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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

In co-operation with
The Constitutional Court of Azerbaijan

and

The German Society for Technical Co-operation

CONFERENCE
ON THE “EXECUTION OF DECISIONS OF
CONSTITUTIONAL COURTS”

Baku, Azerbaijan

14-15 July 2008

SYNOPSIS

On the occasion of the 10th Anniversary of the Constitutional Court of Azerbaijan, the Commission organised a Conference on the “*Execution of Decisions of Constitutional Courts*” in co-operation with the Court and the German Society for Technical Co-operation, held in Baku on 14-15 July 2008.

The Conference dealt with the various effects of constitutional courts’ decisions including the political implications of legal decisions. The need for the respect of court decisions in general and that of constitutional courts in particular was highlighted as a fundamental tenant of the rule of law.

During the discussions, particular attention was given to the execution of constitutional court decisions by ordinary courts. Tensions between these courts sometimes had resulted in the non-execution of constitutional courts’ decisions or their ‘literal’ implementation accepting only the operative part of the decision, but ignoring the constitutional arguments in future cases. An open dialogue between the courts based on the interpretation of the Constitution, as set out by the Constitutional Court, was seen as a remedy to such problems.

The Conference gathered several members of constitutional courts namely as Speakers: Mr Zorkin, President of the Constitutional Court of Russia; Mr Rogov, President of the Constitutional Court of Kazakhstan; Mr V Dr. Peter Paczolay, President of Constitutional Court of Hungary; Mr Petr Miklashevich, President of Constitutional Court of Belarus; Mr Gunars Kutris, President of Constitutional Court of Latvia; Mr Dimitru Pulbere, President of Constitutional Court of Moldova; Mrs JUDr. Eliška Wagnerová, Vice President of Constitutional Court of the Czech Republic; Mr Eliezer Rivlin, Vice President of Constitutional Court of Israel; Mr Romualdas Kestutis Urbaitis, Justice of Constitutional Court of Lithuania; Dr. Siegfried Broß, Judge of the Second Senate of the Federal Constitutional Court of Germany; Mrs Claudia Miu, first assistant-magistrate of Constitutional Court, Romania.

The Conference was largely covered by the media who interviewed several speakers.