



NEWSLETTER


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PREPARED BY

PERMANENT SECRETARIAT OF AACC

The Constitutional Court
of the Republic of Indonesia
JAKARTA

 aacc-asia.org



AACC PERMANENT SECRETARIAT

Warm greetings from the Permanent Secretariat for Planning and Coordination of the AACC, Jakarta, Indonesia. It is with great pleasure that we announce the launch of AACC Newsletter Volume 5/2.12/2024, which highlights significant milestones and events within our esteemed association.

This edition features a comprehensive news on the 6th Congress of the AACC, highlighting key discussions and outcomes that strengthened our collective mission. It also includes updates on activities conducted by the three Permanent Secretariats, underscoring their significant contributions to advancing the AACC's objectives. Readers will find coverage of events and landmark decisions from AACC member institutions, a preview of the Future Activities Calendar, and insights into similar events hosted by fellow associations.

We extend our heartfelt gratitude to all members, and contributors for your invaluable assistance and feedback, which have been instrumental in curating this publication. Your support ensures the continued success and relevance of our collective endeavors. We hope this edition of the AACC Newsletter serves as a meaningful resource to inform, inspire, and connect all members. Please do not hesitate to share further suggestions for our future initiatives.

With sincere appreciation,

**THE PERMANENT SECRETARIAT FOR PLANNING AND COORDINATION
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA**

OUR TEAM



Heru Setiawan

Head of Permanent Secretariat of AACC

"We hope this edition of the AACC Newsletter fosters stronger collaboration, inspires innovation, and serves as a valuable resource for all members in achieving our shared vision."



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UPDATE FROM FELLOW ASSOCIATIONS

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The Opening Ceremony of the 6th Congress of the Association of Asian Constitutional Courts and Equivalent Institutions

On Wednesday, 18th September 2024, His Majesty the King graciously appointed Hon. Mr. Atthaniti Disatha-amnarj, Privy Councillor, as His Majesty the King's Representative to preside over the Opening Ceremony of the 6th AACC Congress 2024. The President of the Constitutional Court of the Kingdom of Thailand, the Presidents/ Chief Justices/ Chairpersons/ Heads of Delegations of the foreign Constitutional Courts and Equivalent Institutions in Asia (14 countries in total), four regional associations of the Constitutional Courts, the Justices of the Constitutional Court of the Kingdom of Thailand, along with the Secretary-General of the Office of the Constitutional Court, had an audience with His Majesty the King's Representative at the Athenee Hotel, Bangkok.

Later, Hon. Prof. Dr. Nakharin Mektrairat, President of the Constitutional Court of the Kingdom of Thailand as the President of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), delivered opening remarks of the Congress, which is an international conference under the operative framework of the AACC served as a forum for presentations in the frame of constitutional review, the rule of law, human rights protection, etc., by the AACC members, observers, and guests. Moreover, the host received an honor from Hon. Mr. Gianni Buquicchio, President Emeritus, Special Representative of the Venice Commission, who addressed his special remarks via a pre-recorded video. source: www.aacc6-thailand.com



AACC



The Constitutional Court of the Kingdom of Thailand successfully hosted the 6th Congress of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) on September 18-19, 2024, at the Athenee Hotel in Bangkok, Thailand. This significant gathering brought together constitutional law experts, judges, and representatives from various member states to engage in meaningful discussions and share insights on vital issues related to constitutional justice.

Hon. Prof. Dr. Nakharin Mektrairat, President of the Constitutional Court of Thailand and President of the AACC, delivered the opening remarks, setting the tone for the Congress.

The Congress was centered around the main theme: “The Constitutional Courts and Equivalent Institutions in Strengthening Constitutional Justice for Sustainable Society.” This theme was complemented by three sub-themes:

- “The Role of the Constitutional Courts and Equivalent Institutions in Strengthening Constitutional Justice for Sustainable Society,”
- “The Evolvement of Constitutional Justice for Sustainable Justice in the Changing World,”
- “Constitutional Justice as the Foundation of Sustainable Social Development,”

Since presiding over the AACC in 2023, the Constitutional Court of the Kingdom of Thailand will continue to lead the Association until 2025. The successful hosting of the 6th AACC Congress underscores Thailand's commitment to advancing constitutional law and justice in the region.

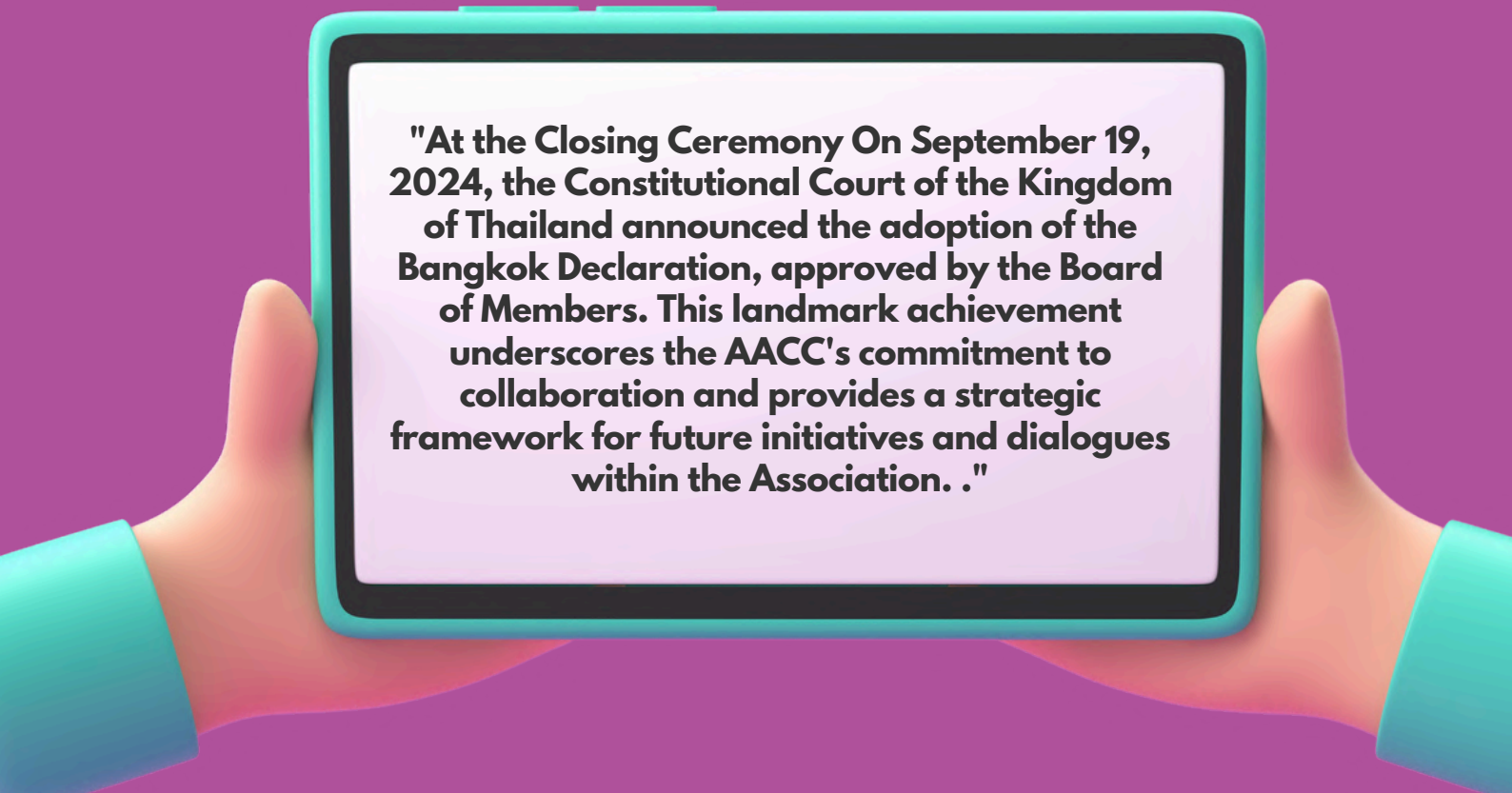
Source: www.aacc6-thailand.com



AACC

Bangkok Declaration

Bangkok, September 19, 2024



"At the Closing Ceremony On September 19, 2024, the Constitutional Court of the Kingdom of Thailand announced the adoption of the Bangkok Declaration, approved by the Board of Members. This landmark achievement underscores the AACC's commitment to collaboration and provides a strategic framework for future initiatives and dialogues within the Association. ."

AACC

Bangkok Declaration



Bangkok Declaration

The 6th Congress of the Association of Asian Constitutional Courts
and Equivalent Institutions
on the theme of
“The Constitutional Courts and Equivalent Institutions
in Strengthening Constitutional Justice for Sustainable Society”

September 19th, 2024

We, the Members of the Association of the Constitutional Courts and Equivalent Institutions (AACC) gathered in Bangkok, Thailand, from 18th to 21th September 2024, unite with a shared commitment to the principles of constitutional justice. This Conference themed: “The Constitutional Courts and Equivalent Institutions in Strengthening Constitutional Justice for Sustainable Society” provides a platform for dialogue and collaboration among diverse nations, all dedicated to upholding the rule of law, democracy, and human rights.

Recognizing the essential principles of constitutional justice, we reaffirm our belief in the international law, the supremacy of the constitution, separation of powers, protection of fundamental rights, and the need for an independent judiciary. These principles are the foundation of justice, peace, and stability in our societies. In a rapidly changing world – marked by technological advancements, environmental challenges, and social transformation – we acknowledge the crucial role of constitutional justice in fostering sustainable societies. We recognize that each nation will approach the integration of sustainability within its constitutional framework in a way that reflects its unique legal traditions, social contexts, and developmental priorities. Upholding the rule of law and protecting the fundamental rights are indispensable in addressing global issues such as climate change, resource management, and social equity, ensuring that development is sustainable, inclusive, and just. We emphasize the importance of mutual respect and cooperation as we adapt our constitutional frameworks to these new challenges.

Bangkok Declaration

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We firmly commit to advocating for justice, peace, and human rights, and standing united against any actions that threaten the lives, security, freedom, and dignity of individuals and nations, including those affecting Palestinian people.

We recognize the importance of ensuring access to justice as part of the struggle to maintain sustainable peace and stability in states societies, to combat climate change and promote “climate justice.” In this spirit, we extend our best wishes for the success of the 29th Conference of the Parties (COP 29) to the UNFCCC to be hosted by Azerbaijan. We recognize the crucial role such international gatherings play in addressing climate change and promoting sustainable development, including the promotion of public awareness in this field.

We shall continue to strengthen cooperation with other constitutional courts and equivalent institutions in a global format with the assistance of the Venice Commission and UN institutions, in an interregional and regional format, as well as other associations and associated communities that promote the rule of law and the protection of human rights, access to justice.

As the Members of the Association of the Constitutional Courts and Equivalent Institutions (AACC), we stand united in our dedication to constitutional justice and the pursuit of sustainable societies. We leave the Conference with a shared vision for a just and equitable world, committed to our common goals while respecting our differences.

We invite other constitutional courts and equivalent institutions to join our association with a view to fostering a broader community dedicated to the principles of constitutional justice in the context of sustainable development.

This Declaration was adopted by consensus at the 6th Congress of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), held in Bangkok, Thailand, from 18th to 19th September, 2024.

Adopted in Bangkok, Thailand, on 19th September 2024.



AACC



AACC



AACC PERMANENT SECRETARIAT ACTIVITIES



Permanent Secretariat for Planning and Coordination (SPC) in Jakarta, Indonesia



Permanent Secretariat for Research and Development (SRD) in Seoul, South Korea



Center for Training and Human Resources Development (CTHRD) in Ankara, Türkiye

PERMANENT SECRETARIAT FOR PLANNING AND COORDINATION (SPC)

AACC MEETING OF SECRETARIES-GENERAL



The Permanent Secretariat for Planning and Coordination of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC SPC) convened the Meeting of Secretaries-General (MSG) of the AACC for the Constitutional Court of Thailand in its capacity as AACC President for the 2023–2025 term. This virtual meeting, held on Thursday, September 5, 2024.



The MSG event was attended by 14 delegations from Azerbaijan, India, Indonesia, Malaysia, Palestine, Kyrgyzstan, Kazakhstan, Mongolia, Myanmar, The Philippines, Russia, Turkiye, Thailand and Uzbekistan.



The agenda of MSG focused on the preparation of the upcoming VI Congress of AACC, including the proposal to activate AACC's annual membership fees. This discussion sought practical solutions for implementing a financial contribution mechanism from AACC member states, aiming to establish a more independent financial structure in line with Article 23, Paragraph 1 of the AACC Statute.



AACC LIAISON OFFICERS MEETING DISCUSSES ADMINISTRATIVE PROCEDURES AND FINANCIAL CONTRIBUTIONS OF MEMBER COUNTRIES

The Permanent Secretariat of the AACC for Planning and Coordination (AACC SPC) hosted the virtual Liaison Officers Meeting of the AACC 2024. The meeting was officially opened on Tuesday, November 19, 2024, by the Secretary General of the Constitutional Court, Heru Setiawan. He was accompanied by the Head of the Public Relations and Protocol Bureau, Pan Mohamad Faiz, and the Head of the AACC Permanent Secretariat and Foreign Cooperation, Immanuel Hutasoit.

Heru Setiawan emphasized that AACC Secretariat continues to facilitate coordination, communication, and correspondence among AACC member countries, including between their Liaison Officers. The meeting was attended by representatives from 16 of the 21 AACC member states, such as Azerbaijan, India, Indonesia, Kazakhstan, Korea, Kyrgyzstan, Malaysia, Mongolia, Myanmar, Pakistan, Philippines, Russian, Tajikistan, Thailand, Türkiye and Palestine.



In Session 2, members continued to propose ideas for relevant themes and issues to be included in the upcoming AACC International Short Course agenda. Each member had the opportunity to present current legal issues of interest in their respective countries. Session 3 focused on discussing the calendar of each AACC members international activities, aiming to create an effective schedule and enhance coordination for AACC members.

At the meeting's conclusion, Pan Mohamad Faiz emphasized the importance of member contributions and the role of Liaison Officers in strengthening communication, summarizing key points such as financial contributions to be presented at the next BoMM, proposed themes for the Short Course, and the compiled international activity calendar for better coordination. He thanked participants for their input and underscored the need for continued collaboration to support the association's activities.



THE 2024 BOOK PROJECT OF THE AACC SRD

This year the AACC SRD has chosen the following as its annual research topic: "Constitutional Rights and the Environment". The AACC SRD therefore continues its focus on constitutional rights, but places it entirely within the context of environmental protection. This will also be an excellent opportunity to share adjudicatory experiences in relation to the global challenge of climate change, if any. Each chapter contribution (also referred to as "Fact Files") by respective AACC members are suggested to be structured as follows:

Part I. Defining constitutional environmental rights: Overview of the various kinds of environmental rights that are explicitly and/or implicitly protected by the constitution, and by whom these rights can be invoked when seeking the vindication of environmental rights at constitutional courts and equivalent institutions.

Part II. Constitutional review and remedies: Summary of key lines of reasoning and the impact of constitutional adjudication involving environmental rights. This includes how review standards are deployed and developed, and which constitutional remedies have been used to ensure the effective protection of environmental rights.

Part III. Major adjudication and current issues: Discussion of one or more landmark cases regarding the protection of constitutional environmental rights, which have not yet been presented in-depth in the sections above.

Eighteen AACC members participated in this year's book project. Hard copies of this year's book are in the process of being sent to AACC members. The AACC SRD appreciates the collaborative efforts of AACC members in making this project possible.

Further details about the 2024 book project can be found in the "Concept Paper" and "Fact File Template", which were shared with AACC liaison officers on 15 February 2024.

The book project of 2024 is the seventh book in the series. Previous publications can be found as PDF files under the publications section of the AACC SRD's homepage. The annual book projects published since 2018 are entitled as follows:

- 2018: Jurisdictions and Organization of AACC Members
- 2019: Constitutional Review at AACC Members
- 2020: Freedom of Expression: Experience of AACC Members
- 2021: Constitutional Rights and AACC Members
- 2022: Right to Life
- 2023: Access to Justice: Constitutional Perspectives
- 2024: Constitutional Rights and the Environment

SECONDMENT PROGRAM



Since its establishment in 2017, the AACC SRD has been operating the secondment program for research officers from AACC members. In September 2023, Ms. Onudari Nambat from the Constitutional Court of Mongolia joined the AACC SRD as a Seconded Officer. Her secondment has now been extended for another year, allowing her to continue contributing to the SRD's research initiatives.

The secondment program is open to AACC members at all times. Any member of the AACC can assign their staff for secondment to the AACC SRD for a duration of up to a year, with the possibility for extension. Seconded Officers independently conduct individual comparative research and may participate in joint research projects.

The AACC SRD warmly invites applications for the secondment program from interested staff from AACC members. The secondment program aims to facilitate people-to-people engagement among AACC member institutions, thereby further expanding the exchange of information on constitutional adjudication in Asia.



12TH INTERNATIONAL SUMMER SCHOOL ON “THE USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY”

The Constitutional Court of the Republic of Türkiye this year hosted the 12th Summer School event, under the auspices of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC). A total of 53 representatives from 27 different courts and institutions participated in the programme, which started with the opening ceremony organised on 30 September 2024 at the Constitutional Court premises.

The opening remarks were delivered by Vice-President of the Constitutional Court Mr. Basri Bağcı. Stressing that artificial intelligence and digital applications had a transformative impact on every aspect of our lives, including the legal realm, Mr. Bağcı noted that the necessity of leveraging these technologies to enhance the efficiency of judicial systems in securing the fundamental rights and freedoms of individuals.

He further expressed his sincere belief that the programme would provide significant contributions to the respective courts in gaining a better insight into technology and innovations that may offer solutions to the challenges of the future. Expressing his gratitude to the participants for their presentations, and to everyone taking a role in the programme, Mr. Bağcı wished for a successful and fruitful event.

The opening remarks by Vice-President Mr. Bağcı was followed by the sessions, which were inaugurated by Secretary General of the Turkish Constitutional Court Mr. Murat Azaklı. During his speech, Mr. Azaklı emphasised the urgent need for the judicial institutions to utilise all technological opportunities during a century with rapidly advancing technology.

Elaborating on artificial intelligence and technological developments in terms of judicial institutions, Mr. Azaklı noted that, albeit its ability of being the smartest, most intelligent, fastest, most practical assistant for judicial institutions, artificial intelligence would never approach the level of intelligence of a human being. He indicated that human beings would always continue to have superior intelligence and skills, stating “That is because human beings are endowed with emotions, feelings, conscience, culture and traditions, along with wisdom and intelligence”.

The sessions were moderated by Rapporteur-Judge of the Turkish Constitutional Court, Ms. Gizem Ceren Demir Koşar. The first session featured the presentations by the delegations from Türkiye, Korea, Indonesia, Albania, Algeria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, India, Kazakhstan and Kosovo, as well as by the representative of the European Court of Human Rights.





MEMBERS ACTIVITIES



STRENGTHENING CONSTITUTIONAL COLLABORATION: AZERBAIJAN AND TÜRKIYE DISCUSSED STRATEGIC JUDICIAL RELATIONS



The Constitutional Court of Azerbaijan hosted a meeting with a delegation led by the President of the Turkish Constitutional Court, Kadir Özkaya. Chairman of Azerbaijan's Constitutional Court, Farhad Abdullayev noted that Azerbaijan-Türkiye ties rely, as National Leader Heydar Aliyev said, on the thesis of "One nation, two states."



Abdullayev underlined that relations between the two fraternal countries are constantly developing thanks to the successful policy implemented by the President of the Republic of Azerbaijan, H. E. Ilham Aliyev, and the President of the Republic of Türkiye H. E. Recep Tayyip Erdogan. "This strategic cooperation, which has great geopolitical and economic potential, is aimed at ensuring peace and security in the region, as well as further strengthening cooperation in all domains, including the judicial sphere," Abdullayev added. The chairman hailed the successful development of judicial cooperation between the two brotherly countries, noting that the Constitutional courts of both countries also contribute to this collaboration. President of the Turkish Constitutional Court Kadir Özkaya said that close cooperation between the two countries across all domains, including the collaboration between the Constitutional courts, based on mutual support and understanding, are developing successfully. "Judicial and legal exchange between the Constitutional Courts will increase the effectiveness of constitutional justice, and at the international level, it will serve for the courts to take a single position on many issues," he emphasized. During the conversation, the sides discussed a wide range of issues, as well as elaborated on judicial experience and legal issues.

Source : www.constcourt.gov.az



Justice Syed Refaat Ahmed Pointed as the 25th Chief Justice of Bangladesh

In August 11, 2024, Justice Syed Refaat Ahmed was sworn in as the 25th Chief Justice of Bangladesh at Bangabhaban, the president's official residence. President Mohammed Shahabuddin administered the ceremony, which was attended by Chief Adviser Prof Muhammad Yunus, other advisers to the interim government, and distinguished personalities.

Justice Ahmed's appointment followed the resignation of his predecessor, Obaidul Hassan, amid protests demanding a revamp of the judiciary. Prior to his appointment, Justice Ahmed was the senior-most judge of the High Court Division of the Supreme Court. Born on December 28, 1958, he is the son of prominent jurist and former Attorney General Syed Ishtiaq Ahmed. Justice Ahmed earned his Bachelor of Law degree from the University of Dhaka and completed further studies at Oxford University and the Fletcher School of Law and Diplomacy at Tufts University.

His appointment was part of a series of significant changes in Bangladesh's judiciary, following the resignation of several Appellate Division judges amid demands for judicial reforms.

Source : [The Daily Star](#)



OATH CEREMONY THE VISION OF THE CHIEF JUSTICE OF INDIA



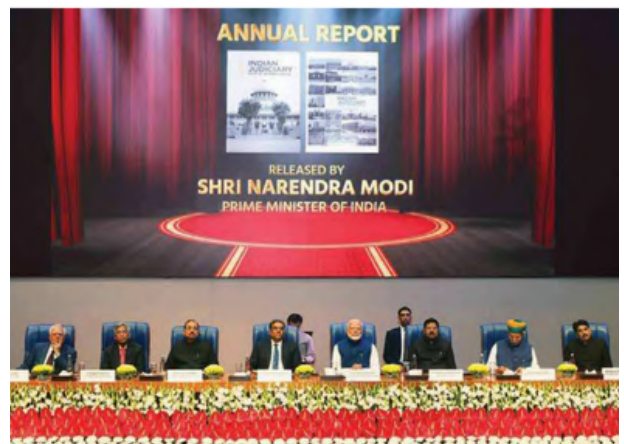
Justice Sanjiv Khanna took oath as the 51st Chief Justice of India (CJI) on Monday, 11 November 2024. Expressing immense honour in heading the third wing of democracy, he emphasised that ‘the judiciary is an integral yet distinct and independent part of the governance system. The Constitution trusts upon us the role of constitutional guardian, protector of Fundamental Rights, and responsibility to fulfil the important task of being a service provider of justice.’

Emphasising the constitutional duty to ensure easy access to justice for all citizens, the CJI identified that there is an urgent need to tackle case backlogs and ensure the simplification of legal procedures to make litigation affordable and accessible. In particular, he underlined that focused reforms are required on criminal case management and reduction of trial durations through a systematic approach. Further, making judgments comprehensible to citizens and promoting mediation were also emphasised upon.

Thus, aiming for a citizen-centric agenda, CJI has outlined his vision to make courts approachable and user-friendly. Positioning justice delivery mechanisms to ensure that the process of law is not gruelling for the citizens will be the top priority.

CONSTITUTION DAY CELEBRATIONS

The Supreme Court celebrated the adoption of the Indian Constitution on 26 November 2024. The occasion was graced by Prime Minister Shri Narendra Modi, Justice Sanjiv Khanna, Chief Justice of India, Justice B.R. Gavai, Justice Surya Kant, Sh. Arjun Ram Meghwal, Union Minister of Law and Justice, Sh. R. Venkataramani, Attorney General of India, Mr. Manan Mishra, Chairman Bar Council of India, and Mr. Kapil Sibal, President, Supreme Court Bar Association, present and former judges of the Supreme Court, judges of the High Court, and other dignitaries. During the event, PM Narendra Modi unveiled the Indian Judiciary Annual Report (2023-2024) of the Supreme Court.



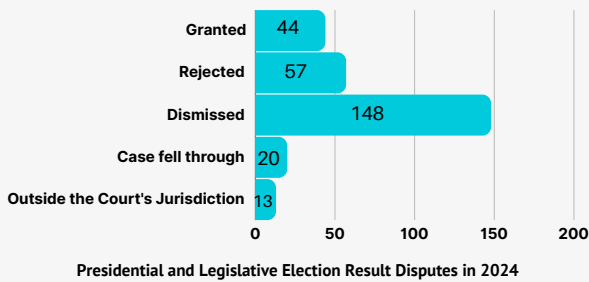
CJI, in his speech, emphasised the power of judicial review bestowed upon the courts by the Constitution of India. Highlighting the role of critique in the functioning of courts, he said, ‘as judges, perspectives and critique matter, because our foremost duty is towards the public, and secondly, being open and transparent is the biggest strength of the judiciary.’ He stressed the independence of the judiciary, free from external pressures and guided solely by the Constitution and the law, which makes the administration of justice the firmest pillar of governance. At the same time, the role of interdependence and reciprocity between each branch of the government was underlined.

Indian Judiciary Annual, Report 2023-2024, Supreme Court of India is available online at: <https://cdnbbsr.s3waas.gov.in>

Constitutional Court Design Strategies to Prepare for Regional Election



JAKARTA – The Constitutional Court (MK) successfully concluded its adjudication of the 2024 legislative election results dispute (PHPU) cases, with final ruling hearings held on June 10, 2024. The Court reviewed a total of 297 petitions related to election disputes for the DPR (House of Representatives), DPD (Regional Representatives Council), and Provincial and Regency/City DPRD (Regional Legislative Councils).



Streamlining Processes for Fair and Efficient Resolution

Chief Justice Suhartoyo also underscored the Court’s meticulous preparations for handling regional election disputes. These included working meetings in Yogyakarta, coaching clinics, and enhancing synergies in technical and substantive aspects of case handling. While the objects and subjects of regional election disputes differ from those of legislative elections, the procedural mechanism remains consistent, adhering to the principle of a speedy trial to ensure fairness and efficiency. With these comprehensive preparations, the Constitutional Court is poised to handle the regional election disputes with precision and professionalism.

Source : en.mkri.id

Evaluating PHPU and Preparing for Regional Election Disputes

To reflect on the legislative election dispute resolution process and prepare for the simultaneous regional elections, the Constitutional Court convened an evaluation meeting at the Alana Hotel, Yogyakarta, on November 20, 2024. Secretary-General Heru Setiawan highlighted that multiple initiatives had been undertaken to enhance the handling of PHPU cases and prepare for PHP Kada (regional election dispute) cases.

Among the efforts, the Court held coordination meetings to refine regulations and procedural frameworks for regional election disputes, conducted coaching clinics, and organized workshops for judicial and general administration staff, including PPPK (government employees with contract agreements) and Polri personnel.

Simulation Ahead of Regional Elections

Chief Justice Suhartoyo emphasized that the simulation aimed to provide hands-on experience for officers to ensure they were fully prepared for real-case scenarios. “This simulation allows everyone to perform their duties confidently and minimizes errors on the actual day,” he said.

Indonesian Constitutional Court Certificate of Recognition in 2024



The Best Implementation of an Electronic-Based Governance System in the category of Significant Index Improvement during the 2024 Digital Government Award at the SPBE Summit.



Information Security Management System for the operation of the SIMPKK Application Services, certified under ISO/IEC 27001:2022.



The first place in the Cybersecurity and Hacking Competition organized by the National Cyber and Crypto Agency.



Awarded for the inclusion of the Constitutional Review in the Scopus Index, achieving Q3 status as of April 2024.



Public Information Transparency Award organized by the Central Information Commission

Other Awards

ROYAL DECREE APPOINTS MOHAMMAD GHAZOU AS PRESIDENT OF JORDAN'S CONSTITUTIONAL COURT



A Royal Decree has been issued appointing His Excellency Mohammad Ghazou as the new President of the Jordanian Constitutional Court, effective October 6, 2024. The appointment comes as part of key judicial restructuring efforts aimed at strengthening the legal framework and upholding constitutional principles in Jordan.

The decree also announced the resignation of Mahmoud Ababneh from his position as President of the Judicial Council, marking a significant transition in Jordan's judicial leadership. The decision underscores the commitment of the Hashemite Kingdom of Jordan to ensuring an independent and impartial judiciary capable of addressing contemporary legal challenges.

His Excellency Mohammad Ghazou brings decades of experience in the legal field, making him well-suited to lead the Constitutional Court in its mission to interpret and safeguard the Jordanian Constitution. Under his leadership, the Court is expected to continue addressing critical constitutional issues while reinforcing the rule of law and protecting the rights of Jordanian citizens.

The announcement was met with support from the judiciary and legal community, highlighting the importance of stable and effective leadership in one of the Kingdom's most pivotal institutions.

The Constitutional Court of Jordan, established in 2012, plays a vital role in maintaining checks and balances within the government by reviewing the constitutionality of laws and regulations

The Constitutional Court of the Republic of Kazakhstan Hosted An International Conference On The Rule Of Law And Constitutional Review



23 August 2024, The Constitutional Court together with the Institute of Parliamentarism hosted the International Scientific and Practical Conference “The Constitution: Embodying the Values of the Rule of Law, Civil Society and the Modern State”.

The event was attended by judges of the Constitutional Court, the Chairman of the Supreme Court, members of Parliament, representatives of state bodies, scientific and legal communities, the OSCE Office in Astana, as well as experts from Germany, Finland, Switzerland, Uzbekistan and Kyrgyzstan. The participants exchanged views on the role of constitutional control in promoting human rights and freedoms.

The main focus was on improving constitutional justice in the context of ensuring sustainable development of the state and society. International experts presented their approaches and models of constitutional control.

The Chairperson of the Constitutional Court Elvira Azimova opened the conference with a welcoming speech, congratulating the participants on the upcoming Constitution Day and emphasizing the importance of multilateral dialogue. She emphasized that ensuring constitutional legality is a common task of all state bodies and officials within the normative and law enforcement process.

“All state bodies and officials should work systematically, systematically and purposefully in this direction. At the same time, the participation of citizens in this process plays an important role. A high level of legal culture of the population contributes to the strengthening of statehood, preservation of security and law and order,” Azimova said.



By August 2024, the Constitutional Court had considered more than 7 thousand citizens' appeals. Based on the results of consideration of citizens' appeals, it adopted 252 decisions, of which 50 normative resolutions on the merits of verifying the compliance of specific norms of laws and by-laws with the Constitution.

Dr. Kanatbek Safinov, Director of the Institute of Parliamentarism, noted that the Constitution is not just a legal act. It is the basis of our state structure, guaranteeing stability and prosperity of our society. Kazakhstan is proud of its Basic Law, which reflects both our historical identity and modern world trends.

The experts noted that the recommendations made during the conference are aimed at further improving constitutional justice and strengthening the rule of law in the country. The outcome of the forum confirmed the importance of dialog between the state, society and international experts to promote democratic values and ensure the rule of law.

Source : www.gov.kz



Korean Constitutional Court Transitions Leadership in 2024

The year 2024 was momentous for the Constitutional Court of Korea, marked by heartfelt farewells to four distinguished justices and the inauguration of a new member. These events underscored the Court's dedication to constitutional justice and evolving leadership.

On October 17th, a farewell ceremony was held for President Lee Jongseok, Justice Lee Youngjin, and Justice Kim Kiyoung. All three justices, who began their six-year terms on October 18, 2018, reflected on their time at the Court. President Lee Jongseok highlighted the importance of judicial independence in his speech, stating, "The judicialization of politics must not lead to the politicization of the judiciary." Justice Lee Youngjin called for an increase in Rapporteur Judges to address the growing complexity of constitutional cases. At the same time, Justice Kim Kiyoung expressed gratitude to Court members for their unwavering support during his tenure.

On September 20th, Justice Lee Eunae was honored in a farewell ceremony at the Constitutional Court auditorium. In her retirement speech, she praised the Court's role as a symbol of democracy and the rule of law.

Justice Lee advocated for reforms, including expanding the number of Rapporteur Judges and researchers, and urged the legislature to address laws deemed unconstitutional but yet to be amended to protect the rights of citizens better.

Amid these transitions, the Court also welcomed Justice Kim Bokhyeong during an inauguration ceremony held on September 23rd. With a distinguished legal career beginning in 1995, Justice Kim emphasized the importance of inclusivity and adaptability in her inaugural address. "I will respect diverse views, listen to the voices of vulnerable groups, and contribute to improving the constitutional justice system," she stated, signaling her commitment to addressing the challenges of a changing society.

The Constitutional Court of Korea's leadership changes in 2024 reflect its enduring commitment to upholding the principles of democracy, judicial independence, and the rule of law. The legacies of the outgoing justices, combined with the fresh perspectives of Justice Kim Bokhyeong, promise to steer the Court toward continued excellence in constitutional justice.

KYRGYZ CONSTITUTIONAL COURT HOSTS CEREMONY HONORING KEY MILESTONES IN THE NATION'S HISTORY

The Constitutional Court of the Kyrgyz Republic held a ceremonial event to commemorate three significant milestones: the 100th anniversary of the Kara-Kyrgyz Autonomous Region, the Independence Day of the Kyrgyz Republic, and the 100th anniversary of the Kyrgyz judicial system. The event highlighted the historical importance of these anniversaries and their impact on the nation's development.

In his speech, Emil Oskonbaev, Chairman of the Kyrgyz Constitutional Court, emphasized the profound significance of these milestones, stating, "The establishment of the Kara-Kyrgyz Autonomous Region marked a crucial starting point in our recent history, laying the foundation for the formation of modern statehood. This milestone not only paved the way for achieving the status of a full-fledged republic within the Soviet Union but also prepared our nation for independent existence on the global stage."

Chairman Oskonbaev also highlighted the intrinsic connection between the establishment of the Kyrgyz judicial system and the autonomy milestone. He remarked, "The 100-year history of our judicial system is closely tied to this pivotal phase."

The development of an independent judiciary was only made possible through the historical processes that began with establishing autonomy. Today, we take pride in the fact that our nation has traversed this path, strengthening its legal institutions to ensure justice, the rule of law, and the protection of the rights of every citizen. We honor our past and look to the future with confidence."

During the ceremony, representatives of the judiciary and other institutions were recognized with departmental awards from the Constitutional Court for their contributions to the development of constitutional justice. Additionally, the Constitutional Court's administrative staff members, who demonstrated exceptional professionalism and dedication to serving justice, were honored with Certificates of Appreciation from the Supreme Court of the Kyrgyz Republic and the State Agency for Civil Service and Local Self-Government Affairs.

The event celebrated these key historical milestones and reaffirmed the Kyrgyz Republic's commitment to justice, legal development, and national unity.

Source : conststot.kg

MALYSIAN JUDICIARY CELEBRATES MILESTONES WITH COURT OF APPEAL 30TH ANNIVERSARY AND BOOK LAUNCH

The Malaysian Judiciary marked a historic occasion on October 18, 2024, by celebrating the 30th anniversary of the Court of Appeal. The event, held at the Banquet Hall of the Palace of Justice, was highlighted by launching a commemorative book titled "A Tapestry: 30 Years of the Court of Appeal (1994–2024)." This celebration reflected on the Court's achievements over the past three decades and acknowledged its pivotal role in upholding the rule of law and advancing Malaysia's legal framework.

The launch of "A Tapestry" was officiated by Tan Sri Datuk Amar Abang Iskandar Bin Abang Hashim, the President of the Court of Appeal. The event was honored by the presence of Chief Justice Tun Tengku Maimun binti Tuan Mat and the presence of former Presidents of the Court of Appeal, including Tun Md. Raus Sharif, Tan Sri Zulkefli Ahmad Makinudin, Tan Sri Ahmad Maarop, and Tan Sri Rohana Yusuf. Other attendees included judges of the Federal Court, Court of Appeal, and High Court, representatives from the Attorney General's Chambers, the President of the Malaysian Bar, former judges and registrars of the Court of Appeal, and other distinguished guests.

In his address, Tan Sri Datuk Amar Abang Iskandar highlighted the Court's journey since its establishment in 1994, emphasizing its role as a crucial intermediary appellate court.



He acknowledged its significant contributions in resolving complex legal disputes, setting important precedents, and protecting constitutional principles and rights. The publication serves as a valuable resource for legal practitioners, scholars, and the public, offering insights into the Court's role in maintaining judicial excellence.

The anniversary event also provided an opportunity to discuss the future of Malaysia's legal landscape. Tan Sri Datuk Amar Abang Iskandar underscored the judiciary's commitment to addressing emerging legal issues such as technology, environmental law, and human rights.

The event was broadcast live on the Malaysian judiciary's official YouTube channel, allowing the public and stakeholders to witness the momentous occasion. It reaffirmed the judiciary's commitment to transparency and public engagement.

The Malaysian Judiciary remains dedicated to upholding justice and ensuring that the Court of Appeal continues to serve as a pillar of integrity and impartiality in Malaysia's legal system.

Source : www.kehakiman.gov.my



Maldives candidate Justice Shujune re-elected for a 4th term at the UN Subcommittee on the Prevention of Torture

The Maldives candidate, Honourable Aisha Shujune Muhammad, Justice of the Supreme Court of the Maldives, has been elected to the UN Subcommittee on the Prevention of Torture and Other Inhumane or Degrading Treatment or Punishment for the term 2025 to 2028, during the elections held today in Geneva. Justice Shujune received the highest number of votes in the election. Justice Shujune will be assuming her role on the Subcommittee for the fourth time since her initial election in 2010, having previously served the previous term from 2021 to 2024. She also served two consecutive terms from 2011 to 2018, during which she held the positions of Rapporteur and Vice-Chair of Jurisprudence.



Justice Shujune emerged victorious in a competitive field of 14 candidates vying for 12 seats. Her extensive experience within civil society and the judiciary, particularly in the areas of torture elimination and human rights protection, underscores her qualifications for this role. This year, the Maldives marks 19 years since joining the Optional Protocol to the Convention Against Torture (OPCAT). The Maldives was the first State party from Asia and one of the original twenty State parties to join. The UN Subcommittee on Prevention of Torture is the largest human rights treaty body of the United Nations. It is an international body established by the OPCAT consisting of 25 independent experts.

Source: www.foreign.gov.mv



Memorandum of Understanding Signed Between the Constitutional Courts of Mongolia and Kazakhstan



During the 6th Congress of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), H.E. Mr. Bayasgalan Gungaa, Chief Justice of the Constitutional Court of Mongolia, and H.E. Mrs. Elvira Azimova, Chairperson of the Constitutional Court of the Republic of Kazakhstan signed the Memorandum of Understanding (MoU) between the constitutional review bodies of the two countries. In this way, there will be an opportunity to exchange experience, develop and implement joint programs and measures, and study the constitutional law and practices between two countries to review the Constitution effectively.

Source : conscourt.gov.mn

Visiting to the Constitutional Tribunal of the Union of Myanmar

Law Students from Nay Pyi Taw State Academy visited the Constitutional Tribunal on October 22, 2024. They were welcomed and received by the member justice H.E. Mr. Kyaw San along with Deputy Permanent Secretary, Directors and high-ranking officers of the Constitutional Tribunal of the Union of Myanmar.

In this visit, H.E Mr. Kyaw San delivered the welcome remarks and Directors explained about the role of the Constitutional Tribunal, Constitutional complaints to the Constitutional Tribunal and the law and rules of the Constitutional Tribunal. Then H.E. Mr. Kyaw San gave the researched books as the present published by Constitutional Tribunal. After that, the visitors looked around the courtroom and library. This visiting is the remarkable mark both of the Constitutional Tribunal and State Academy.



Paper Reading Sessions Reading Sessions Held by the Constitutional Tribunal

The Constitutional Tribunal held the Paper Reading Sessions weekly since then in 2023 in order to build the capacity of research officers. The Paper Reading Sessions had been held under the leadership of the President of the Constitutional Tribunal, along with member justices and other high-ranking officers and research officers were participated and discussed on the topics.

This session aims to contribute to fostering the ability of the researcher, and it is a legal platform in understanding the legal system of States, Constitutional supremacy, Constitutional justice and the rule of law.

By November 2024, about 14 research papers in the sphere of the Constitution of other countries, Jurisdiction of Constitutional Courts and the Constitutional Courts' decisions of AACC had been researched and discussed.

Source : Constitutional Tribunal of the Union of Myanmar

The Meeting on Digitalisation at Supreme Court Branch Registry



Mr. Muhammad Salim Khan, Registrar Supreme Court of Pakistan chairing the meeting regarding digitalisation at Supreme Court Branch Registry, Lahore today 10.12.2024

As part of the ongoing judicial reforms under the visionary leadership of the Hon'ble Mr. Justice Yahaya Afridi, the Chief Justice of Pakistan, Mr. Salim Khan, the Registrar Supreme Court of Pakistan has introduced two transformative initiatives at the Supreme Court Branch Registry Lahore. During his visit, the Registrar of the Supreme Court inaugurated the eAffidavit System and an instant certified copies service, both aimed at enhancing efficiency, transparency, and accessibility within the judicial system.

The E-Affidavit System represents a significant step toward the digital transformation of judicial procedures. This innovative platform streamlines the submission of affidavits, reducing delays and ensuring transparency in the filing process. It is designed to simplify procedures for litigants and legal professionals, ultimately expediting the delivery of justice.

Additionally, utilizing the advanced Case Management System, the Supreme Court has made it possible for litigants and lawyers to instantly obtain certified copies of cases, whether pending or disposed of in Islamabad, directly from the Branch Registry Lahore. This innovative service removes the delays traditionally associated with document dispatch processes, significantly improving efficiency and convenience.

Source: www.supremecourt.gov.pk



The Supreme Court Hosts 11th Council of ASEAN Chief Justices (CACJ) Meeting



Cebu, Philippines – The Supreme Court of the Philippines successfully hosted the 11th Meeting of the Council of ASEAN Chief Justices (CACJ) from November 18 to 21, 2024, at the Shangri-La Mactan Resort in Cebu. This prestigious event brought together chief justices, senior judges, and judiciary officials from ASEAN member states to discuss key judicial issues and regional initiatives.

The meeting focused on enhancing judicial cooperation and addressing pressing legal challenges in the region. Among the topics discussed were:

- Cross-border disputes involving children
- Judicial approaches to trafficking in persons adjudication
- Facilitating the service of civil processes within ASEAN
- Advancements in case management and court technology
- Best practices for conducting videoconference hearings
- Judicial training and education initiatives

This year's meeting highlighted the importance of collaboration in tackling shared challenges and fostering innovative solutions to enhance judicial efficiency. The discussions reinforced ASEAN's commitment to improving the administration of justice and promoting regional unity through strengthened legal frameworks.

Source: <https://sc.judiciary.gov.ph>

The Constitutional Court of the Russian Federation Took Part in the 7th Congress of the Conference of Constitutional Jurisdictions of Africa

In early November 2024, a delegation of the Constitutional Court, led by Judge Sergey Knyazev, participated in the 7th Congress of the Conference of Constitutional Jurisdictions of Africa (CJCA), where the Constitutional Court of the Russian Federation has been an observer member since 2018.

The Congress on “Human Dignity as a Value and Founding Principle: A Source of Constitutional Interpretation, Protection and Application of Fundamental Human Rights” was held in Victoria Falls, Republic of Zimbabwe. The Vice-President of the Republic of Zimbabwe, Constantino Chiwenga, gave a welcome address at the opening ceremony.

The Congress included discussions on different approaches to understanding dignity as reflected in the constitutions and court practice of CJCA member states and invited constitutional review bodies. In addition to the CJCA members, representatives from the Constitutional Court of the Republic of Austria, the African Union, the African Court on Human and Peoples’ Rights, the Venice Commission, the Southern African Chief Justices Forum, several conferences of constitutional review bodies and non-governmental organisations took part in the discussion.

The CJCA was established in 2011 as a regional forum for constitutional justice in Africa with the following aims: to bring together in a common space the African courts responsible for constitutional review; to promote constitutional justice in Africa through consultation and dialogue; to promote solidarity and mutual assistance among the members of the Conference; to exchange experiences and information in the field of constitutional law; to network with the legal community; to develop relations with similar organisations in the world; and to ensure Africa’s contribution at the international level in the field of constitutional justice. The CJCA is one of the largest associations of constitutional review bodies, with 48 African constitutional review bodies as full members. In addition to the Constitutional Court of the Russian Federation, the Federal Supreme Court of Brazil, the Constitutional Court of the Republic of Türkiye and the Federal Supreme Court of the Republic of Iraq are observer members of the CJCA.

Source: www.ksrf.ru



CONSTITUTIONAL COURT OF THE KINGDOM OF THAILAND

THAI CONSTITUTIONAL COURT PARTICIPATES IN HIGH-LEVEL CONFERENCE AND VENICE COMMISSION MEETING IN ARMENIA

From November 12 to 16, 2024, Professor Dr. Nakarin Mektrairat, President of the Constitutional Court of Thailand and the Asian Association of Constitutional Courts and Equivalent Institutions (AACC), participated in the High-Level International Conference on "Respect for the Judgments of the Constitutional Court" in Yerevan, Armenia. He contributed to discussions on the implementation of Constitutional Court decisions, emphasizing their role in safeguarding the rule of law and human rights.

Mrs. Chatkaew Lertpaitoon, Acting Deputy Secretary-General of the Office of the Constitutional Court, attended the 21st Meeting of the Joint Council on Constitutional Justice of the Venice Commission. She presented Thailand's Constitutional Court's achievements and its leadership role in the AACC, highlighting its commitment to international judicial collaboration.



The events, co-organized by the Venice Commission, the Armenian Constitutional Court, and the Council of Europe, fostered dialogue on constitutional justice and human rights cooperation among international participants.

Source : www.constitutionalcourt.or.th

CONSTITUTIONAL COURT OF TÜRKİYE

PRESIDENT MR. KADIR ÖZKAYA RECEIVED THE PRESIDENT OF THE SUPREME JUDICIAL COUNCIL OF THE REPUBLIC OF IRAQ



President of the Turkish Constitutional Court, Mr. Kadir Özkaya, received Dr. Faiq Zidan, President of the Supreme Judicial Council and Court of Cassation of the Republic of Iraq, along with the accompanying delegation. Vice-President of the Constitutional Court Mr. Hasan Tahsin Gökcan and Justices Mr. Kenan Yaşar and Mr. Yılmaz Akçıl also attended the meeting held in President Özkaya's office.

President Özkaya expressed his appreciation for the visit of the Iraqi delegation and extended his wishes for the further strengthening and continuation of the good relations between the higher judicial bodies of the respective countries. Providing an overview of the Court's working procedures and principles, President Özkaya also shared insights into the constitutionality review process within the Turkish legal system.

President Özkaya also provided information about the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) and shared his views on the potential membership process of the Iraqi Federal Supreme Court to the AACC. Reiterating the Court's active role within the AACC's Permanent Secretariat, in its capacity as the Center for Training and Human Resources Development, which organises International Summer School Programmes annually, President Özkaya encouraged the participation of the Iraqi Federal Supreme Court in these programmes and elaborated on the relevant procedures.

Drawing attention to both historical and cultural interactions between Türkiye and Iraq, President Özkaya emphasised the deep-rooted ties between the two countries and extended his gratitude to the Iraqi delegation for their visit.

[MORE INFO](#)

UZBEKISTAN'S CONSTITUTIONAL COURT HOSTS INDONESIAN DELEGATION TO STRENGTHEN AACC COLLABORATION



Tashkent, July 22, 2024 – The Constitutional Court of Uzbekistan warmly welcomed a delegation from the Constitutional Court of the Republic of Indonesia, marking a significant step in strengthening ties and collaboration within the Association of Asian Constitutional Courts and Equivalent Institutions (AACC). The meeting was attended by the Chairman of the Constitutional Court of Uzbekistan, M. Abdusalomov, alongside justices and court staff. The Indonesian delegation, led by Justice Anwar Usman, was joined by officials from the Constitutional Court of Indonesia and Indakh Apriyanti, a representative of the AACC Secretariat.

During the visit, Justice Usman reaffirmed Indonesia's unwavering support for Uzbekistan as it prepares to assume the presidency of the AACC for the 2025–2027 period. The discussions focused on fostering cooperation between the Constitutional Court of Uzbekistan and the AACC Secretariat, highlighting Uzbekistan's pivotal role in leading the association in the coming years.

Justice Anwar Usman emphasized the strong partnership between Indonesia and Uzbekistan, stating, "Uzbekistan is one of Indonesia's closest partners. The Constitutional Court of Indonesia is committed to collaborating in all aspects of international activities under Uzbekistan's leadership of the AACC." The dialogue also explored avenues for joint initiatives and enhanced coordination to ensure a successful presidency for Uzbekistan. Both sides expressed a mutual commitment to strengthening ties and advancing constitutional principles across the region.

At the conclusion of the meeting, the Indonesian delegation conveyed their gratitude for the warm reception and meaningful discussions. Both parties agreed to further enhance bilateral cooperation, laying the groundwork for deeper engagement and shared achievements in the years ahead.

This visit underscores the dedication of both Constitutional Courts to upholding the rule of law and fostering regional collaboration within the AACC framework.



Source : www.konstsud.uz

JURISPRUDENCE

TRAVEL MAGAZINE 2024



ALL PRIVATE PROPERTY CANNOT BE ACQUIRED AND REDISTRIBUTED BY THE STATE, AS IT WOULD VIOLATE THE CONSTITUTIONAL RIGHT TO PROPERTY

**PROPERTY OWNERS ASSOCIATION
V. STATE OF MAHARASHTRA (2024 INSC 835)**

Coram: Chief Justice (Dr) Dhananjaya Y Chandrachud, Justice Hrishikesh Roy, Justice B.V. Nagarathna, Justice Sudhanshu Dhulia, Justice Jamshed B. Pardiwala, Justice Manoj Misra, Justice Rajesh Bindal, Justice Satish C. Sharma, and Justice Augustine G. Masih

The Supreme Court, on 5 November 2024, by a **7:2 majority**, held that not all private property constitutes 'material resources of the community' under Articles 39(b) and (c) that can be acquired and redistributed by the State.

The bench outlined certain principles to determine whether privately owned resources are covered by Article 39(b). This includes:

- (i) the nature of the resource and its inherent characteristics;
- (ii) the impact of the resource on the well-being of the community;
- (iii) the scarcity of the resource; and
- (iv) the consequences of such a resource being concentrated in the hands of private owners (¶222).

The judgment has also overruled the decision of *Sanjeev Coke Manufacturing v. Bharat Coking Coal* (1982 INSC 93) (**'Sanjeev Coke'**), which held that private resources are also part of the community's material resources.

Brief Background

The matter arose from the amendment to the Maharashtra Housing and Area Development Act, 1976 (MHADA) in 1986. It was to give effect to Article 39(b) of the Constitution. By way of Chapter VIII-A, the Act allowed the acquisition of redeveloped properties for the erstwhile occupiers. It empowered the state authorities to acquire dilapidated buildings and the land on which those are built, provided 70 percent of the occupants make such a request for restoration purposes. In a **challenge to the constitutional validity of Chapter VIII-A**, the Bombay High Court held that Chapter VIII-A was saved by Article 31-C as it gave effect to the principles laid down in Article 39(b).

On appeal, the Supreme Court then referred the matter to a larger bench due to a dispute over the interpretation of Article 31-C to reconsider the correctness of *Sanjeev Coke* regarding the interpretation of 'material resources of the community.' The Seven-Judge Bench, subsequently, referred the case to a Nine-Judge Bench to reconsider the broad interpretation in *Mafatlal Industries Ltd v. Union of India* (1996 INSC 1514) regarding the type of 'material resources of the community' under Article 39(b). **After this decision, the constitutionality of the MHADA will be decided by a regular bench based on the principles laid down in the present case.**

Issues

Whether privately owned property constitutes 'material resources of the community' that can be acquired and distributed by the state in furtherance of Article 39(b) of the Constitution.

What is the correct interpretation of Article 31C of the Constitution after the judgment of *Minerva Mills v. Union of India* (1980 INSC 142) ('**Minerva Mills**')?

Rationale

The Court held that after the amendment to Article 31-C was struck down in *Minerva Mills*, the unamended Article 31-C stood revived. Article 31-C is a saving clause that protects laws that implement certain Directive Principles, even if they appear to violate the Fundamental Rights in Articles 14 and 19. The rationale behind this saving clause is to ensure that the social goals are

achieved, even if it is through means of distribution of resources that are material to the community. Thus, Article 31-C will continue to prevent statutes from being struck down for violating Articles 14 and 19 if they give effect to Articles 39(b) and (c),¹ as interpreted in this judgment.

In her separate opinion, Justice Nagarathna observed that all privately owned material resources should be first converted into the 'material resources of the community' and only then can be distributed to serve the common good (¶¶7.8-7.9, 11.8, 12.3), except personal belongings (¶7.6). Justice Dhulia, in his dissent, observed that the phrase 'material resources of the community' must be given an expansive meaning (¶48). It is the task of the legislature to decide what and when privately owned resources that serve the common good form part of the material resources of the community (¶49).

In 2024, the Supreme Court of India delivered several landmark judgments that significantly impacted the nation's legal and political landscape. Here are some of the most notable decisions:





CIVIL SOCIETY SUPPORTS CONSTITUTIONAL COURT DECISIONS ON REGIONAL ELECTIONS



JAKARTA (MKRI) — Professors, academics, 1998 activists, pro-democracy activists, and university students visited the Constitutional Court on Thursday morning, August 22, 2024. They conveyed their political aspirations and showed support for Decisions No. 60/PUU-XXII/2024 and 70/PUU-XXII/2024 on the Regional Head Election (Pilkada Law), which they believe is a step toward a better democracy.

“The Constitutional Court as the Guardian of the Constitution and democracy must stand tall to uphold the Constitution and democracy. We the people are ready to keep fighting to save democracy, the people, and the Republic of Indonesia,” said Wanda Hamidah on behalf of the crowd in the Court’s main hall.

On behalf of the Court, Constitutional Court Ethics Council (MKMK) member Yuliandri as well as spokesperson and head of the Legal Affairs and Registrar Administration Bureau Fajar Laksono welcomed well-known figures Goenawan Mohammad (poet and essayist), Omyy Komariah Madjid (wife of late Nurcholish Madjid a.k.a. Cak Nur, a prominent Muslim intellectual), Wanda Hamidah (politician, actress), Sulistyowati Irianto (professor of anthropology of law, University of Indonesia), Zainal Arifin Mochtar (constitutional law expert and lecturer at Gadjah Mada University), Agus Noor (author), Ray Rangkuti (political activist), and election activists.

Yuliandri appreciated their show of support to the Court. He asserted that the Constitutional Court and its Ethics Council are committed to maintaining their honor and dignity.

“[Civil society] is one of our constructs in maintaining the honor and dignity of the Constitutional Court,” he said.

Next, Zainal Arifin Mochtar, a constitutional law expert from Gadjah Mada University, stated that the Constitutional Court had upheld a better democracy through Decisions No. 60/PUU-XXII/2024 and 70/PUU-XXII/2024. However, the House of Representatives (DPR) responded by setting up a session aimed at amending the Regional Election Law without taking those decisions into account.

He stressed that the professors, academics, activists, and university students who came to the Court today did so to express their aspirations while not representing any certain group. Their goal was solely to show support for the democracy of Indonesia. Law professor of University of Indonesia Sulistyowati Irianto had also previously stated that they came to the Court not on command, but for themselves. She highlighted the fact that support for the Constitutional Court decisions had also spread to Semarang, Surabaya, Yogyakarta, dan Bandung.

“I would like to say that we gather here not for [former Jakarta governor] Ahok, nor for [former Jakarta governor] Anies, not for anyone else. We are here for the future of Indonesia’s democracy,” Zainal said.

In response, Constitutional Court spokesperson and head of the Legal Affairs and Registrar Administration Bureau Fajar Laksono expressed gratitude and appreciation to this civil society. He said that he would convey these aspirations and support to the constitutional justices. “[The justices] will follow it up. [We] are still waiting,” he said. When asked about the Court’s plan going forward, he said that the Court had exercised its authority to adjudicate judicial review of laws against the 1945 Constitution.

“There were constitutional issues, there were norm issues. In those decisions, the Constitutional Court has adjudicated and provided solutions. It only speaks through its decisions,” said Fajar. He emphasized that after the Court hands down its rulings, laws are under the jurisdiction of the legislatures.

The Court granted a petition by the Labor Party and Gelora (Indonesian People’s Wave Party) on the threshold for the regional head candidacy. In Decision No. 60/PUU-XXII/2024, it provided details of the threshold that must be met by a political party or a coalition of political parties participating in the election to be able to nominate regional head tickets (governors, regents, and mayors). The ruling was pronounced on Tuesday, August 20 in the plenary courtroom.



Constitutional Court Decision Number 60/PUU-XXII/2024 Regarding the Threshold in Regional Elections

Chief Justice Suhartoyo, who announced the verdict, said the Court granted the petition in part. The Court stated that Article 40 paragraph (1) of the Pilkada Law does not have binding legal force as long as it is not interpreted that “A political party or a coalition of political parties participating in the election can nominate a candidate pair if it has fulfilled the requirements to nominate candidates for governor and vice governor:

1. in provinces with a population specified in the permanent voters’ list of up to 2,000,000 (two million), a political party or coalition of political parties participating in the election must obtain at least 10% (ten percent) of the valid votes in the province;
2. in provinces with a population specified in the permanent voters’ list of more than 2,000,000 (two million) to 6,000,000 (six million), a political party or a coalition of political parties participating in the election must obtain at least 8.5% (eight and a half percent) of the valid votes in the province;
3. in provinces with a population specified in the permanent voters’ list of more than 6,000,000 (six million) to 12,000,000 (twelve million), a political party or a coalition of political parties participating in the election must obtain at least 7.5% (seven and a half percent) of the valid votes in the province;
4. in provinces with a population specified in the permanent voters’ list of more than 12,000,000 (twelve million) people, a political party or coalition of political parties participating in the election must obtain at least 6.5% (six and a half percent) of the valid votes in the province.

To propose candidates for regent and vice regent as well as candidates for mayor and vice mayor:

1. regencies/cities with a population specified in the permanent voters’ list of up to 250,000 (two hundred fifty thousand), a political party or a coalition of political parties participating in the election must obtain at least 10% (ten percent) of the valid votes in the regency/city;
2. regencies/cities with a population specified in the permanent voters’ list of more than 250,000 (two hundred fifty thousand) up to 500,000 (five hundred thousand), a political party or a coalition of political parties participating in the election must obtain a valid vote of at least 8.5% (eight and a half percent) in the regency/city;
3. regencies/cities with a population specified in the permanent voters’ list of more than 500,000 (five hundred thousand) to 1,000,000 (one million), a political party or coalition of political parties participating in the election must obtain a valid vote of at least 7.5% (seven and a half percent) in the regency/city;
4. regencies/cities with a population specified in the permanent voters list of more than 1,000,000 (one million) people, a political party or a coalition of political parties participating in the election must obtain a valid vote of at least 6.5% (six and a half percent) in the regency/city.”



The Constitutional Court rejected the petition No. 70/PUU-XXII/2024 on the judicial review of the provision on the minimum age of regional heads as regulated in Article 7 paragraph (2) letter e of Law No. 10 of 2016 on the Election of Governors, Regents, and Mayors into Law ([Pilkada Law](#)). However, it emphasized that all requirements for regional head candidates regulated in Article 7 of the Pilkada Law must be met before the candidates are determined.

“This means that, within legal reasoning, a study on the fulfillment of the requirement must be done before the determination of the candidate pairs. In this case, all requirements as stipulated in Article 7 of Law No. 10 of 2016 must be met before election organizers, in casu the KPU, determines the regional head candidates and their deputies,” said Vice Chief Justice Saldi Isra delivering the Court’s legal opinion at a ruling hearing on Tuesday, August 20, 2024 in the plenary courtroom.

Vice Chief Justice Saldi Isra also emphasized that if the election organizers, in this case the KPU, needs technical regulations to implement Article 7 paragraph (2) letter e of Law No. 10 of 2016, these regulations must comply with the material in the a quo norm. In addition, following the principle of erga omnes, the Court’s legal opinion and interpretation of Article 7 paragraph (2) letter e of Law No. 10 of 2016 are binding for all election organizers, election participants, and citizens.

“As such, if the election organizers do not follow the considerations in the a quo decision of the Court as a holder of judicial power authorized to settle election results, candidates for regional heads and their deputies who do not meet the requirements and conditions in question could potentially be disqualified by the Court,” he explained.

CONSTITUTIONAL COURT OF KOREA HAS ISSUED A “FIRST OF ITS KIND” DECISION IN ASIA, REQUIRING SOUTH KOREA TO UPDATE ITS GREENHOUSE GAS REDUCTION TARGETS.

On 29 August 2024, Constitutional Court of Korea (the Court) ruled unanimously that a provision of the 2021

Framework Act on Carbon Neutrality and Green Growth for Coping with Climate Crisis (the Framework) does not conform to the constitution,¹ failing to protect the rights of future generations and must be amended by February 2026.

Korean youth activists initially filed a complaint in March 2020, alleging that the nation’s climate change rules violated their fundamental rights. This case, along with three others also alleging the unconstitutionality of the Framework and related texts, were consolidated in February 2024.

Details of the Decision

In a unanimous decision, the Court found that Article 8, Section 1 of the Framework does not conform with the Constitution and ordered the National Assembly of Korea to amend the law by February 2026.

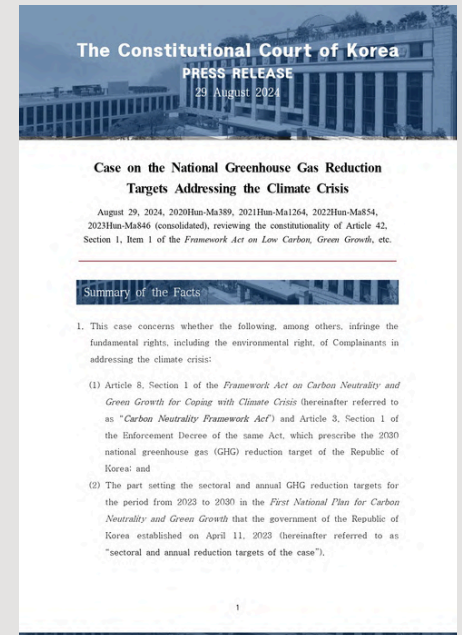
Article 8, Section 1 prescribes that the government shall set a national mid- and long-term greenhouse gas (GHG) reduction target to reduce national GHG emissions by a ratio prescribed by Presidential Decree not less than 35% from the 2018 level by 2030. In the Court’s view, the lack of legally binding targets for reductions beyond 2030 violate the constitutional rights of future generations and was in breach of the state’s duty to protect those rights.

The judgment refers in particular to Article 35 of Korea’s Constitution, which states that “All citizens shall have the right to live in a healthy and pleasant environment. The State and the citizens shall endeavour to conserve the environment”.² The Court found that the duty of the state and citizens to endeavour to conserve the environment “includes the duty of the State to address the climate crisis by taking measures to mitigate such risks through reducing the causes of climate change...”

According to the Court, the quantitative targets in the Framework fail to effectively guarantee gradual and continuous reductions up to 2050 due to the lack of quantitative standards. The Court found the GHG reduction targets are governed in a way that “shifts an excessive burden to the future”, and, therefore, lack the required minimum characteristic as a protective measure that corresponds with the risk situation of the climate crisis. As a result, the Court considered it appropriate to order the National Assembly to review and update the targets by February 2026. The Court rejected and dismissed all other claims relating to the unconstitutionality of provisions of the Framework and its Enforcement Decree and the Carbon Neutrality Basic Plan.

Potential Implications

This decision has been described as a “first of its kind” in Asia, with similar lawsuits pending in Taiwan and Japan. It follows the recent ruling of the European Court of Human Rights (ECHR) in April 2024, in which the ECHR confirmed for the first time that the adverse impacts of climate change fall within the ambit of human rights protection under the European Convention of Human Rights, requiring Member States to implement effective mitigation measures.³



Source : Latham & Watkins LLP

FEDERAL COURT OF MALAYSIA DEFERS JUNE 25 HEARING OF MALAYSIAN MUMS' APPEAL FOR AUTOMATIC CITIZENSHIP OF OVERSEAS-BORN KIDS PENDING CONSTITUTIONAL AMENDMENT



KUALA LUMPUR, June 24 — Malaysia's highest court has allowed for the deferment of hearing over an appeal by advocacy group Family Frontiers, which seeks equal treatment in citizenship being conferred automatically to the overseas-born children of Malaysian mothers as to Malaysian fathers. The deferment was granted due to the potential constitutional amendments tabled at the Dewan Rakyat having an impact over several other similar citizenship-related appeals where it was initially set for hearing of the appeal's merits at the Federal Court. When contacted, senior federal counsel Liew Horng Bin confirmed the deferment of tomorrow's citizenship appeal. "(It is to) Give time to the government for the pending constitutional amendment and to explore and consider other measures available to address all related citizenship issues," he was quoted as saying when contacted.

Online court records also show that the citizenship cases including those of 26-year-old Mahisha Sulaiha Abdul Majeed and 40-year-old Tan Soo Yin, are now scheduled to be heard before the same Federal Court panel on September 5.

"Application for adjournment by the respondents' lawyers have been allowed by the (Federal Court) panel chairman.

"Reason for adjournment: Awaiting the completion of the process to amend the provisions of the Federal Constitution regarding citizenship through the Constitution (Amendment) Bill 2024 where the aforementioned amendment will affect the ongoing appeals," the court records read.

The Attorney General's Chambers is acting for the federal government, who is a respondent in the Malaysian mothers' appeal. The current sitting of Dewan Rakyat which began today has been scheduled to run for 15 days until July 18.

In September 2021, the High Court ruled in favour of Family Frontiers and six Malaysian mothers that the overseas-born children are entitled to Malaysian citizenship, but this was overturned by the Court of Appeal in a 2-1 decision on August 5, 2022. But on December 14, 2022, the Federal Court granted leave to Family Frontiers from the Federal Court to appeal the appellate court's decision.

Of the six citizenship cases, Family Frontiers and Mahisha share the same constitutional questions; among them: whether Malaysia's Federal Constitutions prohibits gender discrimination against Malaysian women in terms of citizenship laws and also involves the citizenship condition of Section 1(b) in the Federal Constitution's Part II of the Second Schedule.

Two of the six citizenship cases — namely Tan who was born in Johor to unknown biological parents and 37-year-old Azimah Hamzah who was born in Pahang before her Cambodian refugee parents became Malaysians — involve a separate citizenship condition under Section 1(e) in the Federal Constitution's Part II of the Second Schedule.

Another of the six cases involve a different scenario, namely a 31-year-old woman who was born in Kuala Lumpur to a Malaysian father and non-Malaysian mother before they registered their marriage.

The Federal Constitution currently only expressly enables Malaysian fathers' overseas-born children to automatically be Malaysians, while Malaysian mothers have had no choice but to apply to the Malaysian government for their overseas-born children to be registered as Malaysians (a process which could take years, and which could result in rejections by the government).

Source: www.malaymail.com

The Constitutional Court of the Russian Federation has declared the Judgement in the case on the review of the constitutionality of several provisions of the Civil Code of the Russian Federation



On 31 October 2024, the Constitutional Court of the Russian Federation resolved the issue of the application of limitation periods to claims for the recovery of corruptly acquired assets to state revenues. The case on the review of constitutionality of Articles 195, 196, 197 (item 1), Article 200 (item 1 and paragraph 2 of the item 2) and Article 208 (paragraph 2) of the Civil Code of the Russian Federation was considered in connection with a request from the Krasnodar Regional Court.

The Krasnodar Regional Court is considering the appeal of a number of citizens against the decision of the Kanevsky District Court, which upheld the prosecutor's claims that property acquired by these citizens as a result of corrupt acts committed by citizen K. in 2001-2004 (when he was a public official) should be converted into state property. As a result of this decision, shares in the charter capital of 22 legal entities with a total value of more than 9 billion roubles transferred to the ownership of the Russian Federation. The court of first instance held, inter alia, that the limitation periods did not apply to acts of corruption. In their complaints, the defendants continue to insist that the prosecutor's office missed the limitation period. The Krasnodar Regional Court suspended the case and referred it to the Constitutional Court of the Russian Federation.

The request notes that judicial practice in anti-corruption cases brought by prosecutors has developed mutually exclusive approaches: in some cases, the application of the limitation period is allowed, while in other cases, under similar circumstances, it is not. This allows individuals to avoid the recovery of corruptly acquired assets in favour of the state, thereby creating unjustified advantages for them.

The Constitutional Court of the Russian Federation noted that corruption is one of the most dangerous social phenomena. It destroys and suppresses the sphere of public power, weakens its legitimacy, undermines citizens' faith in the rule of law and is a major obstacle to the country's development. This is particularly relevant for Russia, a country, whose socio-economic, political and legal systems have been undergoing a very difficult period of transformation since the early 1990s. Therefore, the State is obliged to fight corruption, to take sufficient and effective measures to make attempts of illicit enrichment pointless and futile, to prevent the risks of undue influence, the merging of power, business and criminals.

In particular, the mechanism for the recovery by the state of property and funds in respect of which the presumption of illegality of origin has not been rebutted or the illegality of origin has been established serves this purpose. The purpose is to realise the public interest in the field of the fight against corruption and not to restore the position of the participants in the civil turnover; it is not compensatory in nature and is aimed at compensating for the violation of the principles of justice and equality and the protection of the democratic system. Therefore, this measure, without going beyond the property sphere of the corrupt official and assuming its application only to the property obtained through corruption, cannot violate the constitutional prohibition of retroactivity of laws imposing liability and worsening the situation of citizens.

On the one hand, the purpose of the limitation period is to ensure the effectiveness of public functions, the stability of the legal order and the rationalisation of law enforcement, to maintain the stability of legal relations and to guarantee the constitutional rights of the person who has committed an act giving rise to legal consequences. On the other hand, it is not permissible to avail oneself of the protection of the law and of the courts, including limitation periods, if a person's claim to legal remedies against him or her is based on their use in bad faith for unlawful purposes. Consequently, the resolution of the issue of the applicability of limitation periods requires a balance between private and public interests, as well as taking into account the specificities of certain public relations.

The limitation period allows one party to block the judicial resolution of a dispute on the merits if the other party has sought to protect its rights long after it became aware of the infringement. However, this legal institute is oriented towards its application to private law relations, which are based, inter alia, on the equality and autonomy of will of their participants. If the property acquired as a result of the violation of anti-corruption requirements is returned to the Russian Federation, it is impossible to speak about protection of subjective civil rights in the sense of this concept used in the legislation.

Moreover, although according to the Civil Code the recovery of property to the revenues of the Russian Federation has consequences in the form of the termination of ownership rights, this does not imply a conclusion on the private law nature of this institution: the relevant provisions of the Civil Code are intended only to provide a transparent and understandable procedure for the participants in civil law relations for the transfer of ownership rights to the state. At the same time, the compulsory seizure of property from a private person for the benefit of a public entity should be carried out in compliance with the guarantees of judicial protection which apply both to the sphere of civil law relations and to the relations between the state and the individual in the sphere of public law. This is the purpose of using the form of civil litigation to resolve disputes on the recovery of corrupt assets into state revenue, which also does not indicate the private law nature of these claims.



THE ELECTION COMMISSION REQUESTED FOR A CONSTITUTIONAL COURT RULING ON THE DISSOLUTION OF THE MOVE FORWARD PARTY (CASE NO. 10/2567)



Press Release No. 31/2024

7 August B.E. 2567 (A.D. 2024)

Following are interesting cases held by the Constitutional Court:

The Election Commission requested for a Constitutional Court ruling on the dissolution of the Move Forward Party (Case No. 10/2567).

The Election Commission (applicant), as the Registrar of the Political Parties, filed an application that there were reliable evidences that the Move Forward Party (respondent) had attempted to subvert the democratic regime of government with the King as Head of State and behaved in manner of hostility to the democratic regime of government with the King as Head of State. This was a cause for the dissolution of the respondent political party under section 92 paragraph one (1) and (2) of the Organic Act on Political Parties, B.E. 2560 (2017), of which facts were stated in Constitutional Court Ruling No. 3/2567 (2024). The Constitutional Court was, therefore, requested to render orders to dissolve the respondent political party; revoke the right to candidacy of the respondent political party's executive committee members; and prohibit those who held office of the political party respondent's executive committee members whose right to candidacy was revoked from re-registering any political parties, serving on a new political party's executive committee, or participating in establishment of any political parties within ten years as from the date of the Constitutional Court's order to dissolve the respondent political party pursuant to section 92 paragraph two and section 94 paragraph two of the Organic Act on Political Parties, B.E. 2560 (2017).

Ruling of the Constitutional Court

After the Constitutional Court's consultative meeting, it was ruled that section 210 of the Constitution provides that the Constitutional Court has duties and powers on constitutional review of law and bill; adjudication on a question regarding duties and powers of constitutional organs; and other duties and powers prescribed in the Constitution. In order to implement section 210 paragraph three, the provision of section 188 paragraph one,

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Supreme Court of Pakistan Declares Pakistan Tehreek-e-Insaf Eligible for Reserved Seats



The Supreme Court has set aside the Peshawar High Court and election commission verdicts and declared the Pakistan Tehreek-e-Insaf (PTI) eligible for reserved seats in the case of the Sunni Ittehad Council.

The 8-5 majority verdict was announced by Chief Justice of Pakistan Qazi Faez Isa, who is heading a 13-member full court of the Supreme Court. The proceedings are being broadcast live. All the judges have recognized the PTI as a legal and competent party.

The Supreme Court declared that the deprivation of an election symbol does not terminate the right of a party to participate in elections. The PTI was and is a political party. The election commission submitted the data of 80 candidates to the Supreme Court.

It further said that the 39 candidates whose affiliation was shown with the PTI will remain the successful candidates of the PTI. The remaining 41 candidates can also submit their affidavits within 15 days that they were candidates of the same party. The PTI has been ordered to submit its list for reserved seats within 15 days.

The order stated that if the election commission and the PTI want an explanation, they can approach the court. The Supreme Court declared the election on additional reserved seats null and void, adding that the PTI will get reserved seats in the National and provincial assemblies. It ordered the election commission to issue notifications of reserved seats as per the PTI's list. The decision will be applied to Punjab, Khyber Pakhtunkhwa and Sindh Assembly as well, the Supreme Court ruled.

Later, Justice Yahya Afridi disagreed with the majority decision and wrote his own separate decision. He said it was not right to declare independent those who submitted themselves as PTI candidates. These members could not be declared as members of any other party, Justice Afridi wrote.

The chief justice also read out the dissenting note of Justice Jamal Mandokhel, according to which the Sunni Ittehad Council did not contest elections nor did it submit the list of reserved seats, hence it was not eligible for the seats. No candidate said they went to the Sunni Ittehad Council because of some confusion, it added.

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Supreme Court of Philippines Reiterates Ruling that Persons with Intellectual Disabilities Not Disqualified from Testifying; Urges Use of People-First Language

A person with an intellectual disability is not disqualified from testifying in court solely because of their disability.

This was reiterated by the Supreme Court (SC) in a Decision written by Senior Associate Justice Marvic M.V.F. Leonen, where the Court's Second Division found Jose Roel Bragais (Bragais) and Alfredo Tacuyo (Tacuyo) guilty of murder, accepting the testimony of a witness with intellectual disability.

In affirming the guilt of Bragais and Tacuyo, the SC highlighted the importance of improving how people with disabilities are referred to. It also advocated for the use of people-first language, which emphasizes the individual before their disability. While the term "mental retardate" is a legitimate medical term, the SC said it is no longer preferred because of its negative meanings.

In 2011, Bragais and Tacuyo were charged with the murder of a 12-year-old girl. The sole eyewitness was 28-year-old Mambo Dela Cruz Delima (Mambo), who is described by his mother as a "special child" with a "speech impediment" and "some mental deficiency."

On the date of the murder, Mambo came home to his mother at around 5:00 p.m., saying, "Ma [']eron ako kita [']dun e, gahasa siya, kita ko e, banta pa nga nila [']ko papatayin nila [']ko, e." ["Ma, I saw someone get raped, they even threatened to kill me."] His mother accompanied him to the police station, where she remained with him while the investigator took his statement, which they signed together.

During the trial, the prosecution asked permission from the Regional Trial Court (RTC) to ask Mambo leading questions, or questions that tend to guide a witness to answer in a particular way. Under the Revised Rules on Evidence, leading questions are generally not allowed during direct examination. This refers to the stage of a trial when the party, through their lawyer, asks their witness questions. However, leading questions may be allowed in cases when it is difficult to get clear and understandable answers, particularly if the witness is a child or has an intellectual disability.

The RTC granted the request, but asked for evidence showing Mambo's mental age.

The prosecution presented a report from the National Center for Mental Health, which stated that Mambo has an intellectual disability classified as "moderate mental retardation." Although his mental age is estimated to be between three and seven years old, he was competent to testify as a witness.



During his testimony, Mambo identified Bragais and Tacuyo as the persons who killed the 12-year-old girl.

The RTC convicted Bragais and Tacuyo, who then appealed their conviction, arguing that Mambo should have been disqualified as a witness.

The Court of Appeals affirmed the RTC decision, finding Mambo capable as a witness despite his mental condition. This led to the current appeal.

In affirming the conviction of Bragais and Tacuyo, the SC ruled that Mambo was competent to testify.

The SC emphasized that a person's ability to testify as a witness depends on their capacity to relay their knowledge. If their testimony is clear and understandable, it can be accepted.

This is further reflected in A.M. No. 19-08-15-SC, which amends the Revised Rules on Evidence to state that all "persons who can perceive, and perceiving, can make known their perception to others, may be witnesses."

The SC found that the RTC, which had the opportunity to observe the witness, made an independent assessment of Mambo's credibility, including his ability to tell the truth.

The RTC likewise found Mambo's testimony to be consistent and unwavering in identifying the accused as the individuals who committed the crime.

Based on the evidence, the SC found that all the elements of murder were duly established by the prosecution. Bragais and Tacuyo were sentenced to reclusion perpetua and ordered to pay the victim's legal heirs the total sum of PHP 275,000, with legal interest of 6% per annum from finality of judgment, until full payment. (Courtesy of the Supreme Court Public Information Office)

This press release is prepared for members of the media and the general public by the Supreme Court Public Information Office as a simplified summary of the Court's Decision. For the Court's complete discussion of the case, please read the full text of the Decision in G.R. No. 270580 (People v. Bragais and Tacuyo, July 29, 2024) at: [When we talk about the beginning of garage doors, we can date back to thousands of years, about 3500 BC or even earlier when the first wheels were created. Ever since wheels were used as means of transportation, people began to look for places for keeping their vehicles.](#)



**NEWS FROM
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Moldova, 22-23 May 2014

The XIXth Congress of the Conference of European Constitutional Courts (CECC) was held on May 22–23, 2014. The Congress was hosted by the Constitutional Court of the Republic of Moldova and also entailed the conclusion of its three-year presidency of the Conference.

At the opening ceremony of the Congress, the participants were addressed by Domnica Manole, President of the Constitutional Court of the Republic of Moldova, Maia Sandu, President of the Republic of Moldova, Síofra O’Leary, President of the European Court of Human Rights, and Claire Bazy Malaurie, President of the Venice Commission. The Congress continued with plenary sessions discussing cooperation between constitutional courts and supranational courts, the political and legal aspects of the jurisdiction of constitutional courts, and the protection of constitutional principles during a state of emergency. The second of the three plenary sessions was chaired by the President of the Constitutional Court, Dr Matej Accetto.

Meetings of the Circle of Presidents were held before and after the plenary sessions. At the closing session of the Congress in Chişinău, the presidency of the Conference of European Constitutional Courts for the next three-year period was assumed by the Constitutional Court of the Republic of Albania.

The Conference of European Constitutional Courts was established in 1972 in Dubrovnik and comprises 40 European constitutional courts or courts with equivalent jurisdiction. It serves as an important platform for cooperation among European constitutional courts and as a forum for the exchange of views and experiences. The Constitutional Court of the Republic of Slovenia has been a full member of the Conference since 1994.



Memorandum of Understanding Signing Ceremony Between the AACC and CIJC

On Thursday, September 19, 2024, a significant step in international judicial cooperation was taken with the signing of a Memorandum of Understanding (MOU) between the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) and the Conferencia Iberoamericana de Justicia Constitucional (CIJC). The ceremony, held at The Athenee Hotel in Bangkok, marked a new chapter of collaboration between the two organizations.

The MOU signed between the AACC and CIJC establishes a robust framework for cooperation in key areas such as constitutional law, democracy, the rule of law, and human rights. This agreement aims to promote mutual understanding and collaboration through the exchange of information, sharing of experiences, and dissemination of published research papers.

Furthermore, the partnership seeks to strengthen ties by organizing joint conferences, fostering dialogue on pressing legal issues, and building institutional capacity within the member courts. By pooling resources and expertise, both the AACC and CIJC are committed to enhancing the effectiveness of their respective judicial institutions, advancing constitutional justice, and contributing to the protection of human rights across their regions.

The ceremony was honored by the presence of distinguished attendees, including: Mr. Moussa Laraba, Justice of the Constitutional Court of the People's Democratic Republic of Algeria and Secretary-General of the Conference of Constitutional Jurisdictions of Africa (CCJA), and Mrs. Simona Granata-Manghini, Director and Secretary of the Venice Commission. Also attending were Mr. Udom Sittiwirattham, Prof. Dr. Chiranit Havanond, and Mr. Noppadon Theppitak, Justices of the Constitutional Court of Thailand, along with senior officials from the Office of the Constitutional Court of Thailand.

Source : www.aacc6-thailand.com



7TH CONGRESS OF THE CONFERENCE OF AFRICAN CONSTITUTIONAL COURTS (CJCA)

The Conference Constitutional Jurisdictions of Africa (CJCA) held its 7th Congress from 30 October to 2 November 2024 in Victoria-Falls (Republic of Zimbabwe), at the kind invitation of Hon. Mr. Lucke MALABA, Chief Justice and President of the Supreme and Constitutional Court of Zimbabwe. This event was enhanced by the presence of the Vice President of the Republic of Zimbabwe His Excellency Dr. Chiwenga, who delivered the opening speech and kicked off the work of this 7th Congress.

The Congress brought together forty (40) African Constitutional and Supreme Courts and Councils that are members of the CJCA, the Supreme and Constitutional Courts of Iraq, Russia and Turkey in their capacity as Observer Members of the CJCA, the Constitutional Court of Austria as a special guest, the African Union, the African Court on Human and Peoples' Rights, the World Conference on Constitutional Justice, the Council of Europe's Commission for Democracy through Law, as well as the regional groups working in the field of constitutional justice, namely: the Union of Arab Constitutional Courts, the Asian Association of Constitutional Courts, the Conference of European Constitutional Courts, and the Forum of Chief Justices of Southern Africa, to which are added civil society organizations, such as the International Association of Constitutional Law and the World Law Foundation, for a total of one hundred and fifty (150) participants.

Source: cjca-conf.org

The theme of the Congress was: "Human dignity as a value and founding principle: A source of constitutional interpretation, protection and application of fundamental human rights" At its 7th General Assembly, the Congress: - adopted the activity and financial reports; - ruled on new applications for membership;

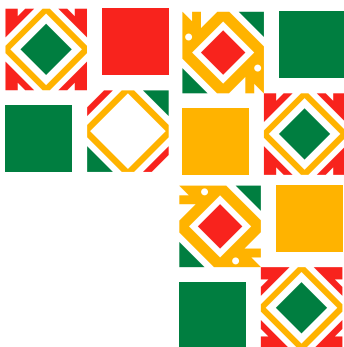
- adopted the activity programme and the provisional budget for 2024-2026; - ratified of the cooperation agreement between the CJCA and the Conference Portuguese-speaking Constitutional Courts.
- Announcement and awarding of trophies to the winners of the first edition of the "CJCA Thesis Prize".
- proceeded to the election of a new Executive Bureau.

The new Bureau is composed of:

- The Supreme and Constitutional Court of Zimbabwe, as President of the CJCA, for the period 2024-2026.

The following Councils and Constitutional and Supreme Courts as members of the Bureau:

- 1st Vice-President: The Constitutional Court of the Democratic Republic of Congo (Host of the 8th Congress);
- 2nd Vice-President: The Supreme Constitutional Court of Egypt
- Vice-Presidents: Algeria, Angola; Côte d'Ivoire, Ethiopia, Gabon, Seychelles, South Africa, Somalia, Morocco, Mozambique and Zambia.



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