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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

(VENICE COMMISSION)

**First meeting of Liaison Officers from  
Constitutional Courts and other equivalent bodies  
of the Southern Africa Region (SADC)**

**Mangochi, Malawi, 5-6 November 2001**

**SYNOPSIS**

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Upon invitation by the Venice Commission and the Supreme Court of Malawi, liaison officers appointed by constitutional and supreme courts from 10 countries<sup>1</sup> of the Southern African region (SADC) met on 5-6 November 2001 in Mangochi, Malawi in order to enable an exchange of case-law between their courts and to make their decisions in constitutional and human rights matters available to the public. (Agenda and list of participants figure in appendix I and II). This meeting was a result of decisions taken at a meeting of the presidents of the participating courts in Willowpark, South Africa on 10-12 August 2001.

During both meetings - which took place within the framework of the programme "Democracy from the Law Book to Real Life" funded by the Swiss government - it was pointed out that international co-operation between the courts would also be a means to strengthen the position of courts which were under pressure from the executive or legislative branches of power.

Following a presentation of the Venice Commission's CODICES database on constitutional case-law the liaison officers were informed about the possibility to include important decisions of the participating courts into the CD-ROM and Internet versions of CODICES (similar to co-operation with the Association of French Speaking Constitutional Courts - ACCPUF). Guidelines for summarising and indexing important decisions according to the Systematic Thesaurus of the Commission were discussed and followed by practical examples.

The liaison officers acknowledged that the preparation of the decisions for their inclusion into CODICES required substantial efforts but they pledged to contribute regularly (every four-months) to the database. The Commission's representative welcomed this attitude of the liaison officers and pointed out that the publication of decisions was indeed in the very interest of their courts which would thus have easy access both to the case-law in neighbouring countries and the world at large.

As a complementary element to the co-operation with the Venice Commission Ms Luthuli presented the project of the Constitutional Court of South Africa to make available via the Internet legal materials (case-law and statutes) from South Africa and the Southern African Region. Regular exchanges between the Venice Commission and the Constitutional Court of South Africa will ensure that the important case-law of the participating courts will be available in both projects.

In order to enable the participating courts to co-operate effectively with the Venice Commission and to facilitate the functioning of the Courts the Venice Commission is to equip the courts with PCs which are financed by the Swiss Government.

For the Venice Commission the meeting is intended as the starting point of a long-term co-operation with the participating courts. Depending on the contributions and the results achieved, the Commission will seek funds from donors for future meetings.

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<sup>1</sup> Angola, Lesotho, Malawi, Mauritius, Namibia, Seychelles, South Africa, Tanzania, Uganda, Zimbabwe

## **APPENDIX I**

### **PROGRAMME**

#### **Topics:**

1. Presentation of the Venice Commission
2. Presentation of the courts represented by the participants
3. Purpose of co-operation
4. Internet as a universal tool of exchange of information
5. Presentation of the Bulletin on Constitutional Case-Law
6. Presentation of the database CODICES
7. Co-operation between the Association of Constitutional Courts of the French Speaking Countries and the Venice Commission
8. Drafting of précis according to the guidelines
9. Systematic Thesaurus of the Venice Commission
10. Principles of indexing
11. Practical examples of indexing according to the Systematic Thesaurus
12. Possible Additional fora for the presentation of the decisions of the participating courts:
  - "Virtual Library" project of the Constitutional Court of South Africa (presentation by Ms Luthuli)
  - Internet site of the Universal Encyclopaedia of Human Rights
13. Discussion of modalities of distribution of PCs to the participating courts.

## **APPENDIX II**

### **LIST OF PARTICIPANTS**

#### **LIAISON OFFICERS**

##### **ANGOLA**

Mr Adriano Cerveira Baptista, Director of President's Office, Tribunal Supremo

##### **LESOTHO**

Mrs L. CHAKA-MAKHOOANE, Registrar of the High Court

##### **MALAWI**

Justice UNYOLO, Supreme Court

Mr Lorex KAPANGA, Principal Administrator, High Court

##### **MAURITIUS**

Justice Paul LAM SHANG, Supreme Court

##### **NAMIBIA**

Mr J.H. JOUBERT, Registrar of the High and Supreme Courts

##### **SEYCHELLES**

Mr Jean-Louis COLIN, Registrar of the Supreme Court

##### **SOUTH AFRICA**

Ms Rehana CASSIM, Chambers of Justice Yacoob, Constitutional Court

Ms Sheryl LUTHULI, Library, Constitutional Court

##### **TANZANIA**

Mr Ferdinand WAMBALI, Deputy Registrar of the Appeal Court

##### **UGANDA**

Mr Paul GADENYA, Personal Assistant to the Chief Justice, Appeal Court

##### **ZIMBABWE**

Justice L. MALABA, Supreme Court

Mr Healey S.B. POTANI, High and Supreme Court of Malawi

#### **SECRETARIAT**

#### **VENICE COMMISSION / COMMISSION DE VENISE**

Mr Schnutz Rudolf DÜRR, Centre on Constitutional Justice

