



Strasbourg, 16 September 2005

CDL-JU(2005)036

CCS 2005/07

Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**in co-operation with**

**THE CONSTITUTIONAL COURT OF SLOVENIA**

**THIRD CONFERENCE  
OF SECRETARIES GENERAL  
OF CONSTITUTIONAL COURTS  
AND EQUIVALENT BODIES**

**Bled, Slovenia, 29-30 September 2005**

**REPORT**

**INFORMATION TECHNOLOGY  
SUPPORTING AND IMPROVING THE COURT'S OPERATIONS  
THE EXPERIENCE OF THE ROMANIAN CONSTITUTIONAL COURT**

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In the **year 2000**, the Constitutional Court's network consisted of less than 40 computers, most of which had scarcely met satisfactory standards because of their outdated technical characteristics: 64MB RAM memory, 512MB hard disks, implemented with Windows 95 and Windows 98 operation systems. On account of the Court's location in the Parliament building, its entire network was managed by the Chamber of Deputies, which had allowed for a limited Internet connection (actually in three computers only).

In addition, the increasing caseload of the Constitutional Court necessitated a program or database for the search of jurisprudence and relevant information concerning pending cases, but also for tracing Romanian legislation. Indeed, the latter has become a "must" given the high volume of legislation passed in recent years in light of Romania's EU accession, and the frequent amendment of existing legislation. Since the Constitutional Court is entrusted, among others, with the examination of **laws** (and government ordinances) **in force**<sup>1</sup>, it is essential that scrutiny concerns a legislative text to be tracked down as **effective** on the day of delivering judgment. Apart from that, the free-of-charge publication of the Court's decisions on Internet was still to be tackled with.

Under the circumstances, the implementation of a network based on a reliable IT infrastructure, enabling full access to the Internet and to online legislation programs, and the development of a consistent Homepage have become as many major preoccupations for the Constitutional Court, in the context of its integration in the IT world.

The plan sketched in November the same year was also intended to address the criticism made in the 2000 Regular Report by the European Commission on Romania's progress towards accession, setting forth the imperative to implement the "*computerisation of the courts*" and that such plans were to be "*accompanied by an overall modernisation of the functioning of the court system*" within the framework of measures needed "*to enhance the administrative capacity of the Romanian judiciary*". As was furthermore noted, "*The availability of information technology in the different judicial institutions is limited. The library and documentation services are insufficient, as is the distribution of relevant case law.*"

Although the formidable architecture of the European Court of Human Rights Portal (HUDOC database online) and the user-friendly access to its collections of case-law seemed to be rather "wishful thinking" by that time, the Romanian Constitutional Court had found in it resourceful inspiration.

The project was carried out between 2001 and 2004.

1. With a view to ensuring a modernized infrastructure, the project primarily focused on the **endowment with IT equipment**, the implementation of which was determined by the amount of capital costs allocated through the Court's annual budgets.

Accordingly, the acquisition plan came to: 30 computers, 11 printers, 2 servers and 1 laptop, in **2001**; 10 computers and 8 printers (plus 1 server received as a donation from the

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<sup>1</sup> The concrete *a posteriori* constitutional review under the Constitution Article 146 subpara.d), on pleas of unconstitutionality raised before the courts of law or commercial arbitration.

German Foundation for International Legal Cooperation), in **2002**; 6 computers, 3 laptops, 10 printers and 2 servers, in **2003**; 14 computers and 9 printers, in **2004**; 20 computers, in **2005**.

Today, the Constitutional Court has 90 computers, 5 servers, and 40 printers connected to a LAN network, type TCP/IP. The technical equipment facilities are heterogeneous, with all computers in the network operated with Windows 2000 and Windows XP. This configuration reflects the Court's preoccupation to put in place an integrated system, managed by a unique administrator for the entire network.

**2.** Further efforts have been made to provide the necessary **software** for every single computer, including some specialized products for the Court's specific applications, such as: programs for image processing (Corel Draw and Photoshop), a database program (Microsoft SQL), web pages programs (Home Site, FireWorks, Front Page), an e-mail program (Microsoft Exchange).

In order to extend access to domestic information and documentation services, the Court has also purchased an online Romanian program of legislative database (EON – SintACT), which now amounts to about 100,000 normative acts (between 1864 and the present day). Their Internet updating is on a daily basis for all the 40 workstations at the service of "specialized users" within the Constitutional Court (namely the Court's members, the assistant-magistrates, legal and other staff involved in the jurisdictional activity).

Legal information is supplemented by online supply of Romania's Official Gazette in electronic format (in .pdf).

**3. The communication infrastructure** is also assorted to match the existing IT endowment and software products. Starting with 2001, a modern system of communication was implemented, so that an Internet connection is now available for each workstation, through optic fiber with high transfer rates. This communication is mainly used for the daily transmission of updates to the legislative database and to the electronic edition of the Official Gazette, but also for the individualized electronic mail.

Since 2002, the Constitutional Court has introduced a system of protection and security against network intrusions (E-Trust)<sup>2</sup>, altogether proved successful so far.

**4.** Based on the IT infrastructure described above, the Constitutional Court has developed the following **software applications**, designed for the **Intranet**, and respectively for the **Internet environment**:

- A. *The creation of database applications with a multiple search engine*, containing all of the jurisdictional acts [hereinafter referred to as "acts"] rendered by the Constitutional Court since establishment in June 1992.

Apart from the Court's own contribution as to the funding and human resources needed for the implementation of this project, additional support was given by the German Foundation for International Legal Cooperation (*Deutsche Stiftung für internationale rechtliche*

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<sup>2</sup> The security and protection system provides: detection of unauthorized users and rejection of any intrusion both from the outside and from the inside; traffic band control, with the choice to restrict certain sites; check-up of digital signatures; protection for executable, archived and other application programs; alert in cases of attacks on servers; blocking of any entrance from other networks; the security politics at the informatics system level.

*Zusammenarbeit*), in funding the technical assistance for the creation of a database, with IT experts from the Centre for Computer Technology in the Saarbrücken University, and from the Federal Constitutional Court in Karlsruhe.

The multiple search engine is a Romanian product, adapted to the Court's specific requirements.

*The application is based on a portal-type system that ensures the integration of information received from different data sources and their presentation through a web interface. Authorisation for viewing and access to information will depend on the type of user that interacts with the system (whether from inside or from outside).*

*The application is structured on a 3-level (three-tiered) architecture, based on a SQL server for the database level, .Net and XML technologies for the middle level, with an interface on DHTML technology.*

*From the structural point of view, the system is composed of:*

- *the Web server – which allows the display of interrogation results through the search engine and provides the portal's component modules assuring the integration of the system functions. Access to the web site is through standard browsers (Internet Explorer). The site's architecture is modular, so that it can be easily extended with new functions without altering the components or without any reorganization of the data available in the system;*
- *the database server – which stores the system's specific data (the database deposit);*
- *the work server – which allows the data transfer on the Web server and database server.*

*The application contains several modules:*

- *an information classification module for the organization of information from the database according to hierarchies defined by the system administrator;*
- *an information indexation and search module ensuring the periodical index of information from the database deposit so that the search process is run in accordance with the updated data. Searches are simple (by key words) or complex (by composed search criteria), and their result is displayed as a list of documents that can be opened and downloaded;*
- *an authentication/ security module ensuring the users' authentication and secure access to information. Access to the Intranet application is authenticated on the basis of the internal users' name and password, while access to the Internet module is anonymous, therefore requests no authentication whatsoever;*
- *an interface pages generation module which allows users to visualize data through an interface;*
- *a data publication, distribution and registration module ensuring the connection between the information stored in the system and the interface pages generation module. The selection of information to be displayed depends on the identity of the user connected to the system;*
- *a system utilization monitoring module for managing the entire system (by the system administrator).*

*The application is created with Microsoft Visual Studio .NET 2003, using a .NET framework.*

*Today, our so-called “German” Project, which became fully operational in 2004, provides an Intranet all-inclusive database of collections of jurisdictional acts passed by the Constitutional Court, with “search” functions for any of the criteria related to the characteristics of Files, Jurisprudence, and [Review] Object Characteristics.<sup>3</sup>*

However, the database architecture still needed to address two critical developments:

First of all, it was necessary to establish uniform criteria for older acts rendered in the files registered prior to **31 October 2003**, which is the date of publication of the revised Constitution (with Articles renumbered), and for those to be henceforth rendered in files registered as from that day, subject to the superseding list of the Court’s powers enumerated by new Article 146 of the revised Constitution, which outnumbered the list under former Article 144 of the 1991 Constitution.

Briefly put, the application had to accommodate both versions of the Constitution, so that now the Court’s powers are labelled with alphabetic characters (capital letters) drawn from subparagraphs listed under the relevant article. Accordingly, a file may fall under:

- **version 1:** Article 144 of the 1991 Constitution (**A/I, A/II, B, C, D, E, F, G, H, I**);
- **version 2:** **Article 146 of the 2003 revised Constitution** (**A/I, A/II, B, C, D, E, F, G, H, I, J, K, L**)<sup>4</sup>.

Another query was how to introduce the backlog of decisions prior to July 1997, when the Court’s organic law had been amended by eliminating the two-tiered jurisdiction in the resolution of pleas of unconstitutionality. Files containing procedures on both merits and appeal necessitated a supplementary (“appeal”) section, however the database has included only the final decisions, that is judgments rendered in the first degree where not appealed against or not reversed on appeal, and those entertained in the second degree where the appeal was admitted. In doing so, account has been taken that only final decisions came to be published in the Official Gazette of Romania.

The application has therefore been designed to afford many-faceted information about any of the Court’s files, whether adjudicated or still pending, including the actual stage of proceedings and procedures accomplished, also in respect of the judge-rapporteur and the assistant-magistrate assigned on a particular case. Furthermore, it has made a considerable contribution to a timely assessment of the workload and the immediate search of the Court’s jurisprudence, which is nowadays essential, given the dramatic increase of the Court’s annual caseload over the last few years (compare: 443 cases - in 2001, 544 - in 2002, 580 - in 2003, 787 - in 2004, with an estimated 1100 - in 2005). Presently, the database contains more than **5450** records, which means the total number of cases brought before the Court since 15 June 1992.

The database allows for the generation of complex reports<sup>5</sup> which are instantly available for any internal user; at the same time, the data extracted also serve for periodical statistical

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<sup>3</sup> For details, see Annex 1.

<sup>4</sup> The table of equivalents is enclosed as Annex 2.

<sup>5</sup> See Annex 3.

reports, tables, and charts on the Court's activities to be published on the Homepage, and – when so requested – for providing free access to information of public interest, subject to the law.

*B. The reconfiguration of the Constitutional Court's Homepage* went hand-in-hand with the creation of the Intranet database.

The database selection for the **Internet** is also accessible through a multiple search engine (sorted by: act type and no., date of act, conclusion, title of act, the Official Gazette issue, date of publication, text of act, keywords and title of object). The visitors' access to the integral text of the acts rendered by the Court is possible by utilization of any of these criteria. The information is updated on a daily basis and made available at the *Search Jurisprudence* section on the Constitutional Court's Homepage (<http://www.ccr.ro>) in Romanian language.

Lawyers, in general, count to the most assiduous visitors of the section; amongst them, judges from the courts of ordinary jurisdiction, and also public prosecutors. The growing interest manifested by the public, including the media, has confirmed its usefulness in publicizing the Court's case-law.

Fresh statistical data on the Court's activity and decisions are now published **every month**, in three languages: Romanian, French, and English.

In consideration of the number of documents and links provided on the Court's Homepage, as such is valued in the rating of the Websites of Constitutional Courts and Equivalent Bodies by Google.com, the Romanian Constitutional Court managed to score a meritorious 12<sup>th</sup> position out of 58 by mid-December 2004 (compare with position 45 in May 2004), seconded by a honourable 23<sup>rd</sup> by mid-June 2005<sup>6</sup>.

*C. The network library program* purchased in 2004 allows the Court's internal users to view information concerning the various entries in the library collection. Searches can be run according to any of the following criteria: title, author, key word, or publishing house.

The program has added to the *library and documentation services* available for the Constitutional Court, and should be considered as a first step in the implementation of our next ambitious project, the creation of a *virtual library*.

*Undoubtedly, the experience of the Romanian Constitutional Court in the area of information technology has afforded valuable support for improving its operations and also for the dissemination of relevant information on constitutional justice within the country, and hopefully elsewhere, too.*

Ruxandra Săbăreanu

Secretary General

The Constitutional Court of Romania

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<sup>6</sup> Tables of RATING OF THE WEB SITES OF THE CONSTITUTIONAL COURTS AND EQUIVALENT BODIES BY GOOGLE.COM extracted from the "HAYKNET" electronic database and offered by the courtesy of the Armenian Constitutional Court.

**Annex 1**

**Database applications for INTRANET network**

**Search document:**

**N.B.** By default (sorted as “any” in every search box), search results will return the collection of all files and attached documents.

**Sorted by: File Characteristics**

<p>File No.</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                 any..... [ ]                  contains... [ ]                  is..... [ ]             </div>	<p>A search sorted by the option “contains” in the box is conducted by entering a sequence from a particular file number, followed by a click on the <b>Submit</b> button. Option “is” requires both file number and year entered in the format ---/YYYY.</p>
<p>File [Registration] Date</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                 any..... [ ]                  is..... [ ]                  year..... [ ]             </div>	<p>A search sorted by the option “is” in the box requires selection of a particular date from the calendar opened in the search field, followed by a click on the <b>Submit</b> button. Option “year” requires a date entered in the format YYYY.</p>
<p>File Type</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                 any..... [ ]                  is..... [ ]             </div>	<p>A search sorted by the option “is” in the box requires selection of an alphabetic character from the lookup listing the Court’s powers under the Constitution Article 144 as it stood in 1991 (indicated as: <b>A/I, A/II, B, C, D, E, F, G, H, I, J</b>) or Article 146 as it stands after revision in 2003 (indicated as: <b>A/I, A/II, B, C, D, E, F, G, H, I, J, K, L</b>). <i>See the criterion below, “[Constitution] Version”.</i></p>
<p>[Constitution] Version</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                 any..... [ ]                  is..... [ ]             </div>	<p>A search sorted by the option “is” in the box requires selection of either <b>1</b> or <b>2</b>, corresponding to the Constitution version before or after revision, followed by a click on the <b>Submit</b> button.</p>
<p>Parties</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                 any..... [ ]                  contains..... [ ]             </div>	<p>A search sorted by the option “contains” in the box is performed by typing one’s name in full or in part, followed by a click on the <b>Submit</b> button.</p>
<p>[Assistant] Magistrate</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                 any..... [ ]                  is..... [ ]             </div>	<p>A search sorted by the option “is” in the box requires selection of a particular name from the list displayed in the lookup, followed by a click on the <b>Submit</b> button.</p>

<p>Judge [Rapporteur]</p>	<p>any..... [ ] is..... [ ]</p>	<p>A search sorted by the option “<i>is</i>” in the box requires selection of a particular name from the list displayed in the lookup, followed by a click on the <b>Submit</b> button.</p>
<p>Procedural Stage</p>	<p>any..... [ ] is..... [ ]</p>	<p>A search sorted by the option “<i>is</i>” in the box requires selection of any of the file “states” listed in the lookup: <i>file pending before assignment; file pending before report; file pending before the setting of date of proceedings; file adjourned for adjudication; decision in drafting phase; decision released to the Official Gazette</i>, followed by a click on the <b>Submit</b> button.</p>
<p>Date of Proceedings</p>	<p>any..... [ ] is..... [ ] year..... [ ]</p>	<p>A search sorted by the option “<i>is</i>” in the box requires selection of a particular date from the calendar opened in the search field, followed by a click on the <b>Submit</b> button. Option “<i>year</i>” requires a date entered in the format <b>YYYY</b>.</p>
<p>Date of Act</p>	<p>any..... [ ] is..... [ ] year..... [ ]</p>	<p><i>Not intended for search purposes, but only in order to track down files while in the phase of adjudication.</i> <i>For searches sorted by a particular date of adjudication, see below, “Date of act”.</i></p>
<p>Type of Act</p>	<p>any..... [ ] is..... [ ]</p>	<p>A search sorted by the option “<i>is</i>” in the box requires selection of a particular act of jurisdiction listed in the lookup: <b>Decision; Ruling; Advisory Opinion</b>, followed by a click on the <b>Submit</b> button.</p>
<p>Act No.</p>	<p>any..... [ ] is..... [ ]</p>	<p>A search sorted by the option “<i>is</i>” in the box requires entering of a particular number (the entire sequence or adjacent numbers), followed by a click on the <b>Submit</b> button.</p>
<p></p>	<p>any..... [ ] is..... [ ] year..... [ ]</p>	<p>A search sorted by the option “<i>is</i>” in the box requires selection of a particular date from the calendar opened in the search field, followed by a click on the <b>Submit</b> button. Option “<i>year</i>” requires a date entered in the format <b>YYYY</b>.</p>
<p>Conclusion</p>	<p>any..... [ ] contains... [ ] is..... [ ]</p>	<p>A search sorted by the option “<i>contains</i>” in the box can be used where more than one conclusion is associated with a case, and requires selection from the lookup of either: <b>A (Admitted); AP (Partly Admitted); R (Rejected)</b>, followed by a click on the <b>Submit</b> button. Option “<i>is</i>” requires a precise conclusion.</p>
<p></p>	<p>any..... [ ] contains... [ ] is..... [ ]</p>	<p>A search sorted by the option “<i>contains</i>”</p>

any..... [ ]  
contains... [ ]  
is..... [ ]



<p>Title of Act</p>	<p>in the box is run by typing of any word (or phrase) from the title, followed by a click on the <b>Submit</b> button. Option “<i>is</i>” requires a full title, where known.</p>
<p>Date of Release [for publication] in the Official Gazette</p> <div data-bbox="504 412 868 521" style="border: 1px solid black; padding: 2px;"> <p>any..... [ ] is..... [ ] year..... [ ]</p> </div>	<p>A search sorted by the option “<i>is</i>” in the box requires selection of a particular date from the calendar opened in the search field, followed by a click on the <b>Submit</b> button. Option “<i>year</i>” requires a date entered in the format <b>YYYY</b>.</p>
<p>Official Gazette No.</p> <div data-bbox="504 651 868 739" style="border: 1px solid black; padding: 2px;"> <p>any..... [ ] is..... [ ]</p> </div>	<p>A search sorted by the option “<i>is</i>” in the box is conducted by entering the sequence of numbers for a particular edition of the Official Gazette, followed by a click on the <b>Submit</b> button.</p>
<p>Date of Publication</p> <div data-bbox="504 846 868 956" style="border: 1px solid black; padding: 2px;"> <p>any..... [ ] is..... [ ] year..... [ ]</p> </div>	<p>A search sorted by the option “<i>is</i>” in the box requires selection of a particular date from the calendar opened in the search field, followed by a click on the <b>Submit</b> button. Option “<i>year</i>” requires a date entered in the format <b>YYYY</b>.</p>
<p>Files Joined together</p> <div data-bbox="504 1099 868 1209" style="border: 1px solid black; padding: 2px;"> <p>any..... [ ] contains... [ ] is..... [ ]</p> </div>	<p>A search sorted by the option “<i>contains</i>” in search box is run by entering any of the file numbers for the cases joined together, followed by a click on the <b>Submit</b> button. Option “<i>is</i>” requires both file number and year entered in the format ----/YYYY.</p>
<p>[Constitution] Article(s) invoked in Reasoning</p> <div data-bbox="504 1357 868 1467" style="border: 1px solid black; padding: 2px;"> <p>any..... [ ] contains... [ ] is..... [ ]</p> </div>	<p>A search sorted by the option “<i>contains</i>” in the box is performed by entering the number of any Constitution Article indicated in support of the reasoning, whether as a single reference or in conjunction with others, followed by a click on the <b>Submit</b> button. Option “<i>is</i>” requires the precise Article number(s), entered in ascending order, where known.</p>
<p>Treaties</p> <div data-bbox="504 1697 868 1807" style="border: 1px solid black; padding: 2px;"> <p>any..... [ ] contains... [ ] is..... [ ]</p> </div>	<p>A search sorted by the option “<i>contains</i>” in the box is conducted by typing any word (or phrase) from the Title of a Treaty, Convention or international Covenant, followed by a click on the <b>Submit</b> button. Option “<i>is</i>” requires citation of full title.</p>
<p>[Selected] Text from Act</p> <div data-bbox="504 1888 868 1975" style="border: 1px solid black; padding: 2px;"> <p>any..... [ ] contains..... [ ]</p> </div>	<p>A search sorted by the option “<i>contains</i>” in the box is run by typing any word (or phrase) from the text of a particular act, followed by a click on the <b>Submit</b> button.</p>

Sorted by: **Jurisprudence Characteristics**

Keyword(s)	<input type="text" value="any..... [ ]"/> <input type="text" value="contains..... [ ]"/>	A search sorted by the option “contains” in the box requires is performed by typing any word (or phrase) from a list of terms taken from the Court’s case-law, followed by a click on the <b>Submit</b> button.
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Sorted by: [Review] Object Characteristics

Object Title	<input type="text" value="any..... [ ]"/> <input type="text" value="contains..... [ ]"/>	A search sorted by the option “contains” in the box is run by entering descriptors (numbers or words) used for citation of the issues reviewed, such as the title of a particular legislative act (e.g. <i>Law No. 304/2004 on organisation of the judiciary; the Criminal Code</i> ) or a particular article number thereof ( <i>Article 206</i> ), or for designation of a particular type of actions lodged with the Court (e.g. <i>challenges against candidates in Presidential elections</i> ), followed by a click on the <b>Submit</b> button.
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**Note:** Result lists to be returned after search are sorted in reverse chronological order (newest entry first).

The Word document (.doc) attached can be opened, downloaded, and copied.

**Annex 2**  
**TABLE OF EQUIVALENTS**

	146A/I	146A/II	146B	146C	146D	146E	146F	146G	146H	146I	146J	146K	146L	Total
	144A/I*)	144A/II*)		144 B*)	144C*)		144D*)	144 E*)	144 F*)	144G*)	144H*)	144 I*)		
1992														
1993														
1994														
1995														
1996														
1997														
1998														
1999														
2000														
2001														
2002														
2003														
2004														

\*) As provided before revision of the Constitution (October 2003)

**Categories of powers listed under the Constitution:**

**144 A/I = 146 A/I**

Review of constitutionality of laws before promulgation;

**144 A/II = 146 A/II**

*Ex officio* review of initiatives for revision of the Constitution;

**144 B = 146 C**

Review of constitutionality of parliamentary regulations;

**144 C = 146 D**

Resolution of objections of unconstitutionality raised before judicial courts;

**146 E**

Settlement of legal conflicts of a constitutional nature between public authorities;

**144 D = 146 F**

Oversight of procedure for the election of Romania's President and confirmation of ballot returns;

**144 F = 146 H**

Issue of an advisory opinion on the proposal to suspend the President of Romania from office;

**144 G = 146 I**

Oversight of procedure for the organisation and holding of referendum and confirmation of returns;

**144 H = 146 J**

Verification of compliance with requirements for the citizens' exercise of legislative initiative;

**144 I = 146 K**

Settlement of challenges dealing with the constitutionality of a political party.

### **Annex 3**

#### REPORTS GENERATED FROM THE DATABASE

#### **Reports**

- [1] Distribution per judge of files pending on the Constitutional Court's docket at the present date
- [2] Distribution per assistant-magistrate of files entered on the Constitutional Court's docket from beginning of the year to the present day
- [3] Distribution per assistant-magistrate of files pending on the Constitutional Court docket at the present date (in detail)
- [4] Situation of the Constitutional Court's decisions published in the Official Gazette from beginning of the year to the present day
- [5] Statistical survey on the Constitutional Court's activity in the period:  
*Files registered from beginning of the year*
- [6] Statistical survey on the Constitutional Court's activity in the period:  
*Decisions and rulings rendered*
- [7] Statistical survey on the Constitutional Court's activity in the period:  
*Files pending on the Court docket at the present date*
- [8] Statistical survey on the Constitutional Court's activity from establishment to the present day  
*Files entered on the docket*
- [9] Statistical survey on the Constitutional Court's activity from establishment to the present day  
*Decisions and rulings rendered*
- [10] blank
- [11] blank
- [12] Report on annulled files