



**MINUTES OF MEETING**  
**MEETING OF AACC LIAISON OFFICERS**

**Tuesday, November 19, 2024**

**(1-3 PM GMT+7)**

**Virtual**

A. The Liaison Officers Meeting (“LO Meeting”) of the Association of Asian Constitutional Courts and Equivalent Institutions (“AACC”) on Tuesday, November 19, 2024 virtually, starting at 1:00 PM GMT+7.

B. Opening Remarks

Mr. Heru Setiawan, Secretary-General of the Constitutional Court of the Republic of Indonesia also as the Head of the AACC Permanent Secretariat for Planning and Coordination (“AACC SPC”), delivered his opening remarks. He warmly welcomed the participants and thanked them for attending the meeting. The main focus of the meeting was to connect Liaison Officers of the AACC members to share information regarding programs and issues resulting from the Board of Members Meeting (“BoMM”) held in Bangkok, Thailand in September 2024.

He reiterated that the LO meeting was aimed to align best practices and discuss administrative procedures related to members’ financial contribution. He also emphasized that the LO Meeting was not about making decisions on financial contribution but about sharing information on how each country handled their procedure for financial contribution to international organizations. He added that the AACC SPC has been assigned to prepare a paper analyzing members’ financial contribution to be submitted at the upcoming BoMM.

In addition, he encouraged the participants to share updates on legal issues for the upcoming International Short Course. The goal was for the event to address the needs of AACC members.

C. Introduction by Representatives of the AACC members

The LO Meeting was attended virtually by 16 Liaison Officers or the representative from various professional backgrounds in their respective AACC Members. This session was chaired by Mr. Immanuel Bungkulan Binsar Hutasoit, Head of the AACC Permanent Secretariat and International Affairs Department of the Constitutional Court of the Republic of Indonesia.

He began the introduction of all participants in alphabetical order, as follows:

No.	Institution	Representatives
1.	Constitutional Court of the Republic of Azerbaijan	<ul style="list-style-type: none"><li>Ms. Sabina Mirzayeva, Head of Department of International Law and International Cooperation</li><li>Mrs. Saadat Poladova - Chief Adviser of the Int'l Law and Int'l Cooperation Department</li><li>Mrs. Zeynab Salimbayli - Adviser of the Int'l Law and Int'l Cooperation Department</li></ul>
2.	Supreme Court of India	Mr. Rakesh Kumar, Registrar, International Relations
3.	Constitutional Court of the Republic of Indonesia	<ul style="list-style-type: none"><li>Ms. Indah Apriyanti, Head of AACC SPC Division</li><li>Ms. Hasri Puspita Ainun, Head of Foreign Affairs Division</li></ul>

4.	Constitutional Court of the Republic of Kazakhstan	<ul style="list-style-type: none"> <li>• Mr. Nurysh Tasbulatov, Deputy Head of the Department of International Cooperation and Organizational Support</li> <li>• Ms. Zhuldyz Kamzina, Head of international cooperation and protocol sector</li> </ul>
5.	Constitutional Court of Korea	<ul style="list-style-type: none"> <li>• Ms. Hari Im, Assistant Director</li> <li>• Mr. Hyungsoo Kim, Deputy Director</li> </ul>
6.	Constitutional Court of the Kyrgyz Republic	Ms. Nazik Shatmanova, Head of International Division
7.	Federal Court of Malaysia	Ms. Firdaus Binti Md Isa, Deputy Registrar
8.	Constitutional Court of Mongolia	Ms. Gantuya Dulaanjargal, Senior Researcher
9.	Constitutional Tribunal of the Union of Myanmar	<ul style="list-style-type: none"> <li>• Ms. Khine Zar Thwe, Deputy Director</li> <li>• Mr. Thein Win, Deputy Director-General</li> </ul>
10.	Supreme Court of Pakistan	Mr. Saleem Ahmad, Liaison Officer, International Organizations
11.	Supreme Court of the Philippines	Mr. Sedfrey M. Candelaria, PHILJA Chief of Office for Research, Publications and Linkages
12.	Constitutional Court of the Russian Federation	<ul style="list-style-type: none"> <li>• Ms. Svetlana Karamysheva, Legal Advisor of the Department of International Relations and Research of Constitutional Review Practice</li> <li>• Mr. Pavel Ulturgashev, Deputy head of the Department of International Relations and Research of Constitutional Review Practice</li> </ul>
13.	Constitutional Court of the Republic of Tajikistan	Ms. Nurlyamizoda G., Liaison Officer
14.	Constitutional Court of the Kingdom of Thailand	<ul style="list-style-type: none"> <li>• Mr. Pitaksin Sivavoot, International Division</li> <li>• Ms. Tanwarat Khumkiet, International Division</li> </ul>
15.	Constitutional Court of the Republic of Türkiye	Ms. Gizem Tezyürek, Translator and Interpreter
16.	Supreme Constitutional Court of Palestine	Prof. Dr. Khaled Talahma, Secretary-General

The introduction session ended at 1:20 PM without any confirmation from the Liaison Officer of the Constitutional Court of Palestine yet.

#### D. Discussion of Agendas

Before touching on the subjects of the agendas for today's meeting, Mr. Chairman first congratulated the Constitutional Court of the Kingdom of Thailand as the current President of the AACC for the successful organization of the Sixth Congress of the AACC in September 2024.

##### 1. Procedure and Administrative Process of Financial Contribution

The Sixth Congress of the AACC has resulted in the discussion of financial contribution to the Association. At the BoMM, it was decided that the AACC SPC in Jakarta will submit a policy brief to the next BoMM regarding whether to apply financial contribution. The LO Meeting would not take any decision on the issue, but its results are aimed at helping the AACC SPC prepare the paper work. The paper work will be divided into several chapters. The first chapter will concern to the AACC members' procedures for applying a financial contribution for membership in an international association.

In alphabetical order, the Meeting Participants explained the procedure for applying a financial contribution for membership in an international association in their respective country.

a. Constitutional Court of the Republic of Indonesia

Ms. Indah Apriyanti explained that the procedure begins with a formal written request to the Minister of Foreign Affairs (“MoFA”). This request must include details about the organization, the urgency of joining, its relevance to national priorities, and the required contribution amount, supported by documents such as an urgency paper, cost-benefit analysis, and the organization’s legal framework.

After an administrative review, the proposal is forwarded to an inter-ministerial and institutional working group. The working group evaluates the request based on national priorities, the state’s financial capacity, membership in similar organizations, and the cost-benefit analysis.

The Director-General of MoFA shall submit a plan for the payment of contribution funded by the Ministry of Foreign Affairs’ budget in writing to the Minister prior to the year of contribution payment. After the payment is made, the Director-General submits a written notification to the Court.

The Court is required to report periodically on the benefits of membership to the MoFA. These reports serve as the foundation for membership evaluation by the Minister, with input from the working group, taking into account the utilization reports and other credible information.

b. Constitutional Court of the Republic of Azerbaijan

Ms. Sabina Mirzayeva stated that the Court is a member of the World Conference on Constitutional Justice (“WCCJ”), as do several members of the AACC. The WCCJ has detailed information on the use of the contribution made by the members: interpretation, logistics, administration, etc. It is also a member of the Conference of European Constitutional Courts (“CECC”), where costs for the organization of congresses are shared by members in equal parts. The Court proposed to refer to this cost-sharing practice for the organization of congresses.

c. Supreme Court of India

Mr. Rakesh Kumar explained that when a proposal for financial contribution is received, a very detailed notice is submitted to the chief justice of the Supreme Court, explaining what the membership is going to provide. If the chief justice approves it, the Supreme Court then makes the payment. The procedure does not involve the MoFA.

He later added that if the amount of contribution was indicated, it would be beneficial. Furthermore, stated that in the event that the Court has exhausted its budget, there is also a provision for supplementary demand.

d. Constitutional Court of the Republic of Kazakhstan

Mr. Nurysh Tasbulatov explained that the procedure involves submitting a proposal to the MoFA, detailing the amount of financial contribution, its benefits, and the expectation from this organization. The procedure may take around one year and a half.

e. Constitutional Court of the Republic of Korea

Ms. Hari Im explained that if the AACC decides to get financial contribution from the members, the Constitutional Court of Korea as a national institution run by the national budget should go through a discussion and review process with the Executive and the National Assembly of Korea.

When formulating the following year’s budget, national institutions including the Court usually plan for midterm fiscal plan at the beginning of the year to figure out the expected budget for the next 5 years. Then, the national institutions go on a budget formulation procedure from March to the end of the year. The discussion and review process is formed by the Ministry of Finance (MoF) and the National Assembly. After the MoF formulates the draft of annual budget for the next year and submit it to the National Assembly, the National

Assembly reviews and finalizes it. Considering this, the Constitutional Court should persuade both institutions. The amount of the required budget and future plans are discussed for transparent execution and management of the budget. Further possibilities of change should be explained through the MoF and the National Assembly. However, the budget might not be approved even after going through all the processes, in which the Court would have to repeat the entire procedure in the next year.

If the budget proposal is approved, the Court must report details of the contribution expenditure execution every year. Consequently, possibilities of budget reductions remain. Considering this system, it might take years to solidly secure the budget for the contribution. Accordingly, this issue should be handled with sufficient period of time.

Mr. Hyungsoo Kim added that in short, the budget proposal is submitted one year prior, but contains a five-year plan.

f. Constitutional Court of the Kyrgyz Republic

Ms. Nazik Shatmanova explained that the process is primarily coordinated by the MoF and the MoFA. The procedure for payment of membership contribution to an international organization is regulated by the Resolution No. 817 of the Government of the Kyrgyz Republic. It requires the implementation of domestic procedures, which take around one year or more. It includes coordination with the relevant authorities and approval in accordance with the national legislation.

g. Federal Court of Malaysia

Ms. Firdaus Binti Md Isa explained that in Malaysia, the process of applying for financial contributions requires government approval through a formal submission known as a Memorandum Jemaah Menteri. This memorandum serves as a key document to secure alignment with national priorities and budgetary considerations.

The memorandum is reviewed by key stakeholders, including :

- Ministry of Finance (MOF): Evaluates budget feasibility.
- Attorney General's Chambers (AGC): Ensures legal compliance.
- Ministry of Foreign Affairs (MOFA): Confirms alignment with foreign policy.

Approval is based on the proposal's relevance to departmental needs (Kepentingan Jabatan) and its benefits to Malaysia.

Once the approval is obtained, the budget will be given annually but it is also subject to budget availability and whether there are priority projects in the current year. She highlighted that there is no requirement for a five-year future plan. However, sometimes the implication of the financial contribution will be asked.

h. Constitutional Court of Mongolia

Ms. Gantuya Dulaanjargal explained that the Court needs to submit a proposal to the Government. She highlighted that it will be contingent on the budget. Once an approval is received, the amount for the next year will be fixed. The process takes approximately one year.

i. Constitutional Tribunal of the Union of Myanmar

Mr. Thein Win explained that the Court needs to submit a proposal of financial contribution at the cabinet meeting in order to get the permission. After that, it needs to request the financial budget from the Government. The administrative process takes approximately one year and a half.

j. Supreme Court of Pakistan

Mr. Saleem Ahmad explained that to allocate such kind of budget/fund (for the first time) a proposal is sent to the Chief Justice of Pakistan, mentioning the reasons and benefits for subscription against which fee is to be paid. Once the Chief Justice approves the proposal, the Court takes the matter with the Ministry of Finance. It is pertinent to mention here that

for approval of the budget, requisite data is required to be provided to the Ministry by February for each year so that the Ministry places the same before the National Assembly in the shape of the annual budget. After approval of the Annual budget, the Chief Justice or the Sanctioning Authority (nominated by him) then accords sanction to such amount on its' maturity or due date.

He further added that for the first time, it is mandatory that this Court may be informed about such expenditure/fee six months before passing of the annual budget. The annual budget is tabled in the month of June each year. However, for subsequent years, the expenditure can be released on a notice of three months approximately

k. Constitutional Court of the Russian Federation

Ms. Svetlana Karamysheva explained that there are procedures in Russia for paying dues for different international organizations. However, due to the fact that Russia is currently under international sanction, the Court has no capacity to make any international transfer.

l. Constitutional Court of the Republic of Tajikistan

Ms. Nurlyamizoda G. explained that the Court's financial contributions are being strictly controlled. The Court has to get approval from the MoF, which will then discuss the matter internally within the Government. Usually, in August, the Court gets its budget allocation. Before discussing the contribution, the Court needs to know the amount of the contribution to be made. She highlighted that the contribution can be made for the benefit of the association. The Court needs approximately six months to process the approval.

She later added that the Court's budget for 2025 had been finalized.

m. Constitutional Court of the Kingdom of Thailand

Mr. Pitaksin Sivaroot explained that the Court's budget approval takes about 2 years. The International Affairs Division writes proposal to the Budget Planning Division, sends it to the National Budget Bureau, to the National Assembly (House of Representatives and Senate). The fiscal year in Thailand starts from October. He iterated that is not possible for the process to be less than 2 years.

n. Supreme Court of the Philippines

Mr. Sedfrey M. Candelaria explained that the Supreme Court enjoys fiscal autonomy where it determines its budget policy. It sits in a session, which happens every Tuesday, where any administrative and adjudicatory actions are both determined. Any expenditure goes through a process of Court approval. When the Court's resolution is issued, it will be forwarded to the Finance Management Budget Office, after which payment will be made. Ideally, once the resolution is issued by the Court, payment will be processed no more than a month.

o. Constitutional Court of the Republic of Türkiye

Before explaining the procedure for such a contribution, Ms. Gizem Tezyürek first detailed two membership contributions that the Court makes. Firstly, the annual member fee for the WCCJ in the amount of 2,000 Euros is paid in February. Secondly, the contribution for the CECC, which is determined by the host country after the biannual Congress is organized and the relevant expenses have been calculated, after which the members are notified of the amount of the contribution.

For such a contribution, which is classified as a national contribution, the Court proposes a request to the State Treasury and the payment is made from the national contribution account. Payment will be made within 10-15 days.

p. Supreme Constitutional Court of Palestine

The Supreme Constitutional Court of Palestine has joined the meeting. Prof. Dr. Khaled Talahma apologized for joining the meeting not in time. Furthermore, he explained that challenging circumstances Palestine is currently facing has made it difficult for the Court to

contribute at this time. However, it is committed to fulfilling it once situation improves and peace and prosperity are achieved.

q. Constitutional Court of the Republic of Uzbekistan<sup>1</sup>

After the participants presented the procedures payment of contribution to international organizations in their respective countries, Mr. Chairman summarized them. In general, firstly, the proposal has to go through the MoF and/or MoFA. Secondly, payment can be made directly after the Court sanctions it.

Mr. Chairman also revealed that the AACC SPC will prepare a paper concerning the financial contribution, which will have several chapters. The first chapter concerns the procedures that the members have to go through for paying such a contribution. The second chapter concerns a comparative study with other associations, such as the WCCJ, the CECC, and the CCJA. The third chapter concerns sustainability (budget allocation, regulations) and transparency. The fourth chapter concerns policy options. The paper will also discuss the possible amount of the contribution, which some of the participants inquired throughout the discussion.

2. Input on Relevant Themes and Issues for the Upcoming AACC International Short Course

The AACC SPC is planning to organize an international event in 2025 along with an AACC Liaison officers Meeting offline and an AACC International Short Course. Mr. Chairman invited the participants to provide inputs on legal issues or themes that are currently needed or being discussed in the region, which will be considered for the upcoming AACC Short Course.

a. Supreme Court of the Philippines

Mr. Sedfrey M. Candelaria recommended the theme of “The Use of Artificial Intelligence (“AI”) in Court Processes.” It is currently a global concern, so the Court is actively looking into the use of AI.

b. Supreme Constitutional Court of Palestine

Prof. Dr. Khaled Talahma suggested the topics of “the mechanism of direct (individual) access to justice in the Constitutional Court to facilitate citizens to the Court,” “the rule of constitutional principles in the jurisprudence of the Constitutional Court,” as well as “the relationship between constitutional law and international law, especially dealing with conventions and international treaties.”

c. Constitutional Court of Mongolia

Ms. Gantuya Dulaanjargal recommended the topic of “freedom of expression, with more highlight on criminal code.” She added that in the criminal code of Mongolia, there are new provisions on slander, insult, and malicious gossip and that the Court is looking into comparative research on this topic.

d. Constitutional Court of the Russian Federation

Mr Pavel Ulturgashev explained that this year very recently the Constitutional Court had delivered a very interesting judgment on “non-conviction based confiscation with respect to property bought through means of corruption or other illegal actions.” The Court had conducted a study of foreign countries’ legislations and found out that it was very different. He added that it may be rather interesting to examine from a constitutional standpoint.

e. Supreme Court of Pakistan

Mr. Saleem Ahmad mentioned that hardly a month before the Parliament of Pakistan had included a very important “fundamental right to a clean, healthy, and sustainable environment.” He would like this topic to be included. His second suggestion is “The Transnational Legal Impact of Social Media.”

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<sup>1</sup> As can be seen in annex

Later on he also expressed his interest in how the AACC members manage their libraries and how they provide services to the judges and the Court as well as how the Court judgments are being referred to.

f. Constitutional Court of the Republic of Kazakhstan<sup>4</sup>

Mr. Nurysh Tasbulatov stated that he would submit several topics through the AACC SPC. He added that the topic of amicus curiae might be interesting to discuss.

g. Constitutional Court of the Republic of Tajikistan

Ms. Nurlyamizoda G. stated that short courses play an important role in improving the professional knowledge of the Courts' staff members and promote the exchange of ideas and friendship between the Courts' employees. She suggested a topic on "the procedure for applying to the Constitutional Court by individual and legal entities" as well as a study of "the procedures for conducting constitutional proceedings in the Member Courts."

h. Constitutional Court of the Republic of Indonesia

Ms. Hasri Puspita Ainun highlighted the importance of constructive relationships with the other branches of power, other institutions, and partners. Hence, it is important to maintain open, respectful communication with other institutions, ensuring that, even in the face of differing views, relationships remain strong. By cultivating and nurturing these positive relationships, not only does the Court benefit, but all state institutions can work together more effectively, contributing to a fairer and more constitutionally sound legal system.

i. Constitutional Court of the Kingdom of Thailand

Through Zoom chat, Ms. Tanwarat Khumkiet suggested the topic "the Constitutional Court and referendum law." for discussion. This suggestion draws inspiration from the seminar co-organized by the Office of the Constitutional Court of the Kingdom of Thailand and the Konrad Adenauer Stiftung (Thailand Office), scheduled for December 2024.

j. Constitutional Court of the Republic of Uzbekistan<sup>2</sup>

k. Constitutional Court of the Republic of Azerbaijan<sup>3</sup>

3. Other Matters

a. Congratulatory Message for the Constitutional Court of Azerbaijan for COP29

Mr. Chairman first congratulated the Constitutional Court of Azerbaijan for the successful organization of the 29th UN Climate Change Conference (COP29) in Baku, for which the AACC's support is also mentioned in the Bangkok Declaration (September 19, 2024).

b. AACC Newsletter

Mr. Chairman then announced that after the latest AACC newsletter had been circulated during the Sixth Congress and that the following one will be issued in December. He invited the AACC members to contact the AACC SPC to provide updates on international activities that the members had and would organize as well as photos to include in the next issue.

c. AACC Membership Request

Mr. Chairman shared that the AACC SPC had received a letter from Supreme Court of Iraq requesting to join AACC. The AACC SPC in Jakarta would report it to the President of the AACC, and the next BoMM will decide on the request.

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<sup>2</sup> As can be seen in annex

<sup>3</sup> As can be seen in annex

<sup>4</sup> As can be seen in annex

d. International Activities of AACC Members

Mr. Chairman asked the participants for confirmation and information on the schedule for international activities to be organized by the AACC members, as follows:

- 1) Federal Court of Malaysia: Opening Legal Year in January 2025
- 2) Constitutional Court of Korea: A conference in May/June of 2025
- 3) Constitutional Court of Kazakhstan: 30th Anniversary of the Constitution in 2025 with an international conference and several other events
- 4) Constitutional Court of Indonesia: An international event in the second semester of 2025
- 5) Constitutional Court of Thailand: AACC BoMM in the middle of 2025, handover of presidency will be done later on with the format (online/offline) undecided
- 6) Constitutional Court of Türkiye: 13<sup>th</sup> AACC Summer School on September 30-October 3, 2025 on "The Use of Information Technology and Artificial Intelligence in the Higher Judiciary"

The Court will also celebrate its anniversary in April 2025, which may not assume an international character in 2025 but it will inform the AACC if this changes. It will also celebrate the anniversary of the introduction of individual application mechanism in October 2025 in collaboration with the Council of Europe.

- 7) Supreme Court of Pakistan proposed a training program for the AACC liaison officers.
- 8) Constitutional Court of Kyrgyzstan: An international conference in 2025
- 9) Constitutional Court of Russia: St. Petersburg International Legal Forum in 2025 by the Ministry of Justice

Mr. Chairman stated that the AACC SPC would provide the minutes of meeting for this LO Meeting, which will be sent for the AACC members for approval, and then circulated to all members. He also revealed that the AACC SPC is open for any discussion and official visits by AACC members.

E. Closing remarks

Mr. Pan Mohamad Faiz, Head of the Public Relations and Protocol Bureau of the Constitutional Court of the Republic of Indonesia, delivered his closing remarks. He began by expressing gratitude for the active participation and contributions during the meeting. He emphasized the importance of Liaison Officers in ensuring smooth communication between AACC members. He also highlighted key topics discussed, including financial contribution, the suggestions for the theme of the upcoming Short Course, and the international event calendar of the members.

Mr. Faiz assured the participants that all suggestions would be carefully reviewed and aligned with the association's goals. He thanked everyone for their dedication and concluded with confidence in the positive impact of their collective efforts for the AACC.

F. The Liaison Officers Meeting ("LO Meeting") of the Association of Asian Constitutional Courts and Equivalent Institutions ("AACC") ended at 3:00 PM GMT+7.





## Int'l Short Course 2025

sabina\_mirzayeva@constcourt.gov.az

Thu 11/21/2024 3:37 PM

Inbox

To: R.A. Indah Apriyanti, S.S. <apriyanti@mkri.id>; Fuad Subhan <fuad.subhan@mkri.id>;

Dear Colleagues,

Hope this e-mail finds you well.

Please find below the suggested theme by the Constitutional Court of the Republic of Azerbaijan for the International Short Course of AACC for 2025.

**"Violation of constitutional norms as a consequence of incorrect application of normative legal acts"**

I would appreciate it very much if you could confirm the receipt of this e-mail message.

With best regards,

Sabina Mirzayeva

Head of International Law and

International Cooperation Department

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## **Constitutional Court of Kazakhstan: List of topics for guest lectures, seminars and trainings**

1. The contribution of communications to strengthening citizens' legal awareness of their rights and how to defend them. Accessibility of constitutional and judicial processes and the rule of law. Effective tools and techniques for information coverage.
2. Digitalisation and artificial intelligence: challenges and prospects for justice and the rule of law.
3. Freedom of peaceful assemblies and protests: legal issues to ensure citizens' rights;
4. Migration and Justice. Citizenship and Statelessness - protecting human rights and the impact of migration status on the right of access to courts and constitutional courts.
5. Issues of equal rights of women and men in matters of parental responsibility and the protection of the rights and interests of the child.
6. Constitutional control of the rule of law and the protection of human rights and its impact on judicial practice. The right to appeal to the courts and the constitutional courts as means of protecting human rights and freedoms. Application of constitutional court decisions by the courts and the independence of judges, the influence of constitutional control decisions on judicial practice, especially decisions on the interpretation of constitutional norms.
7. Enforcement of constitutional court judgements: best practices and recommendations to ensure the rule of law and protection of human rights. The impact of constitutional review on rule-making and activities of state bodies. Constitutional control in the context of checks and balances.
8. Amicus Curiae as an effective tool to promote the rule of law and prevent human rights violations: a guide for courts, civil society, lawyers and journalists.
9. Constitutional and judicial justice: impact on confidence in the law and the rule of law.
10. Constitutional justice for sustainable peace, sustainable societal development and governance.
11. The role of justice in climate change and the protection of human rights to a friendly environment.