



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 3 September 2001

<cdl\doc\2001\cdl-ju\38-e>

Restricted
CDL-JU (2001) 38
Engl. Only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

S Y N O P S I S

**Colloquium for judges
from Constitutional and Supreme Courts
of Southern Africa**

Willow Park, South Africa (11-12 August 2001)

Within the programme “Democracy from the Law Book to Real Life”, sponsored by the Swiss government, the Venice Commission and the Constitutional Court of South Africa organised a Colloquium for judges from constitutional and supreme courts of Southern Africa, which took place in Willow Park, South Africa on 11-12 August 2001.

Judges from the Constitutional, Supreme and other Courts of South Africa as well as senior judges from Angola, Botswana, Lesotho, Malawi, Mauritius, Namibia, Swaziland, Tanzania, Uganda and Zambia participated in the Colloquium. The European participants were Mr Antonio La Pergola, President of the Venice Commission, Mr James Hamilton, Member of the Venice Commission, Ms Hanna Sophie Greve, Judge at the European Court of Human Rights and Mr Gianni Buquicchio, Secretary of the Venice Commission.

At the conclusion of the Colloquium the participants confirmed their readiness to co-operate in the exchange of case-law and to make it available to the public via a web site. They also undertook to nominate liaison officers to the Venice Commission who will contribute to the exchange of case-law.

A meeting of the liaison officers has been scheduled for early November 2001 in Malawi.

A statement, which is appended, was also adopted by the participants.

COLLOQUIUM OF SADC JUDGES

12 AUGUST 2001

On 11 August 2001, Judges of the Constitutional Court and the Supreme Court of Appeal, Heads of other Courts in South Africa and Senior Judges from Angola, Botswana, Lesotho, Malawi, Mauritius, Namibia, Swaziland, Tanzania, Uganda and Zambia with the support of the Venice Commission and the Swiss government at Willow Park, Kempton Park. The purpose was to bring judges of the SADC region together to discuss matters of common concern. During the first session of the colloquium the judges participated in in-depth discussions with a number of senior journalists representing the South African National Editors Forum.

The relationship of the media and the judiciary was discussed, with particular reference to the responsibility of the media in reporting the decisions of the Courts and the responsibility of the judges in communicating their decisions to the media. The colloquium recognised the importance of the role of the independent media as one of the pillars of a constitutional democracy and stressed the need for a healthy relationship between the media and the courts and the importance of taking practical steps to strengthen that relationship.

One of the matters debated at length was the question of whether and, if so, to what extent, the electronic media should be entitled to record court proceedings.

Other topics which were discussed were how judges should respond to criticism by persons from the political sector, the media and the public and how attacks on the independence of the courts in the region should be dealt with.

At a later session, examples were given of serious threats to the independence of certain judges in the region. There was strong support from the participants for the creation of a regional body of judges to protect the independence of the courts and promote the rule of law, democracy and social development in the SADC region. Such a body would also be responsible for arranging regular meetings and exchange of information between judges and magistrates of the different countries of the region. The Venice Commission has undertaken to give support for the creation of such a body.

The Venice Commission is a body of the Council of Europe and has for the past ten years been supporting the development of constitutionalism in countries undergoing democratic transition in Central and Eastern Europe and elsewhere. Representatives of the Commission also took part in the colloquium.