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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

CO-OPERATION WITH COURTS IN LATIN AMERICA

Co-operation with Courts in Latin America

The Venice Commission has five observers on the American continent: Argentina, Canada, Mexico, the United States and Canada. The Supreme Courts of Argentina, Canada and the United States regularly contribute to the Bulletin on constitutional Case-Law and the CODICES database.

Following the inclusion of the case-law of ACCPUF and the constitutional and supreme courts from the Southern African region (SADC) into the CODICES database, there is interest from Latin America to co-operate with the Venice Commission as concerns the exchange of case-law. Such an exchange ought to enrich the database especially as concerns issues of the protection of human rights.

Three avenues appear open in this respect:

1. Conference of Constitutional Justice of Ibero-America, Spain and Portugal
2. Co-operation with the Inter-American Court of Human Rights
3. Co-operation with the Central American Court of Justice

1. Conference of Constitutional Justice of Ibero-America, Spain and Portugal

The Conference of Constitutional Justice of Ibero-America, Spain and Portugal unites Constitutional and Supreme Court on the American continent and in Europe. The Supreme Court of Argentina and the Constitutional Court of Portugal and Spain already participate in the work of the Sub-Commission on Constitutional Justice of the Venice Commission.

The IIIrd Conference of Constitutional Justice of Ibero-America, Spain and Portugal took place in Guatemala on 22-27 November 2000 and had the topic "Constitutional Review of Laws". The IVth Conference was planned to take place in Costa Rica in November 2001 but had to be rescheduled.

The Conference is studying means to establish a computer-based system of exchange of case-law. Mr. Jiménez Campo, Secretary General of the Spanish Constitutional Court, undertook to inform the Conference about the work of the meetings of the Sub-Commission on Constitutional Justice with the liaison officers in this respect (*Bulletin*, CODICES).

2. The Inter-American Court of Human Rights

The Inter-American Court of Human Rights is an autonomous judicial institution of the Organization of American States, formally established in 1979. It is formed by jurists of the highest moral standing and widely recognized competence in the area of Human Rights. Judges are elected in an individual capacity by the OAS General Assembly and cannot serve for more than two six-year terms (<http://www.corteidh.or.cr/index-ingles.html>).

The President of the Inter-American Court of Human Rights, Mr. Cançado Trindade will visit the Council of Europe in Strasbourg in July 2002. This might be the occasion to establish relations between the Venice Commission and the Court with a view of integrating the important case-law of this court into the CODICES database.

3. The Central American Court of Justice

The Central American Court of Justice is part of the Central American Integration System, SICA, created by the Tegucigalpa Protocol, signed on December 13, 1991, trying to constitute Central America as "Region of Peace, Freedom, Democracy and Development, firmly formed under the respect, guidance, and promotion of human rights". SICA began its operation on February 1, 1993. The Central American Court of Justice, was set up as a legal body that guarantees the accomplishment of the Tegucigalpa Protocol. (<http://www.ccj.org.ni/> in Spanish).

The President of the Central American Court of Justice, Mr. Giammattei Avillés visited the Venice Commission's Secretariat in June 2001 and suggested the establishment of a co-operation between his Court and the Venice Commission.