been injured or disabled, with many of the victims being women, children, and infants. H.E. Mr. Muhanna expressed the belief that the international community, including this conference, has a responsibility to act against the ongoing war. He called for support in providing international protection for the Palestinian people, putting an end to the conflict, and recognizing the Palestinian rights to self-determination and the establishment of an independent state. He thanked the assembly for their attention.
- b) Justice of the Supreme Court of the Philippines, H.E. Marvic M.V.F. Leonen began by expressing the Supreme Court of the Philippines' gratitude to the Constitutional Court of Thailand for its outstanding organization of the Board of Members Meeting and the 6th AACC Congress. He also extended thanks to the Secretariats of Indonesia, Turkey, and South Korea for their continued efforts in fostering cooperation among the courts.

H.E. Justice Leonen also highlighted the Philippine government's abstention on the UN General Assembly Resolution ES10/21 regarding the protection of civilians in Gaza. Given this, he suggested that the Philippine judiciary must remain neutral, as a case concerning this issue might be brought to their court. He stressed that the Supreme Court of the Philippines cannot take an official stance without the consensus of all its justices and proposed a more neutral wording for the declaration.

He recommended adding the statement: *"We reaffirm our belief in international law as elaborated by international courts and arbitral bodies."*

H.E. Justice Leonen concluded by drawing attention to other global conflicts, notably the West Philippine Sea issue, where the Philippines seeks international legal support rather than addressing it through the AACC. He reiterated the Philippines' stance of adhering to international law and remaining cautious about involving political matters in the association's legal proceedings.

- c) H.E. Chief Justice of the Constitutional Court of the Republic of Indonesia, Suhartoyo expressed Indonesia's full support for the inclusion of the paragraph regarding Palestine in the Bangkok Declaration. He reaffirmed Indonesia's unwavering commitment to advocating for justice, peace, and human rights. Therefore, he propose this sentence to be included on the Bangkok Declaration: *"We firmly commit to advocating for justice, peace and human rights; and standing united against any actions that threaten the lives, security, freedom, and dignity of individuals and nations."*
- d) The Chairman thanked Indonesia for its comments and acknowledged the proposal. However, he expressed concern about reopening discussions on the paragraph concerning Palestine, stating that the draft had already been agreed upon by the Palestinian delegation. He appealed to Indonesia to accept the current text of the paragraph as is, in order to avoid reopening further debate or complicating the finalization of the Bangkok Declaration.
- e) H.E. Chief Justice of the Constitutional Court of the Republic of Indonesia, Suhartoyo responded, stating that the decision ultimately depends on the consensus of all members or delegations. He emphasized that if they agree, the proposed addition would be beneficial.
- f) The Chairman addressed the issue raised by the Philippines, noting that the Philippines had abstained from voting on UN General Assembly Resolution ES10/21 on 27th October 2023 for personal reasons. However, he pointed out that the UN Security Council, during its 9650th meeting on 10 June 2024, had adopted the resolution, although it was not unanimous, with 14 votes in favor.
- g) H.E. Chief Justice of the Constitutional Court of the Republic of Indonesia, Suhartoyo believes that his statement presents a more neutral stance compared to the opinion expressed by the Philippines.
- h) The Chairman asked if the proposal is to insert Indonesia's sentence and remove the part about the Philippines having difficulties accepting the general resolution.
- i) Justice of the Supreme Court of the Philippines, H.E. Marvic M.V.F. Leonen clarified that the Court, consisting of 15 justices and the Chief Justice, could currently take a position on the paragraph in question. However, signing the Declaration now could lead to a constitutional crisis if a case arises concerning their government's abstention at the UN. He expressed concern that agreeing to the Declaration might place the Court in a difficult position, especially since 44 governments, including the Philippines, abstained from the UN General Assembly resolution. He suggested that it would be better for the Court to remain neutral and later articulate its views clearly in a signed opinion by all justices if a related case arises.
- j) The Chairman acknowledged the Philippines' position and expressed understanding. To accommodate the sentiments of the Palestine delegation while managing time constraints, he proposed to keep the paragraphs open for further discussion. He

suggested working out the details personally with representatives from Indonesia, the Philippines, and Palestine, and committed to reporting back to the meeting with a final update by tomorrow afternoon during the Board of Members Meeting (BoMM).

- k) Chairperson of Constitutional Court of the Republic of Kazakhstan H.E. Madame Elvira Azimova clarified Kazakhstan's position regarding the recent revisions related to Palestine. Kazakhstan supports the resolution referenced in the draft declaration and sees no legal obstacles to the current proposed wording, which aligns with a specific UN act and is considered more favourable than previous versions. She acknowledged the concerns raised by the Philippines, emphasizing the importance of legal positions, especially since they did not support the resolution. She highlighted that all constitutional courts emphasize the sanctity of human life and health in their decisions, as enshrined in their constitutions. She proposed a wording adjustment that begins with "Taking into account the corresponding resolution," allowing countries that abstained from voting to maintain their stance without contradiction. She also suggested that discussions on rights related to life and health should emphasize that constitutional courts prioritize these areas. Overall, she expressed support for minimal adjustments to the current wording that would accommodate the positions of both the Palestinian and Philippine delegations, in line with the Indonesian delegation's suggestion to avoid extensive amendments to prevent further debates.
- l) H.E. Justice of the Supreme Court of the Republic of India, Mr. Prashant Kumar Mishra expressed gratitude to the head of the Constitutional Court of Thailand for hosting the conference and congratulated them on their efforts. He reiterated India's long-standing support for the two-state solution and highlighted that India was among the first countries to recognize Palestine in the late 1980s, maintaining a strong relationship with the Palestinian people through institutional building and development cooperation. He emphasized India's continued support for the Palestinian people during the current conflict, advocating for a ceasefire, the immediate release of hostages, the protection of civilians, and ongoing humanitarian assistance, which reflects the official stance of the Republic of India. However, he expressed reservations about including such political formulations in the declaration, noting that the Association of Asian Constitutional Courts and Equivalent Institutions is primarily focused on justice and humanitarian issues. He concluded by stating that it may not be appropriate for the association to take a political stance on these matters.
- m) President of Constitutional Court Türkiye, H.E. Mr. Kadir Özkaya began by expressing support for Azerbaijan's initiative to organize a conference on climate change under the United Nations, affirming his court's readiness to include a paragraph in the Declaration regarding this matter and to provide any necessary support as a constitutional court.

H.E. Mr. Ozkaya emphasized that constitutional bodies are primarily bound to uphold human rights and freedoms, highlighting the right to life as the most fundamental human right enshrined in all constitutions. He stressed the urgent need to protect this right, particularly in light of the grave violations occurring in Palestinian territories,

where a significant number of babies, children, and women are losing their lives daily. He asserted that, as defenders of human rights, law, and freedoms, they cannot remain indifferent to such serious violations.

He further noted that the primary purpose of their association is to support and protect human rights, aligning their efforts with the goal of addressing and stopping these grave violations. Ozkaya reminded attendees that the Palestinian Supreme Constitutional Court is a member of their association, underscoring the responsibility to address violations occurring in the territories of member states.

- n) Justice of the Supreme Court of the Philippines, H.E. Marvic M.V.F. Leonen raised concerns about the purpose of the association in relation to the UN General Assembly resolution, questioning the implications of adding their voice when his government has abstained from voting. He further questioned how far the association intends to go in addressing global conflicts, acknowledging the tragedies in Palestine while recognizing that other regions also experience significant suffering due to armed conflicts. He noted the South China Sea situation as an example and expressed concern about the potential for political ramifications based on differing national positions on various global issues.

H.E. Mr. Leonen sought clarity on the association's intention: whether to make statements on every conflict, including those unrelated to Palestine, or to empower constitutional courts to compel their governments to uphold international law and human rights. He concluded that the association would be more effective if it focused on strengthening the capabilities of constitutional courts rather than substituting the views of political departments.

- o) H.E. Chief Justice of the Federal Court of Malaysia, Madam Tengku Maimun Tuan expressed her support for the draft from Indonesia.
- p) H.E. Associate justice of the Supreme Court of the Philippines, Mr. Marvic M.V.F. Leonen requested more time for internal discussions to approve the proposal and asked for an extension until tomorrow.
- q) H.E. President of the Supreme Constitutional Court of Palestine, Mr. Ali Muhanna emphasized Palestine's position regarding the declaration, requesting the conference to include a specific sentence addressing the situation in the Palestinian territories within the final text.
- r) President of Constitutional Court Türkiye, H.E. Mr. Kadir Özkaya expressed support for the draft proposed by Indonesia.
- s) Chairperson of Constitutional Court of the Republic of Kazakhstan H.E. Madame Elvira Azimova proposed a neutral wording for the declaration. She suggested stating, "Taking note of the resolution," followed by its title, which includes the Palestinian issue. She emphasized that constitutional courts should highlight the importance of protecting the human right to life and health, aiming to balance the positions of

delegations that supported the resolution and those that abstained, thereby avoiding conflict.

- t) H.E. President of the Constitutional Court of the Republic of Kyrgyzstan, Mr. Emil Oskonbaev expressed a brief position, suggesting that references to the UN resolution regarding Palestine be excluded from the declaration. He emphasized that 44 countries abstained from supporting the resolution and proposed instead to focus on the Universal Declaration of Human Rights and other international human rights instruments, aligning with the principles of constitutional justice. I propose to emphasize the Universal Declaration of Human Rights and other international human rights instruments. This, I believe, will be in line with the essence and importance of constitutional justice in the world.
- u) H.E. Justice of the Supreme Court of the Republic of India, Mr. Prashant Kumar Mishra requested additional time for internal discussions to approve the proposal, asking for an extension until tomorrow.
- v) The Chairman believes we've had sufficient discussion on this paragraph and will leave it open for further discussion tonight, aiming to adopt the entire declaration tomorrow. The Chairman clarifies that the Philippines will not sign the Declaration but will adopt it by acclamation. However, the Chairman expresses concern that if the paragraph causes any difficulties for the Philippines upon returning home, he would not be pleased with that outcome.
- w) Justice of the Supreme Court of the Philippines, H.E. Marvic M.V.F. Leonen expresses gratitude to all delegations for maintaining an open mind and understanding the position taken by the Philippines. He assures everyone that they should reflect on the discussions until tomorrow, noting that India has a different position as well. He emphasizes that this is a defining moment for the association, and all delegations must consider their stances carefully.
- x) The Chairman inquires whether the proposals from Kazakhstan and Azerbaijan regarding paragraphs 4 and 5 are acceptable to everyone. Noting the absence of comments, he interprets this as a sign of agreement from all parties
- y) H.E. Associate justice of the Supreme Court of the Philippines, Mr. Marvic M.V.F. Leonen points out an insertion in the second paragraph of their proposal, emphasizing that the foundation should not only be based on constitutional law but also on international law as defined by international courts and arbitral bodies.
- z) The Chairman expresses that the additional proposal for the paragraph poses some difficulty for Thailand to consider, as they are not a member of the International Criminal Court. Therefore, the best they can do is to agree on an insertion related to international law only.
- aa) H.E. Associate justice of the Supreme Court of the Philippines, Mr. Marvic M.V.F. Leonen states that the mention of international law is acceptable to them because it

does not imply membership in the International Criminal Court. He emphasizes that their decisions also consider international law.

- bb) Chairperson of Constitutional Court of the Republic of Kazakhstan H.E. Madame Elvira Azimova expresses gratitude to the delegation of Azerbaijan for their improved wording and thanks Thailand for integrating suggestions from both the Azerbaijani and Kazakh delegations. She proposes modifying the paragraph beginning with "we recognize" by adding after "development" the phrase "including the promotion of public awareness of regulation of justice and constitutional control in this area." She emphasizes the importance of supporting the event in Azerbaijan and promoting public awareness of justice decisions, particularly regarding climate change, highlighting the UN's annual report since 2017 on justice and climate change. She advocates for future sessions to focus on how justice addresses these issues, reinforcing the law's role in protecting human rights and the environment for future generations.
- cc) Secretary-General of the Constitutional Court of Azerbaijan, Mr. Rauf Guliyev expresses deep gratitude to the Chief Justice of the Constitutional Court of Kazakhstan for their support and the proposal made. He suggests that the proposal should focus solely on "including the promotion of public awareness in this field" without mentioning the regulatory government aspects and constitutional controls. He emphasizes that this broader phrase will encompass various elements beyond just justice and the role of constitutional courts, ensuring a more inclusive approach to promoting public awareness in the field.
- dd) Chairperson of Constitutional Court of the Republic of Kazakhstan H.E. Madame Elvira Azimova states, "We agreed,"
- ee) H.E. Associate justice of the Supreme Court of the Philippines, Mr. Marvic M.V.F. Leonen expresses support for the proposal from Kazakhstan and Azerbaijan concerning the paragraph related to the environmental event in Azerbaijan.
- ff) H.E. Chief Justice of the Constitutional Court of Turkiye, Mr. Kadir Ozkaya supports the last revision proposed by Azerbaijan, advocating for a reduction of the final sentence to focus solely on public awareness for clarity.
- gg) Chairman states that they will adopt the draft Bangkok Declaration, pending the discussion on paragraph 3, while adding the word "international law" to paragraph 2 as proposed by the Philippines.
- hh) Justice of the Supreme Court of the Philippines, H.E. Marvic M.V.F. Leonen suggests that they adopt the other amendments but not the entire declaration yet, as there is still one paragraph to discuss and adopt, possibly tomorrow.
- ii) The Chairman plans to ask the concerned delegations to discuss the sentences proposed by Indonesia to replace the former paragraph in the draft declaration. He

hopes to finalize it tonight to ensure a smooth adoption tomorrow, acknowledging that time is running out. He then suggests moving to the last item on the agenda.

Session 3

- a) Chairman initiates a discussion about the next presidency of the AACC, recalling that Uzbekistan has offered to host the 7th Congress after Thailand in 2025-2026. He mentions that the Philippines has now offered to chair the 8th Congress following Uzbekistan. He then invites the Chief Justice of Indonesia to provide more detailed information to the meeting.
- b) H.E. Chief justice of the Constitutional Court of the Republic of Indonesia, Mr. Suhartoyo expresses gratitude for the willingness of the Constitutional Court of Uzbekistan to serve as the President of the AACC from 2025-2027 and the Supreme Court of the Philippines from 2027-2029. He emphasizes the commitment of the Constitutional Court of Indonesia, as the Permanent Secretariat of the AACC, to fully support each President and ensure the organization operates smoothly.
- c) H.E. President of the Constitutional Court of Uzbekistan Mr. Mirza-Ulugbek Abdusalomov accepts the next presidency of the AACC for the term 2025-2027 and expresses hope for cooperation with all members during their presidency. He looks forward to achieving good results over the next two years.
- d) The Chairman thanks Uzbekistan and concludes the discussion for the day. He expresses gratitude to all participants for their cooperation, which contributed to a successful meeting. He also thanks the AACC Secretariat, interpreters, and all involved. He hopes to finalize the Bangkok Declaration without difficulties in tomorrow's session.



**Minutes of meeting Board of Members Meeting
19 September 2024
15.20—15.55 PM (Bangkok Time)**

Chairman: H.E. Mr. Noppadon Theppitak

The meeting on September 19th would discussed three items on the agenda with the first item: finalizing the Sixth Congress documentation. He would like to remind everyone that we nearly reached a consensus on the Declaration yesterday, with only one issue remaining regarding the Palestinian territory. As Chair, he sought permission to have side line discussions with relevant representatives to resolve this and adopt the Declaration today.

He is pleased to report that during last, He, along with delegates from India, Indonesia, Palestine, and even the Philippines—whom he contacted by phone—managed to reach an agreement on a new text. The text reads: *"We firmly commit to advocating for justice, peace, and human rights, and stand united against any actions that threaten the lives, security, freedom, and dignity of individuals and nations, including Palestine."* This is reflected in paragraph three of the new draft resolution displayed on the screen and circulated to you all.

He expresses his gratitude to all involved, including India, Indonesia, Palestine, and the Philippines, as well as representatives from Kazakhstan, Korea, Malaysia, Turkey, and Russia who provided valuable input.

With a spirit of compromise, cooperation, and tolerance, He is confident we can ensure our colleagues from Palestine leave satisfied, and that our colleague from the Philippines remains secure in his respected position after adopting the Bangkok Declaration.

The floor is now open for comments on this paragraph.

- a) H.E. President of the Supreme Constitutional Court of Palestine, Mr. Ali Muhanna suggested to replace the phrase "including Palestinian" with "regarding what happens in Palestine.
- b) Justice of the Supreme Court of India, Mr. Prashant Kumar Mishra said that they should avoid indulging in political issues, both now and in the future. Our focus must be on legal matters governing our jurisdictions and fostering cooperation among member countries. Engaging in political discussions may lead to internal conflicts within our conference rather than helping resolve external issues. If another member country finds itself in conflict, what stance will we take as an organization? Therefore, he proposes we maintain the text drafted by the Chair, as it was agreed upon after intense discussions. This text addresses Palestine while also acknowledging conflicts and human

rights violations elsewhere, making it more inclusive and better than the suggestions from our colleague from Palestine."

- c) The Chairman expressed agreement with the statements made and appealed to the delegation from Palestine to withdraw their new proposal. He emphasized the importance of maintaining the current draft to ensure its adoption.
- d) H.E. President of the Supreme Constitutional Court of Palestine, Mr. Ali Muhanna expressed that the sentences in the paragraph do not address their needs or opinions. He acknowledged that while the draft reflects the conference's opinion, it does not include their specific requests or points. He stated that if his colleagues reject his suggestion to replace the sentences with another, that is their decision.
- e) The Chairman thanked everyone and confirmed that the paragraph will remain as agreed upon last night. He then asked if this is acceptable to the delegation from Palestine.
- f) H.E. President of the Supreme Constitutional Court of Palestine, Mr. Ali Muhanna stated that the decision is up to the conference and expressed his gratitude.
- g) Justice of the Supreme Court of the Philippines, H.E. Marvic M.V.F. Leonen proposed enhancing the language of the statement to include the phrase "including those affecting the Palestinian people." He expressed that this adjustment would recognize the struggles of the Palestinian people while respecting India's position against political statements. He emphasized that this change would also enhance the elegance of the English version of the statement.
- h) H.E. President of the Supreme Constitutional Court of Palestine, Mr. Ali Muhanna emphasized that this situation transcends political implications, framing it as a legal and constitutional issue that warrants careful consideration by the Constitutional Court.
- i) Justice of the Supreme Court of India, Mr. Augustine George Masih expressed the importance of specifying terms in a way that encompasses a broader context rather than narrowing it down to a specific group. He clarified that the intent of the conference and association is rooted in constitutional principles and best practices that align with the legal frameworks of member countries.
He acknowledged the concerns of other members and expressed willingness to accommodate the inclusion of "the people of Palestine," emphasizing that this phrase captures both the population and the territorial aspects. He cautioned against reducing the terminology to just "the people," as it might exclude critical elements of the Palestinian context. Ultimately, he expressed a willingness to accept the group's decision while advocating for a more inclusive phrasing that reflects the broader issues at hand.
- j) Justice of the Supreme Court of India, Mr. Prashant Kumar Mishra emphasized the role of constitutional courts in interpreting law and text. He supported the phrasing "including the Palestinian," arguing that it effectively encompasses all issues related to Palestine. He highlighted that this wording includes the various struggles faced by the Palestinian people, reinforcing the idea that it captures the broader context of their situation. Ultimately, he urged that this phrasing would be more suitable for the declaration.
- k) Chief Justice of the Constitutional Court of the Republic of Indonesia, Mr. Suhartoyo expressed that the latest proposal from the Philippines feels more narrow and localized. He argued that the earlier version, which focused on Palestine, was broader and could potentially encompass other Palestinian nations or purposes. He emphasized that using "including Palestinian" offers a more general and inclusive perspective.

- l) The Chairman stated agreement that the original phrasing, which included "Palestinian," was broader and encompassed both people and nations. In contrast, he noted that narrowing it down to "including those affected the Palestinian people" limits the scope to only individuals, thereby reducing the inclusivity of the statement.
- m) H.E. President of the Supreme Constitutional Court of Palestine, Mr. Ali Muhanna expressed agreement with the suggested phrasing, "including those affecting the Palestinian people," as proposed by his colleagues.
- n) The Chairman proposed to substitute the phrase "including those affected, the Palestinian people" with "including the Palestinians," which was agreed upon by all participants. He then announced the adoption of the draft Bangkok Declaration by acclamation.

Next AACC Presidency

- a) The Chairman moved to the next agenda item concerning the presidency of the AACC, confirming Uzbekistan's acceptance to assume the presidency from 2025 to 2027, followed by the Philippines from 2027 to 2029. He sought approval from the meeting for these proposals.
- b) The meeting agreed and congratulate Uzbekistan and the Philippines for the next Presidencies.
- c) Finally, the Chairman concluded the meeting by returning the chairmanship to Prof. Dr. Nakharin Mektrairat, who was to provide closing remarks and officially close the meeting.