

REPORT ON THE VISIT TO AZERBAIJAN BY THE VENICE COMMISSION DELEGATION (Baku, 16-19 September 1996)

The European Commission for Democracy through Law (Venice Commission) delegation, made up of Mr Russell (Ireland), Mr Osbudun (Turkey) and Mr Lesage (France), along with Mr Buquicchio, Secretary of the Commission, and Mr Giakounopoulos, member of the Secretariat, went to Baku from 16 to 19 September 1996 at the invitation of the Azerbaijani authorities.

The primary aim of the visit was to meet those responsible for drafting the constitutional law on the Azerbaijan Constitutional Court, as part of the preparation of a Commission opinion on that draft; meetings were also scheduled with the authorities, so as to establish priority areas for future co-operation between the Commission and Azerbaijan.

The delegation met with Azerbaijani political leaders at the highest level and with the supreme judiciary (the programme for the visit is appended to this document). **Everybody the delegation spoke to wished to stress Azerbaijan's genuine interest in co-operation with the Council of Europe, the political importance of its accession to the organisation and, more generally, the challenge that European integration represented for Azerbaijan.**

Following discussions about the Draft Law on the Constitutional Court, it was arranged that consultation with Commission members should be continued by means of opinions which would be transmitted to the relevant authorities in the near future. The many contacts established during the visit will enable the Commission to set up a sustained co-operation programme with Azerbaijan.

The meetings held during the Commission delegation's visit are outlined below.

The **President of the Republic of Azerbaijan, Mr Aliev**, met the Commission delegation in his office. He stressed his keen interest in Azerbaijan's accession to the Council of Europe and its rapid integration into the community of European democracies. The President felt that Azerbaijan's participation in the work of the Venice Commission was an important stage in that integration process. He made a point of mentioning the problems caused by the conflict in the Nagorno Karabakh and the ensuing difficulties for his country. He also emphasised the fact that the Government's priority had been to restore social and political stability.

The delegation also had a lengthy meeting with **Mr Hassanov, Minister for Foreign Affairs**, during which the Commission's various activities and possible areas for co-operation with Azerbaijan were discussed.

The meetings with **Mr Oussubov, Minister for the Interior, Ms Hassanova, acting Minister of Justice, Mr Hassanov, Attorney-General, and Mr Mamedov, Deputy Attorney-General**, mainly covered the measures taken to restructure the judiciary, in compliance with the principles of the rule of law and an independent judiciary. The speakers frequently stressed their strong desire for close co-operation with the Council of Europe in this area. The delegation found that this interest was shared by legal professionals, not just in Baku but also in the provinces; a meeting with judges and prosecuting authorities in Guba showed the delegation the importance placed on that co-operation in Azerbaijani legal circles.

A meeting with the members of the **Parliamentary Committee for Legislative Reform, chaired by Mr Zeinalov**, gave the delegation an opportunity to exchange views with members of the Azerbaijani parliament. The establishment of the Constitutional Court was the main topic of discussion.

The delegation met **Mr K Hadjiev, President of the Supreme Court and associate member of the Commission** on Azerbaijan's behalf, as well as Ms G Rzayeva, Mr C Bashirov, Mr A Seyidov and Mr N Huseynov, all judges. Discussions covered the relationship between the Supreme Court and the future Constitutional Court, including the possibility of incidental referral of issues connected with the constitutionality of laws and regulations to the Constitutional Court.

A **round table** was organised on the same issue **with the members of the Presidential Commission for Legislative and Legal Reform**. The Commission delegation presented its observations on the Draft Law on the Constitutional Court and held an exchange of views with the committee members. It was decided that the delegation's comments would shortly be sent to the Presidential Committee, which would take them into consideration before submitting the Draft Law to the parliament for a second reading.

Lastly, the delegation met the **Chancellor of the University of Baku, Prof. Aleskerov, and a number of other professors**, who expressed a strong interest in the UniDem seminar programme.

Programme for the Venice Commission delegation visit to Baku (16-19 September 1996)

Monday 16 September

9.55 pm Arrival at the airport, transfer to the hotel.

Tuesday 17 September

10.00 am Talks at the Supreme Court with its President, K Hadjiev, and members of the Court.

12.00 noon Talks with Mr Oussubov, Minister for the Interior.

3.00 pm Talks with Mr Hassanov, Attorney-General.

4.00 pm Talks with members of parliament and members of the Parliamentary Committee for Legislative Reform.

Wednesday 18 September

9.00 am Guba: talks with local court members and prosecuting authorities.

Thursday 19 September

10.00 am Talks with the Minister for Foreign Affairs, Mr Hassanov.

11.30 am Visit to the state university.

12.30 pm Talks with Ms Hassanova, acting Minister of Justice.

3.00 pm Round table with the members of the Presidential Commission for Legislative and Legal Reform.

5.00 pm Audience with the President of Azerbaijan, Mr He?dar Aliev.

Friday 20 September

5.45 am Departure for Frankfurt.