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NEWS LETTER

Permanent Secretariat of AACC

The Constitutional Court
of the Republic of Indonesia
JAKARTA
aacc-asia.org



AACC PERMANENT SECRETARIAT

GREETINGS FROM JAKARTA TO ALL FELLOW AACC MEMBERS!

The Permanent Secretariat for Planning and Coordination is based in Jakarta, Indonesia, and managed by the Constitutional Court of the Republic of Indonesia. The Secretariat works mainly in the field of coordination in supporting communication and correspondence between member countries, as well as through the international forum and external parties. Through official Liaison Officers of each member, the Secretariat maintains day-to-day communication of the association.

The Permanent Secretariat also assists the AACC President in carrying out association activities during their tenure, including the preparation of pertinent Congress and Board of Members Meetings. Furthermore, the Secretariat provides valuable inputs, not just technical arrangements, based on experience in holding such high-level meetings and conferences.

Established in 2016, three Permanent Secretariats: The Secretariat of Planning and Coordination, the Secretariat of Research and Development, and the Center of Human Resources Training have performed their responsibilities well. As the Permanent Secretariat, the Constitutional Court of the Republic of Indonesia, has accomplished such honoured responsibilities that has been collected within the Newsletter on June 2024 edition. This newsletter highlights the significant events, meetings, and collaborations among AACC members, showcasing commitment to fostering international cooperation and mutual support during June 2023—June 2024.



AACC PERMANENT SECRETARIAT

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Website

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ACTIVITIES



AACC SPC Holds Sixth International Short Course

As a permanent secretariat of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), the Constitutional Court of the Republic of Indonesia (MKRI) is always committed to advancing the association on all counts, in terms of capacity building for the working level of the member states in addition to planning and coordination as well as implementation of activities for the justices. This statement was made by Constitutional Justice Arief Hidayat at the opening of the Sixth International Short Course of the AACC in Jakarta on Thursday, August 10, 2023.

Justice Arief believes in this modern era, the development of an institution or organization is highly contingent on both top-down and bottom-up collaboration. "As part of judicial institutions, we have the obligation to deliver decisions that can provide a sense of justice. And it must be noted that this obligation does not only rest on the shoulders of the justices, but also on yours as supporting staff members of the constitutional justices," he said.

Building on that notion, since he was given trust as President of the AACC in 2015, one of the priority agendas have been to carry out programs to exchange experience as well as train staff members of the Constitutional Courts of the AACC members.



Technological Advances

He further explained that the Sixth AACC International Short Course, the MKRI decided on the theme "Democracy, Digital Transformation, and Judicial Independence." "This theme was chosen with a particular purpose. We all understand that as a judicial institution and the guardian of democracy, the Constitutional Court is mandated to uphold the Constitution as the supreme law that manages the administration of the state based on the principles of democracy," he emphasized.

He added that they were testing, in several financial cases, instead of using the judges' wisdom to make decisions, to use algorithms designed in such a way to come to just decisions.

"This is a challenge for us all. As judicial institutions that review the nation's norms and principles enshrined in the Constitution, it is important for us to prioritize vision, feelings, and intention as God's creations equipped with perfect intelligence. Based on some of the things I said earlier, I believe that this short course will be very interesting for all participant to find out how technology can support humans in guarding democracy and realizing independent judiciary," he explained.

Justice Arief also expressed hope that in the sharing session, participants will learn from one another and exchange ideas, so there would be new positive things to bring back to their respective countries.

ACTIVITIES



Constitutional Court of Korea held the 4th Research Conference of the AACC SRD

The 4th Research Conference of the AACC SRD was held in Seoul from May 27 to 30, 2024.

Under the title of "Constitutional Rights and the Environment," the Conference brought together participants from AACC members.



Constitutional Court of Korea held the 4th International Symposium of the AACC SRD

The 4th International Symposium of the AACC SRD was held in Seoul from May 29 to June 1, 2023.

The conference, held under the title of "Access to Justice: Constitutional Perspectives", was attended by the presidents and justices from 14 AACC members. The President of the Constitutional Court of Algeria and the Justice of the Supreme Court of New Zealand joined the event as special guests.



ACTIVITIES



The 11th International Summer School on “Judicial Independence as a Safeguard of the Right to a Fair Trial”

The Constitutional Court of the Republic of Türkiye this year hosted the 11th Summer School event, in its capacity as the Centre for Training and Human Resources Development under the Permanent Secretariat of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC CTHRD).

The program, held on 18-19 September 2023 at the Grand Mercure Ankara Hotel, started with the opening speech of Mr. Murat Şen, Secretary General of the Constitutional Court. The sessions lasting for two days were moderated by Mr. Mahmut Ateş, Rapporteur-Judge of the Constitutional Court. In the first session, delegations from Türkiye, Korea, Indonesia, Algeria, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Bulgaria, Cameroon and Croatia made presentations, and the second session covered the presentations of the delegations from Georgia, India, Kazakhstan, Kosovo, Kyrgyzstan, Malaysia, Moldova, Mongolia and Romania, as well as the representative of the European Court of Human Rights.

The program was proceeded with the third session held on 19 September during which the delegations from Russia, Tajikistan, Thailand, TRNC, Ukraine, Uzbekistan and Angola made their presentations. The presentations were followed by Question and Answer sessions.

The delegations then paid a visit to the Constitutional Court where Mr. Zühtü Arslan, President of the Constitutional Court, delivered his closing remarks. In his speech, President Arslan pointed to the significance of the judicial independence and impartiality. President Arslan, noting that judicial independence was the necessary consequence of not only the rule of law but also the principle of separation of powers, stated “In the absence of an independent and impartial judiciary, there will not exist a State, let alone a State governed by rule of law. That is because, State is, by definition, the organised form of the society based on legal rules. The legitimacy of the State, holding the monopoly of violence, depends on law. The application of law by securing justice and in pursuit of fundamental rights and freedoms of individuals is conditional upon the existence of an independent judiciary.” He concluded his remarks by wishing peaceful and healthy days ahead in a more just world.

President Arslan presented certificates to the participants after his closing remarks.



Handing - Over Ceremony of the AACC Presidency



On Tuesday, 10th October 2023, Mr. Suttirak Songsivilai, Deputy Secretary General as Acting Secretary General of the Office of the Constitutional Court of the Kingdom of Thailand, received the flag of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) from Mr. Davaadalai Galbaabadraa, Deputy Secretary General of the Constitutional Court of Mongolia. On this occasion, the Ambassador of Mongolia to Thailand, together with the executives, officials of the office of the Constitutional Court, and a representative of the Constitutional Court of Mongolia, attended the ceremony as the distinguished witness at the Ceremony Room, 3 Floor, Office of the Constitutional Court, Chaengwattana Road, Bangkok.

The Constitutional Court of the Kingdom of Thailand will preside over the Association for two years from 2023 to 2025 and host the 6th AACC Congress. Among the seven founding members, the Thai Constitutional Court is a co-founder of this Association by signing the AACC Statute (Jakarta Declaration), dated 12th July 2010. As a forum of constitutional justice in the Asian region, this Association is aimed at protecting human rights, preserving democracy, implementing the rule of law as well as enhancing a judicial independence by sharing information and experiences among the members. Currently, 21 countries around Asia join the Association, under which the three Permanent Secretariats are functioning: The Secretariat for Planning and Coordination (AACC PSC) situated in Jakarta, the Republic of Indonesia; the Secretariat for Research and Development (AACC SRD) situated in Seoul, the Republic of Korea; and the Center for Training and Human Resources Development (AACC CTRD) situated in Ankara, the Republic of Turkey.





AACC PERMANENT SECRETARIAT

CONSTITUTIONAL DEVELOPMENTS



CHAIRMAN OF THE CONSTITUTIONAL COURT OF AZERBAIJAN TOOK PART IN AN INTERNATIONAL EVENT IN MOLDOVA



At the invitation of the Chairman of the Constitutional Court of the Republic of Moldova Domnica Manole, a delegation led by the Chairman of the Constitutional Court of the Republic of Azerbaijan Farhad Abdullayev visited Chisinau. The purpose of the visit was to participate in the XIX Congress of the Conference of Constitutional Courts of Europe.

The opening of the congress was attended by the President of Moldova and the heads of a number of state bodies. The practical part of the event, which began with the opening speeches of the presidents of the European Court of Human Rights, the Constitutional Court of the Republic of Moldova and the Venice Commission of the Council of Europe, was attended by delegations of constitutional justice bodies from 36 European countries.

At the congress, reports were heard on the connections between the constitutional courts and international courts, political and legal issues of the activities of the constitutional courts, the protection of constitutional principles during emergency situations, and an exchange of views took place.

In addition, according to the Statute of the Conference, at the meeting of the presidents of the European bodies of constitutional justice, a decision was made on organizational aspects, membership in the Conference of European Constitutional Courts, financial and budgetary issues, the final Declaration of the Congress, as well as the transfer of the chairmanship of the organization to the Constitutional Court of the Republic of Albania. As a result of the Congress, the final Declaration was adopted.

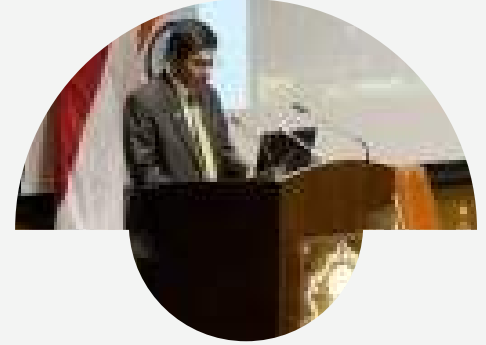
During the visit, the delegation of the Constitutional Court of the Republic of Azerbaijan visited the Embassy of Azerbaijan in Moldova, and honored the memory of the national leader Heydar Aliyev by laying flowers at the monument.

The Ambassador of Azerbaijan to Moldova Ulvi Bakhshaliyev also took part in events and meetings held during the visit of the delegation of the Constitutional Court.



Supreme Court of India

Supreme Court of India Hosting Two Day Conference on Technology and Judicial Dialogue with Singapore on April 13-14, 2024



The Supreme Court of India is organising a two-day conference on Technology and Dialogue between the Supreme Courts of India and Singapore on April 13-14, 2024. This landmark conference aims to explore the intersection of technology and the legal system, particularly focusing on the transformative role of Artificial Intelligence (AI) in judiciary.

Chief Justice of India, Dr Justice D Y Chandrachud and Chief Justice of Singapore, Mr. Justice Sundaresh Menon alongside judges, jurists, and experts will engage in dynamic panel discussions covering a wide array of topics related to Artificial Intelligence (AI) and its implications for the legal system, its potential to assist court proceedings, its role in judicial training, improving access to justice, ethical considerations surrounding its use, and the future of AI.

The conference will serve as a platform for sharing insights, best practices and innovative ideas to facilitate a deeper understanding of how AI can enhance judicial processes and promote access to justice. By bringing together key stakeholders from the Supreme Courts of both nations as well as academicians and eminent members of the legal and technological communities, this event will promote meaningful dialogue and collaboration paving the way for future advancements in the intersection of technology and law.

Through constructive discussions on harnessing AI responsibly, safeguarding against risks and exploring future trends, the conference aims to strengthen bilateral ties and create a shared commitment to the evolution of legal systems and the potential use of AI to streamline legal processes, reducing time and costs associated with litigation and thereby making justice more accessible to citizens.

Source : www.sci.gov.in

ICJF DISCUSSES ROLE OF CONSTITUTIONAL JURISDICTIONS IN UPHOLDING DEMOCRACY

The first session of the International Chief Justice Forum (ICJF) commenced on Thursday, August 10, 2023 after opened officially with a special plenary session of the twentieth anniversary of the Constitutional Court of the Republic of Indonesia (MKRI). Constitutional Justice Enny Nurbaningsih chaired the session. President Omar Belhadj of the Constitutional Court of Algeria, Chief Justice Farhad Abdullayev of the Constitutional Court of Azerbaijan, Chief Justice Elvira Azimova of the Constitutional Court of Kazakhstan, Chief Justice Raymond M. M. Zondo of the Constitutional Court of South Africa, Deputy Chief Justice Hasan Tahsin Gökcan of the Constitutional Court of Türkiye, and Constitutional Justice Manahan M. P. Sitompul of the Constitutional Court of the Republic of Indonesia delivered their presentations.

The session was under the theme “The Evolving Role of Constitutional Jurisdictions in Upholding Democracy throughout History.” President Omar Belhadj of the Constitutional Court of Algeria explained political developments in Algeria. He revealed that the establishment of the Constitutional Council of Algeria on November 23, 1989 was part of a new political phase in the country.

“The new political phase was based on party pluralism and the principles of democratic organization in charge of two main missions, one is ensuring the supremacy of the constitution and respect through overseeing the constitutionality of laws,” he said.

President Belhaj also shared about the Constitutional Court’s transition from the Constitutional Council. He said the transition was a result of a variety of circumstances and political experiences in Algeria. The decision to establish the Constitutional Court was due to an integrated context of deep and comprehensive constitutional, political, and institutional reforms initiated by President of the Republic of Algeria, Abdelmadjid Tebboune, immediately after his election in December 2019.

“His first breakthrough was the constitutional amendment, which was endorsed by the Algerian people in the referendum of November 1, 2020. This paved the way for a new era based on the rule of law and resilient and legitimate institutions and real separation of powers and balance between them, the respect for fundamental rights and freedoms and reflecting the principles of genuine democratic governance,” he said.

Constitutional Reforms

Kazakhstan has similarly undergone significant constitutional reforms, which have been vital in establishing the legal framework for the modernization of society and the state. “Over the years of its activity, the Constitutional Council has adopted many decisions aimed at realizing the potential of the Constitution. This is evidenced by the rich practice of official interpretation, which touches upon the most important aspects of the political and socio-economic life of Kazakhstan’s society,” said Chief Justice Elvira Azimova of the Constitutional Court of Kazakhstan.

She talked about the important role of the Constitutional Court of Kazakhstan in safeguarding the fundamental rights of citizens through constitutional review authority. “In this context, a state’s constitutional review body can be seen as an integral part of democracy, the promotion of human rights and the rule of law,” she said.

This ICJF is a special event initiated to commemorate the 20th anniversary of the MKRI, which falls on August 13. The MKRI initiated this forum for upholding the constitution in Asian-African states. It has good relations with constitutional jurisdictions in Asia through the AACC and in Africa through cooperation with the Conference of Constitutional Jurisdictions of Africa (CCJA). Constitutional jurisdictions of nine countries (Angola, Azerbaijan, Kazakhstan, Mongolia, Namibia, South Africa, Thailand, Türkiye) and one association of constitutional jurisdictions (CCJA) attended the event.



Constitutional Justice Enny Nurbaningsih moderating the first session of the International Chief Justice Forum for presentations by justices of the constitutional jurisdictions of Algeria, Azerbaijan, Kazakhstan, South Africa, and Indonesia, Thursday (8/10/2023) in Jakarta. Photo by Humas MKRI/ifa.

HASHEMITE KINGDOM OF JORDAN CONSTITUTIONAL COURT

KING RECEIVES ANNUAL REPORT FROM CONSTITUTIONAL COURT

Mar 29, 2024

AMMAN — The Constitutional Court on Thursday submitted its annual report for 2023 to His Majesty King Abdullah. Royal Court Chief Yousef Issawi received the report on behalf of His Majesty from Constitutional Court President Mohammad Madallah Mahadin, according to the Jordan News Agency, Petra. Issawi conveyed His Majesty's gratitude for the court's efforts and its vital role in instilling the rule of law (29/3/20).

Source : Jordan Times



KING SWEARS IN NEW MEMBERS OF THE CONSTITUTIONAL COURT

Jun 05, 2023

AMMAN — Mohammad Mahadin was sworn in before His Majesty King Abdullah on Monday as president of the Constitutional Court.

Basil Abu Anza was also sworn in before King Abdullah as a member of the Constitutional Court.

Royal Hashemite Court Chief Yousef Issawi attended the swearing-in, which took place at Basman Palace, according to a statement from the Royal Court.

Source : Jordan Times



Constitution of Kazakhstan published in Braille for the first time



The UN Convention on the Rights of Persons with Disabilities mandates states to promote social inclusion and independence for individuals with disabilities, ensuring access to information and education through mediums like Braille, tactile communication, large print, and accessible multimedia. These efforts aim to prevent discrimination and foster an inclusive society, aligning with UN and OSCE principles.

Kazakhstan has embarked on significant constitutional and legal reforms to bolster the rule of law and enhance human rights protections. In his Address to the People titled "Fair State. A united nation. A prosperous society," the Head of State underscored the government's commitment to ensuring equality and justice, particularly for socially vulnerable groups, including citizens with special needs.

The UN Convention on the Rights of Persons with Disabilities, ratified by Kazakhstan on February 20, 2015, emphasizes overcoming the socio-economic challenges faced by individuals with disabilities and promoting their full participation in all aspects of life, on par with other citizens.

On June 6 this year, Kazakhstan's Constitutional Court unveiled the Constitution in Braille for the first time, as part of efforts to uphold the rights of citizens with disabilities and eliminate language barriers. Supported by the OSCE Program Office in Astana and the Ministry of Culture and Information of Kazakhstan, the initiative was celebrated with ambassadors, parliamentarians, state officials, NGOs, and the scientific community in attendance.

Elvira Azimova, Chairperson of the Constitutional Court, stressed that creating an accessible environment is fundamental to constitutional guarantees of equality and access to justice. She affirmed that the "Fair Kazakhstan" policy reflects the state's commitment to human rights, freedoms, and non-discrimination, pledging continued adherence to constitutional principles and international human rights norms.

Volker Frobart, Head of the OSCE Program Office in Astana, praised the publication of Kazakhstan's Constitution in Braille as a testament to the country's dedication to human rights and inclusivity, ensuring fair access to information.

Claire Bazy Malaurie, President of the European Commission for Democracy through Law, hailed Kazakhstan's initiative to publish the Constitution in Braille during the anniversary year of its adoption as a significant step towards inclusiveness and accessibility. This initiative not only promotes human rights but also fulfills international obligations to create an inclusive environment.

To facilitate full participation in societal life, Braille editions of the Constitution were distributed to 56 institutions, including national and regional libraries, training centers, and specialized schools, ensuring access to information, education, legal equality, and justice for individuals with visual impairments.

The Constitutional Court of Kazakhstan welcomed the delegation of the Constitutional Court of Indonesia



On June 06, 2024, the Indonesian colleagues have visited the Constitutional Court of the Republic of Kazakhstan with a working visit. The foreign delegation consisted of the Honorable Judge Prof. Dr. Arief Hidayat, Ambassador of the Republic of Indonesia of Kazakhstan and Tajikistan Mochamad Fadjoel Rachman and staff of the Office of the Constitutional Court of Indonesia.

Kazakhstani side was represented by the judges of the Constitutional Court headed by the Deputy Chairman Bakyt Nurmukhanov. During the meeting, the sides discussed the key issues of mutual interest for both countries and the exchange of experience in the field of organization of judicial activity and constitutional control.

Within the framework of the visit, Judge Prof. Dr. Arief Hidayat held a guest lecture for the Staff of the Apparatus of the Constitutional Court of Kazakhstan. The lecture has covered the topic of supporting global constitutionalism, strengthening transnational judicial networks in the interests of peace and democracy and raised keen interest and active discussion among the participants.



The Honorable judge emphasized the necessity for continued support of the active role of the Constitutional Court of Kazakhstan in the international arena. In addition, he noted that the Constitutional Court of Kazakhstan plays a key role in strengthening constitutional supremacy not only in Central Asia, but also in other democratic countries. At the end of his speech, he outlined the main incentive for the participation of judicial institutions, including constitutional courts, in transnational networks is their commitment to protect the holy trinity of constitutionalism: human rights, democracy and the rule of law. At the conclusion of the meeting, the parties agreed to further develop professional ties and strengthen mutually beneficial cooperation in the field of the rule of law.



The Signing of MOU between the Constitutional Court of Korea and the Constitutional Court of the Kyrgyz Republic

Secretary General Kim Jungwon of the Constitutional Court of Korea (right) and Secretary General Kanybek Masalbekov of the Constitutional Court of the Kyrgyz Republic (left) sign a Memorandum of Understanding (MOU) for mutual cooperation.

Secretary General Kim Jungwon of the Constitutional Court of Korea (on the right) signed a Memorandum of Understanding (MOU) for mutual cooperation in the field of Information Technology with Secretary General Kanybek Masalbekov of the Constitutional Court of the Kyrgyz Republic during his visit to attend the '4th Research Conference of the AACC SRD' in Seoul.

Through this MOU, the Constitutional Courts of both countries agreed to share experiences and best practices in utilizing IT in judicial procedures and to strengthen personnel exchanges.



Constitutional Court of the
Kyrgyz Republic

INTERNATIONAL SCIENTIFIC AND PRACTICAL CONFERENCE
OF THE CONSTITUTIONAL COURTS OF THE WORLD
COUNTRIES IN KYRGYZSTAN



On June 21 and 22, 2023, an international scientific and practical conference dedicated to the 30th anniversary of the Constitution of the Kyrgyz Republic “The Constitution as a Foundation for Building a Democratic State under the Rule of Law” was held in Kyrgyzstan. The event brought together judges and representatives of constitutional control bodies and equivalent institutions from various countries of the world. This event became a platform for the exchange of experience and ideas in the field of constitutional justice, as well as for discussing the role of constitutional justice in the formation of a legal and democratic state.

The conference was attended by representatives of the Constitutional courts from various countries, including Armenia, Georgia, Kazakhstan, Thailand, Azerbaijan, Uzbekistan, Belgium, Korea, Portugal, Indonesia, Moldova, Romania, Bulgaria, Türkiye, Bosnia and Herzegovina, along with representatives of the Venice Commission of the Council of Europe.

One of the primary topics deliberated at the conference centered around the constitutional legacy and the pivotal role of constitutional justice in the establishment of a lawful and democratic state. Participants engaged in in-depth discussions concerning the rationales behind constitutional reforms and the significance of constitutional oversight bodies in facilitating their implementation. Furthermore, valuable lessons were derived from shared experiences, aiming to foster the preservation of the progressive trajectory in the development of a legal and democratic state.

Within the framework of the conference, the challenges and perspectives faced by the constitutional control bodies in the era of global change were considered. The participants discussed issues related to the global transformation of public relations in the context of digitalization, threats of military conflicts and other urgent challenges. They shared their experience and best practices in the field of adaptation of constitutional control bodies to the changing conditions of the modern world.

The experience of the constitutional control bodies of foreign countries in promoting constitutional values in society was also presented at the conference. The participants discussed the impact of constitutional control bodies on raising the legal awareness and legal culture of citizens, as well as on interaction with representatives of public authorities, courts and civil society institutions to promote constitutional values.

The conference participants expressed their gratitude to the organizers for holding such a significant event and acknowledged the high level of preparation of the conference. The International scientific and practical conference “The Constitution as a Foundation for Building a Democratic State under the Rule of Law” has become a fruitful platform for the exchange of experience and the facilitation of dialogue between representatives of Constitutional courts from various countries. This event is important for strengthening the legal and democratic system not only within Kyrgyzstan but across the globe.

Watch the live broadcast of the conference: <https://www.youtube.com/watch?v=3w9SWNRRnh8>



OPENING LEGAL YEAR 2024: FEDERAL COURT OF MALAYSIA STRESSES JUDICIAL INDEPENDENCE, CLARITY IN LAW

Federal Court of Malaysia held Opening Legal Year 2024 at the PutraJaya International Convention Centre (PICC) on Monday, January 15. The event was an annual event by the Federal Court of Malaysia. It highlighted various legal challenges that Malaysian law enforcement authorities faced as well as latest international legal issues.

The event began with a speech by the President of the Malaysian Bar, who also represented the Sabah Law Society and Advocates Association of Sarawak. In her speech, she expressed support for Palestine. Next, Attorney General Datuk Ahmad bin Mohd Salleh and Chief Justice Tun Tengku Maimun binti Tuan Mat also delivered their speeches.

Chief Justice Tun Tengku Maimun stressed that the judiciary is independent and judges may not bow down to political interests. Therefore, any acts of intimidation toward judges to influence their stance in any legal case—such as threats and manipulation of reports—must be considered unlawful deliberate attempts to influence judges.

Chief Justice Tun Tengku Maimun Tuan Mat has reminded judges and all officers of the court to not unnecessarily depart from judicial precedent, especially if it concerns "well-settled" principles of the country's law.

Speaking to the legal fraternity at the Opening of the Legal Year 2024 here, Tengku Maimun said the individual opinion of a judge is not relevant, due to the principle of stare decisis (to stand by things decided).

"The Federal Court, being the apex court, must continue to remember that it cannot depart too easily from precedent, especially if a previously decided authority is questioned not so long after it was decided.

"The Federal Court cannot afford to be inconsistent as that interferes with the public who organises their affairs upon legal clarity and certainty," she said, adding that lower courts need to also abide by precedents set by higher courts.

"Even if a judge or court believes a decision of the higher court to be wrong, he is under the obligation to abide by it," she said.

This year, the Federal Court of Malaysia invited judicial institutions and law enforcement associations from neighboring countries such as Indonesia, New Zealand, Singapore, China, Taiwan, and Brunei Darussalam. Malay culture was reflected throughout the event where Malay music was played throughout. Traditional Malaysian instruments were played at the law enforcement officials' grand entrance.

Chief Justice of Maldives Ahmed Muthasim Adnan Addresses Annual Judicial Conference Opening Ceremony



Chief Justice His Lordship Obaidul Hassan of Bangladesh inaugurated the Annual Judicial Conference 2024 today during his official 2-day visit to the Maldives.

Chief Justice Hassan delivered insightful opening remarks on the theme of Civil Procedure, Mediation, and Evidence, setting the tone for the event. Chief Justice of Maldives Ahmed Mu'uthasim Adnan of Maldives also addressed the invitees and participants during the opening ceremony.

Over 66 judges from across the Maldives are actively participating in the 3-day conference, contributing to a robust exchange of ideas and experiences. The Annual Judicial Conference serves as a crucial platform for legal professionals to engage in discussions, share knowledge, and enhance their understanding of key legal principles.

The collaborative efforts between the Chief Justices of Bangladesh and Maldives underscore the commitment to strengthening legal frameworks and promoting judicial excellence in the region.

The conference is anticipated to yield significant outcomes, fostering a deeper understanding of civil procedure, mediation, and evidence among the participating judges.



Constitutional Court of Mongolia

BAYASGALAN GUNGAA WAS ELECTED AS THE CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF MONGOLIA

The Plenary session of all Justices of the Constitutional Court of Mongolia was held on May 31, 2024 and the issue of electing the Chief Justice of the Constitutional Court was discussed.

In accordance with the Article 6, Part 1 of the Law on the Constitutional Court of Mongolia that states “Justices of the Constitutional Court shall nominate from its composition a person (persons) for the post of a Chairman, discuss candidates at a Plenary session, and shall by secret vote elect a Chairman with a majority of the total number of votes.” the Justice of the Constitutional Court Mr. Bayasgalan Gungaa was elected as the Chief Justice of the Constitutional Court of Mongolia.

The Chief Justice of the Constitutional Court Mr. Bayasgalan Gungaa was appointed as a Justice of the Constitutional Court of Mongolia by the Resolution No. 58 of the State Great Hural (Parliament) dated June 6, 2019.



Constitutional Tribunal of the Republic of the Union of Myanmar

CHAIRMAN U AUNG ZAW THEIN LEADS DELEGATION TO INTERNATIONAL CONFERENCE “PROTECTION OF RIGHTS AND CONSTITUTIONAL SUPERVISION” AND XII ST PETERSBURG INTERNATIONAL LEGAL FORUM



At the invitation of Constitutional Court of the Russian Federation Chairman Mr Valery D Zorkin, the delegation led by Chairman of the Constitutional Tribunal of the Union U Aung Zaw Thein attended the International Conference under the title “Protection of Rights and Constitutional Supervision” and the 12th International Legal Forum (XII St Petersburg International Legal Forum) held from 26 to 28 June under the title “Protection of Rights and Constitutional Supervision” in St Petersburg, Russia, and returned to Yangon by air on 30 June.

The International Conference was attended by chairpersons and chief justices of the constitutional courts and chief justices of the member countries of the Association of Asian Constitutional Courts (AACC) and equivalent institutions, including Myanmar and other invited legal scholars and heads of international organizations. They exchanged views on constitutional judicial experiences related to the protection of constitutional rights and freedoms and the application of the constitutional review system.

Chief justices from 30 countries, law ministers, judges and legal experts attended the 12th International Legal Forum. Chairman of the Constitutional Tribunal of the Union U Aung Zaw Thein and Member U Khin Maung Oo attended the international conference and the 12th International Legal Forum. — MNAT/TS

SHANGHAI COOPERATION ORGANISATION (19TH MEETING OF HEADS OF JUDICIARY OF MEMBER STATES)



The Shanghai Cooperation Organization ('SCO') was formed by the Peoples Republic of China 19 years ago. The Heads of the Judiciary, is one component of the SCO, and its 19th meeting was held in Tashkent, the capital of Uzbekistan from 22 to 24 May 2024. Chief Justice Qazi Faez Isa participated. It is the second time that a Chief Justice from Pakistan attended an SCO meeting.



Mr. Bakhtiyar Islamov, Chairman of the Supreme Court of Uzbekistan, presenting gift to the Chief Justice of Pakistan.

The Member States of the SCO constitute about 42% of the world population and are contiguous neighbours. Due to the untimely passing of the President of the Islamic Republic of Iran, the Chief Justice of Iran could not attend, but Iran was represented by his Deputy. The Heads of Judiciary and Deputy Head of all the countries (China, India, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Tajikistan and Uzbekistan) attended. Belarus participated as an observer. There were 5 thematic sessions: International Human Trafficking, Mediation in Civil Cases, Protection of Property Rights, Development of Administrative Justice and Application of Digitalization and new Technologies in Judicial Processes. A Joint Statement was signed by the participants of all 9 Judiciaries.

The Head (Chairman) of the Supreme Court of Uzbekistan, Mr. Bakhtiyar Islamov, and his team made superb arrangements and were excellent hosts. Chief Justice Qazi Faez Isa and Pakistan's Ambassador to Uzbekistan, Mr. Ahmed Farooq, were invited to meet with the Chairman of the Supreme Court of Uzbekistan; the Chief Justice of Pakistan was presented with a watch within a beautifully crafted piece depicting the 'Monument of Independence' of Uzbekistan with the Humo bird (Simurgh) on top. The gift has been submitted to the Toshakhana with a request to have it permanently displayed in the Supreme Court Museum. The quest for the mystical Simurgh is the subject of the sufi poet Fariduddin Attar's 850 year old poem 'Conference of the Birds' (mantiq al-tayr).



CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION HOLDS INTERNATIONAL CONFERENCE ON PROTECTION OF RIGHTS AND CONSTITUTIONAL SUPERVISION

On 26 June 2024 the Constitutional Court of the Russian Federation held the International Conference on “Protection of Rights and Constitutional Supervision” at St. Petersburg, Russia. The Conference was attended by the representatives of constitutional review bodies from 25 countries, as well as Conference of Constitutional Jurisdictions of Africa (CCJA) and Court of the Eurasian Economic Union. Valery Zorkin, Chairman of the Constitutional Court of the Russian Federation, made a presentation entitled “Constitutional Judicial Protection of Rights in Russia: Main Features”.

The Conference continued with two wide-ranging discussion sessions. In the session on “Initiating Constitutional Review with the aim to Ensure Constitutional Rights and Freedoms”, presentation was made by Ms Tun Tengku Maimun Tuan Mat, Chief Justice of the Federal Court of Malaysia. Next, Mr Mohammed Amine Benabdallah, President of the Constitutional Court of the Kingdom of Morocco who also acts as President of the Conference of Constitutional Jurisdictions of Africa, made a presentation on “Protection of Rights and Freedoms as the Result of Constitutional Review”.

In its role as the Permanent Secretariat for Planning and Coordination (SPC) of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), the Constitutional Court of the Republic of Indonesia extended congratulations to the Russian Federation for organizing the conference and shared its experiences in protecting rights and conducting constitutional supervision. Additionally, representatives from judicial constitutional review bodies in Thailand, Cambodia, Palestine, Ethiopia, Abkhazia, Benin, and Uzbekistan discussed the protection of rights and freedoms, as well as constitutional review processes.

After the Conference, the participants attended the events of the XII St. Petersburg International Legal Forum which is held annually by the Ministry of Justice of the Russian Federation.



PARTICIPATION IN THE INTERNATIONAL CONFERENCE IN SAMARKAND



On May 25-26, 2023, Abdulhafiz Ashurzoda, President of the Constitutional Court of the Republic of Tajikistan, and Jamshed Jamshedzoda, Judge of the Constitutional Court of the Republic of Tajikistan, participated in an international conference on "Trends in the development of models of the institution of constitutional complaint in the countries of Central Asia" in the city of Samarkand, Republic of Uzbekistan.

The heads and representatives of the constitutional review bodies of Uzbekistan, Kazakhstan, Kyrgyzstan, France, Austria, Bosnia and Herzegovina, the President and experts of the Venice Commission of the Council of Europe, academics and representatives of the State authorities of Uzbekistan took part in the work of the international conference, which was held on the initiative of the Constitutional Court of Uzbekistan and the Venice Commission of the Council of Europe, and spoke on the topical issues of strengthening constitutional guarantees of human rights and constitutional institutions.

At the international conference, the President of the Constitutional Court of Tajikistan made a presentation on the topic "The institution of constitutional complaint in Tajikistan: questions of theory and practice". The fourth session of the conference was also successfully moderated by the delegation of Tajikistan.



At the end of the International Conference in a solemn atmosphere with the participation of the delegation of the event the Presidents of the Constitutional Court of the Republic of Tajikistan and the Constitutional Court of the Republic of Uzbekistan signed the Memorandum between the Constitutional Court of the Republic of Tajikistan and the Constitutional Court of the Republic of Uzbekistan.

The international event was held at a high organizational level, in-depth analysis of the proposals made by the speakers and familiarization with the experience of the constitutional control bodies of the participating states will contribute to further strengthening of the activity of the Constitutional Court of the Republic of Tajikistan, taking into account the interests of the country.

PRESIDENT OF THE CONSTITUTIONAL COURT MR. KADIR ÖZKAYA PARTICIPATED IN THE XIXTH CONGRESS OF THE CONFERENCE OF EUROPEAN CONSTITUTIONAL COURTS

President of the Turkish Constitutional Court Mr. Kadir Özkaya participated in the XIXth Congress of the Conference of European Constitutional Courts, held in Chişinău, the capital of Moldova, on 21-24 May 2023. The Congress was attended by 35 member constitutional courts/supreme courts, along with representatives from the Venice Commission, the European Court of Human Rights, the Court of Justice of the European Union, the World Conference on Constitutional Justice, the Conference of Constitutional Jurisdictions of Africa, and various associations/conferences of constitutional courts.

President Özkaya, who attended the Congress upon the invitation of the term-chair of the Conference, the Constitutional Court of the Republic of Moldova, was accompanied by Mr. Mûcahit Aydın, Deputy Secretary General of the Turkish Constitutional Court

The Congress commenced with the Meeting of the Circle of Presidents with the participation of the Presidents of the CECC Member Courts. In his remarks at the Meeting of the Circle of Presidents,

President Özkaya emphasised the significance of cooperation between constitutional courts for the exchange of experience and information and expressed his appreciation for participating in the meeting. At the meeting, the chairmanship of the Conference was handed over to the Constitutional Court of the Republic of Albania. A decision has also been made to authorise the Constitutional Court of the Czech Republic to establish a permanent office in order to fulfil information processing and archival services of the Conference. Additionally, a special committee was established to draft a report on the membership application submitted by the Constitutional Court of Kosovo.

Following the solemn opening, the Congress proceeded with the academic sessions. Three sessions were held on “Interaction Between Constitutional Courts and Supranational Courts”, “Political and Legal Within the Jurisdiction of the Constitutional Courts” and “Safeguarding Constitutional Principles During the State of Emergency”. The sessions were followed by the presentation of the general report on the evaluations made under the theme “The Forms and Limits of Judicial Deference: The Experience of the Constitutional Courts”.

Throughout the Congress, President Özkaya conducted bilateral meetings with the presidents of the participating constitutional courts. As part of its visit to Moldova, the delegation of the Turkish Constitutional Court also paid a visit to the Turkish Embassy in Chişinău and met with the Ambassador of the Republic of Türkiye to Moldova, Mr. Uygur Mustafa Sertel.



Constitutional Court of the Republic of Azerbaijan holds International Conference



On July 4, 2023, the Constitutional Court of the Republic of Azerbaijan hosted an international conference on “The Development of Legislation through the Application of Constitutional Norms,” dedicated to the court’s 25th anniversary.

Heads and deputies of the Milli Mejlis of the Republic of Azerbaijan, head and employees of the Ministry of Justice, the Supreme Court, the Ministry of Internal Affairs, the Attorney General’s Office, Baku State University, the Commissioner for Human Rights (Ombudsman), as well as chief justice and justices, well-known academics, and representatives of the legal community attended the conference.

Delegations of the constitutional courts of Turkey, Kazakhstan, Uzbekistan, Russia, Albania, Belarus, Bulgaria, Georgia, Kyrgyzstan, Indonesia, Hungary, Serbia, and Thailand also participated in this event.

The Chairman of the Constitutional Court of Azerbaijan Farhad Abdullayev opened the conference by reading out a congratulatory message from the President of Azerbaijan Ilham Aliyev, addressed to the participants, dedicated to the 25th anniversary of the Constitutional Court.

Chairman Farhad Abdullayev expressed gratitude on behalf of the entire staff of the Constitutional Court and the participants of the conference to the President of the Republic of Azerbaijan, His Excellency Ilham Aliyev, for the congratulatory message. He stressed that the head of state, Ilham Aliyev, as a guarantor of the independence of the judiciary, pays attention to the impartial, independent, and transparent activities of judges and the judiciary in general, as well as their material and social security.

At the conference, the following speakers delivered these presentations: President of the Constitutional Court of the Republic of Turkey Zühtü Arslan - “Individual Complaint: Recent Developments in Turkey;” Chairman of the Constitutional Court of the Republic of Serbia Snejana Markovic - “The Role of the Constitutional Court in Protecting the Basic Constitutional Principles;” Chairman of the Constitutional Court of the Republic of Kazakhstan Elvira Azimova - “The Effectiveness of Constitutional Supervision over Compliance with Obligations to Ensure the Rule of Law and Protect Human Rights;” Chairman of the Constitutional Court of the Republic of Albania Holta Zacay - “The Constitutional Court of Albania against the Backdrop of Judicial Reforms and Constitutional Changes - the Result Achieved;” Chairman of the Constitutional Court of the Republic of Bulgaria Pavlina Panova - “Balance between Tradition and Progress;” President of the Constitutional Court of the Kyrgyz Republic Emil Oskonbaev - “The Influence of the Judicial Activities of the Body of Constitutional Supervision on the Development of Legislation;” Chief Justice of the Constitutional Court of the Republic of Indonesia Anwar Usman - “The Role of Ensuring Human Rights and the Rule of Law as a Contribution to the Development of Legislation in Indonesia;” Chairman of the Constitutional Court of the Republic of Uzbekistan Mirza-Ulugbek Abdusalomov - “Constitutional Reform in Uzbekistan and a New Stage in the Development of Constitutional Supervision, etc;”



JURISPRUDENCE



AACC PERMANENT SECRETARIAT

Indonesian Constitutional Court Rejects Petition on Interfaith Marriage

JAKARTA (MKRI) – The validity of marriage is the scope of religion through religious institutions or organizations authorized to provide religious interpretations. The state's role is following up on the interpretation by the institutions or organizations. Meanwhile, registration of marriage by state institutions serves to provide certainty and order in population administration in accordance with the mandate of Article 28D paragraph (1) of the 1945 Constitution, the Constitutional Court (MK) asserted in its legal considerations in Decision No. [24/PUU-XX/2022](#) on the judicial review hearing of [Law No. 1 of 1974 on Marriage](#) as amended by [Law No. 16 of 2019](#) on the Amendment to Law No. 1 of 1974 as read out by Constitutional Justice Enny Nurbaningsih on Tuesday, January 31, 2023.

In the verdict for the petition filed by E. Ramos Petege, the Court declared it rejected the entire petition. “[The Court in its] verdict adjudicated, rejects the Petitioner’s petition in its entirety,” said Chief Justice Anwar Usman alongside the other eight constitutional justices.

In its legal considerations, the Court asserted that religion and the state has interest and responsibility in marriage. “Therefore, through Decisions No. [68/PUU-XII/2014](#) and No. [46/PUU-VIII/2010](#), the Court has provided a constitutional basis for the relationship between religion and the state in marriage law, that religion determines the validity of marriage, while the state determines the administrative legal validity of marriage,” Justice Enny said.

Human Rights on Marriage

In terms of the constitutionality of Article 2 paragraph (1) in conjunction with Article 8 letter f and Article 2 paragraph (2) of [Law No. 1 of 1974](#), the Court asserted that human rights are recognized in the Constitution as constitutional rights but must be in line with state ideology Pancasila. Guarantees for universal human rights protection are contained in the [Universal Declaration of Human Rights \(UDHR\)](#). Despite international convention, the implementation of human rights in each country is also adapted to the ideology, religion, society, and culture of the people. Justice Enny explained that, based on Article 28B paragraph (1) of the 1945 Constitution, the right to form a family and the right to continue their generation are strictly guaranteed. The next phrase shows that ‘a



legitimate marriage’ is a prerequisite in order to protect those two rights. That is, marriage is not seen as a right but as a prerequisite for the right to form a family and the right to continue their generation. So, based on this description, it is clear that the UDHR and the 1945 Constitution have fundamental differences in perspectives on protecting the right to marry. As a rule of law that upholds constitutional supremacy, without prejudice to universal human rights in the UDHR, the Constitutional Court should make the 1945 Constitution the main foundation to assess the citizens’ constitutional rights.

“Although Article 28B paragraph (1) of the 1945 Constitution stipulates that a legitimate marriage is a requirement to protect the right to form a family and the right to continue generation, this condition is mandatory. [One] cannot form a family and continue their generation without a legitimate marriage. Legally, something that is a requirement for a legal obligation becomes mandatory (*mâ lâ yatiimmu alwâjibu illâ bihî fahuwa wâjib*), so a legitimate marriage is also a constitutional right that must be protected,” she added.

Provisions on Marriage

In its next legal considerations, read out by Constitutional Justice Wahiduddin, the Court had considered the state’s regulation of marriage in Decision No. [56/PUU-XV/2017](#), which was pronounced at a public plenary session on July 23, 2018. It also asserted that practicing religion basically meant two things: first, believing in a particular religion, which is forum internum that cannot be restricted through coercion and cannot be prosecuted; second, religious expression through public statements and attitudes in accordance with conscience, which is externum forum.

Marriage is seen as a form of worship and a religious expression. Thus, it is categorized an external forum in which the state can intervene, as is the case with the management of zakat and hajj. The state’s role is not to limit beliefs but rather to prevent religious expressions from deviating from the main teachings of the religion in question. Marriage is one of the problem areas regulated in the legal order in Indonesia in [Law No. 1 of 1974](#).

All actions and actions by citizens, including relating to marriage, must obey and not contradict or violate laws and regulations. Laws and regulations regarding marriage were formed to regulate and protect the rights and obligations of citizens in relation to marriage and are in line with Article 28J of the 1945 Constitution, which stipulates that in exercising the rights guaranteed by the 1945 Constitution, every citizen everyone shall adhere to the given limitation in the law solely intended to guarantee the recognition and respect of the rights and freedom of the others and fulfil fair demands in accordance with moral considerations, religious values, security, and public order in a democratic community.

State’s Guarantee through Marriage Organizers

Justice Wahiduddin also stated that despite its interference in organizing marriages, the state should not become a religious interpreter for the legitimacy of marriage, but should follow up on the results of interpretation by religious institutions or organizations to ensure that marriage be in accordance with their religions and beliefs. The results of this interpretation are then set forth by the state in statutory regulations.

Source: en.mkri.id

LANDMARK DECISIONS OF THE SUPREME COURT OF BANGLADESH



In view of the end of 2023, the write-up compiles certain landmark decisions that were handed down by the Supreme Court of Bangladesh.

Mothers to be recognised as legal guardians of children

On 24 January 2023, the High Court Division (HCD) delivered a landmark decision on legal guardianship of the children. It is now sufficient to fill out the Student Information Forms (SIF) by providing mother's name only. Bangladesh Legal Aid and Services Trust, Bangladesh Mahila Parishad and Nari Paksha jointly filed a writ petition against the state citing public interest. The court further ordered the education boards to submit a report laying out where mentioning both parents name is compulsory and what measures have been taken if eligible students are unable to mention their father's names.

Ensuring prisoners' right to health care

The HCD observed that inmates have the right to receive healthcare, and it is imperative to furnish them with necessary services in this regard. This holding was handed down on 24 January 2023. Deciding on a writ petition challenging the unfilled positions of physicians in prisons, the HCD directed the relevant authorities to recruit physicians for the unoccupied positions in prisons nationwide. The Court also expressed discontent with the tardiness in the recruitment of doctors in prisons.

Disclosing marital status of students

On 16 February 2023, the HCD declared that students should not be forced by the authority to reveal their marital status during admission in educational institutions. The decision followed a writ petition inspired by an incident where a survivor of gender-based violence was unable to fill out the admission form without disclosing her marital status. The court further directed the government to take necessary steps and formulate policies regarding the matter.

Setting up breastfeeding corners in public places

The HCD on 2 April 2023, delivered a landmark verdict by ordering the concerned government ministries to take immediate actions to set up breastfeeding corners in public places e.g., railway stations, bus stops, airports, workplaces etc. The HCD emphasised the Prime Minister's 2009 directive to establish breastfeeding corners in all public and private workplaces to ensure flexible and safe environment for mothers and babies alike.

Police accountability to explain in cases of custodial torture

In July 2023, the HCD noted that in cases when an individual sustains injuries while in police custody, it is the responsibility of the police officer to provide an explanation for how an uninjured person came to be harmed while under their care. The court further underlined that torture committed while in police custody is the most grievous form of criminal act within a civilised society. When acts of wrongdoing are permitted to continue without consequences, it serves as an incentive for criminals and leads to deterioration of society's trust in the legal and justice system.

Directions to implement anti-bullying policy

In August 2023, the HCD ordered the relevant authorities to disseminate and enforce the anti-bullying policy, published by the education ministry, in order to safeguard children from bullying at all educational institutions. The Education Secretary was instructed to distribute the gazette, which contains the Policy for the Prevention of Bullying and Ragging in Educational Institutions 2023 to all educational institutions. The court has instructed the education ministry to promptly establish an anti-bullying committee and assign a counsellor to each academic institution within a six-month timeframe. The purpose of this initiative is to mitigate instances of verbal bullying, physical abuse, and cyberbullying in educational institutes.

Source : www.thedailystar.net

BY CARLY FERRIS
PHOTOGRAPHY BY HANNAH MORALES

CONSTITUTIONAL COURT OF THE REPUBLIC OF KAZAKHSTAN

**ADDRESS
of the Constitutional Court
On the state of constitutional legality in the Republic of
Kazakhstan
(announced at the Joint Session of the Parliament
Chambers of the Republic of Kazakhstan on June 21, 2024)**

Chairperson of the Constitutional Court Elvira Azimova at a joint session of the Chambers of the Parliament presented the message of the Constitutional Court on the state of constitutional legality in the Republic of Kazakhstan on the results of generalisation of the practice of constitutional proceedings for 2023.

In her speech, Azimova said that last year the constitutional control body received more than five thousand appeals from citizens. In 7 decisions of the Constitutional Court recognised unconstitutional norms of laws and in 12 decisions gave a new interpretation of existing norms in accordance with the Constitution. In 2023, the Constitutional Court reviewed certain provisions of the constitutional laws "On Elections in the Republic of Kazakhstan" and "On the Judicial System and the Status of Judges of the Republic of Kazakhstan"; the Criminal Code, the Code of Criminal Procedure and the Criminal Executive Code, the Labour Code, the Code of Administrative Offences, the Code of Administrative Procedure, the Code on Taxes and Other Compulsory Payments to the Budget (Tax Code), the Civil Code; the laws on civil service in the Republic of Kazakhstan, on military service and the status of military personnel, on combating corruption, and certain normative decisions of the Supreme Court.

**Summary of normative decisions No. 18, 30 and 48 adopted
by the Constitutional Court of the Republic of Kazakhstan**

**The requirement to attach a molecular genetic examination,
recognized as unconstitutional, to the application to the court for
adoption**

The Constitutional Court of the Republic of Kazakhstan through the appeal of citizen, concerning the verification of the constitutionality of subparagraph 5 of paragraph 3 of the regulatory resolution of the Supreme Court of the Republic of Kazakhstan dated March 31, 2016 No. 2 "On the application of adoption of children" by relatives. " The focus was on the contested norm, which obliges to attach the conclusion of the molecular genetic examination to the application for adoption. In 2021, the norm was amended, establishing the mandatory nature of examinations.

#The Constitutional Court supports the use of molecular genetic examination to confirm paternity in the adoption of relatives, taking this into account to substantiate the evidence base and protect the rights of the child. Nevertheless, the court expressed the opinion that the mandatory examinations are not consistent with the Constitution, which gives the courts the right to appoint the necessary examinations in the direction of assistance, especially for persons in difficult financial circumstances.

The full text of the normative decision is available at the following links:
Website/ND: <https://www.gov.kz/memleket/entities/ksrk/documents/details/476950?lang=en>
Telegram: https://t.me/ConstitutionalCourt_KZ/332
Twitter (X): https://x.com/consccourt_kz

**The Government is recommended to take measures to
improve the legislation on social protection of citizens
affected by nuclear tests**



On September 25, 2023, the Constitutional Court of the Republic of Kazakhstan announced a resolution on the consideration of the compliance of Article 13 of the Law of December 18, 1992 "On Social Protection of Citizens Affected by Nuclear Tests at the Semipalatinsk Nuclear Test Site" (hereinafter referred to as the Law) with the Constitution of the Republic of Kazakhstan. The case was considered at the request of citizen, who believed that the rule on the availability of additional benefits only for citizens living in territories exposed to radioactive contamination violated the principle of equality.

The Court indicated that the differentiated approach to social support is due to the ongoing adverse impact of the environmental situation on residents of radiation risk zones. Despite the improvement of the radioecological situation, it remains unstable and requires additional research.

The full text of the normative decision is available at the links:

Website/ND: <https://www.gov.kz/memleket/entities/ksrk/documents/details/525084?lang=ru>
Telegram: https://t.me/ConstitutionalCourt_KZ/537
Twitter (X): https://x.com/consccourt_kz

**The consideration by the court of the issue of parole
does not mean the unconditional release of a person
sentenced to life imprisonment**



The Court considered the citizen's appeal to check the constitutionality of paragraph 1) of part eight of Article 72 of the Criminal Code, which does not provide for the right to petition for parole of convicts whose punishment has been changed from the death penalty to life imprisonment.

The subject of the appeal had his death penalty replaced by life imprisonment by way of pardon.

The Constitutional Court indicated that the establishment of a restriction on the use of parole for this category of persons in the current situation is associated with a non-existent type of punishment. Article 15 of the Constitution of the Republic of Kazakhstan prohibits the use of the death penalty, and the criminal and penal legislation excludes provisions on it. Thus, maintaining this restriction in the Criminal Code of the Republic of Kazakhstan for this group of convicts is not consistent with the Constitution.

The full text of the normative decision is available at the following links:

Website/ND: <https://www.gov.kz/memleket/entities/ksrk/documents/details/690691?lang=ru>
Telegram: https://t.me/ConstitutionalCourt_KZ/802
Twitter (X): https://x.com/consccourt_kz

GABON: OVERVIEW OF THE DRAFT OF THE NEW CONSTITUTION

The National Constitutional Committee, composed of 21 experts, appointed on May 8 by the ruling junta, has drawn up a text of 150 articles in just five weeks. These drew on a variety of sources, ranging from the conclusions of the Inclusive National Dialogue to the constitutions of other countries, as well as the jurisprudence of the former Gabonese Constitutional Court.

The bill enshrines a presidential regime, while establishing safeguards to avoid authoritarian excesses. The President of the Republic, elected for a seven-year term renewable once, will be both Head of State and Head of Government. He will, however, be accountable to Parliament, with the possibility of being impeached for high treason or violation of the Constitution.

An "anti-tampering" system has also been put in place, making certain articles of the Constitution almost inviolable, particularly those concerning the length and number of presidential terms.

The role of the legislative power is strengthened, with a Parliament with increased prerogatives. The parliamentarians, elected for a five-year term renewable for life, will have investigative powers and will be able to question the president on specific points.

The draft Constitution also aims to strengthen the independence of the judiciary. The Minister of Justice will no longer be head of the prosecutor's office, and the composition of the Constitutional Court has reportedly been redesigned to include a balanced mix of magistrates, constitutional law professors, lawyers and specialised civil servants.

The draft must now be submitted to the head of state and parliament before being presented to the Gabonese people in a referendum scheduled for the end of the year. This crucial process will determine Gabon's constitutional future and, by extension, the evolution of its democracy

SOUTH AFRICA: 1ST WOMAN TO BECOME CHIEF JUSTICE



Justice Mandisa Maya will be the first woman to become Chief Justice of South Africa's Supreme and Constitutional Court

Justice Mandisa Maya is expected to lead South Africa's judiciary for the next ten years after the Judicial Service Commission (JSC) recommended her appointment to President Cyril Ramaphosa on Tuesday 21 May.

The Chief Justice, as Maya explained in her opening speech to the commission, is responsible for: sitting on the Constitutional Court; administering the Supreme Court, including the assignment of cases; provide oversight of all courts in South Africa; chairing bodies such as the JSC; determine budgets; administer the oath of office to public figures; representing South Africa in various international legal forums; and much more.

Last week, the Judicial Service Commission recommended that Deputy Chief Justice Mandisa Maya succeed Chief Justice Raymond Zondo, paving the way for her to become the first woman to hold the position when President Cyril Ramaphosa formally appoints her. Justice Mandisa Maya, will take office as Chief Justice on September 1, 2024.



FUTURE ACTIVITIES

Constitutional Court of the Kingdom of Thailand



The 6th Congress of AACC

“The Constitutional Courts and Equivalent Institutions in Strengthening Constitutional Justice for Sustainable Society”

17-21 September 2024

Bangkok, Thailand

Constitutional Court of the Republic of Türkiye

The 12th Summer School

“Use of Information Technologies and Artificial Intelligence in the Higher Judiciary”

30 September - 3 October 2024

Ankara, Türkiye





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