



MAHKAMAH KONSTITUSI
REPUBLIK INDONESIA



Proceeding

**BOARD OF MEMBERS MEETING
ASSOCIATION OF ASIAN CONSTITUTIONAL COURT
AND EQUIVALENT INSTITUTIONS**

Solo, Indonesia , 8th August 2017



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AND EQUIVALENT INSTITUTIONS**

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VERBATIM OF BOARD OF MEMBERS MEETING

BOARD OF MEMBERS MEETING
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
8th AUGUST 2017, SOLO, CENTRAL JAVA, INDONESIA

1. MASTER OF CEREMONY: RAHMAT IDRIS

Today, the 8th August 2017, we have arrived at the Board of Members Meeting for Association of Asian Constitutional Courts and Equivalent Institutions.

Allow us now to unwrap our meeting by inviting the opening remarks from the chair of this morning meeting, who is also the President of AACC, our Chief Justice of The Constitutional Court of the Republic of Indonesia, His Excellency Prof. Dr. Arief Hidayat, S.H., M.S., please.

2. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Bismillahirrahmaanirrahiim. In the name of God, most gracious most merciful. Waalaikumsalam wr. wb. May peace and prosperity be upon us. Good morning. With the grace to God Almighty, most gracious, most benevolent. I am truly happy that this morning, we are given the opportunity I am given the opportunity to meet face to face with all The Chief of Justices of Constitutional Court and Equivalent Institutions, which is united in the Asian Association of Constitutional Court and Equivalent Institutions or what we know as AACC.

Present, in this delegation meeting today this morning, there are 13 countries. All of the country members are present today, the first Afghanistan, Azerbaijan, Indonesia, Kazakhstan, Korea, Kyrgyzstan, Malaysia, Mongolia, Myanmar, Russia, Thailand, Turkey, and Uzbekistan.

Further on, I would like to invite each head of delegation to introduce, themselves because based on my observation, there are a number of head of delegation or chief of justices or president of the constitutional court, country member of AACC, who is new or just been elected as president or chief of justice. I invite Afghanistan to have the floor.

3. AFGANISTAN DELEGATION: MOHAMMAD QASIM HASHIMZAI (PRESIDENT OF THE ICOIC ISLAMIC REPUBLIC OF AFGANISTAN)

Bismillahirrahmaanirrahiim. My name is Dr. Mohammad Qasim Hashimzai. I am Chairman of the Commission For Overseeing The Implementation of The Constitution Equivalent to The Constitutional Court. Thank you very much.

4. CHAIRPERSON: ARIEF HIDAYAT (CHIEF OF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you. Azerbaijan, you have the floor.

5. AZERBAIJAN DELEGATION: RAUF GULIYEV (SECRETARY GENERAL OF THE CONSTITUTIONAL COURT OF AZERBAIJAN REPUBLIC)

Mr. Chairman, good morning to all the participants. I am Rauf Guliyev, Secretary General of The Constitutional Court of The Republic of Azerbaijan and I represent here the Constitutional Court of Azerbaijan and the upon the instruction of The Chairman Farhat Abdullayev, I am heading The Constitutional Court of Azerbaijan in this meeting. Thank you.

6. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you. Indonesia? Indonesia, you have the floor.

7. INDONESIAN DELEGATION: ANWAR USMAN (DEPUTY CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Terima kasih. Thank you. The delegation from Indonesia.

Excellency, The Chief of The Constitutional Court of Republic of Indonesia Mr. Arief Hidayat, I am The Deputy Chief and chief ... and Justice Aswanto, Justice I Dewa Gede Palguna, Professor Maria Farida Indrati, Constitutional Judge or Justice, Sitompul ... Mr. Manahan Sitompul, Dr. Suhartoyo, Justice, and Dr. Wahiduddin Adams also acting as The Constitutional Court Justice, and Indra Rosandry as Advisor to The Constitutional Court. Thank you.

8. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Kazakhstan, you have the floor.

9. KAZAKHSTAN DELEGATION: IGOR ROGOV (CHAIRMAN OF THE CONSTITUTIONAL COUNCIL OF THE REPUBLIC OF KAZAKHSTAN)

Igor Rogov. (Incomprehensible because it is delivered in Kazakhstan).

Bakyt Nurmukhanov, He is the Secretary General, and Mr. Kuanysh Aldongarov, The Head of Documentation and Human Resources Department. Thank you.

10. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Korea, you have the floor.

11. KOREAN DELEGATION: JIN SUNG LEE (JUSTICE OF THE CONSTITUTIONAL COURT OF KOREA)

I like to express my gratitude to Chairman Arief Hidayat, for giving me an interaction of my delegation. I am Justice Lee from Korea. And I introduce our Secretary General Mr. Kim, and Deputy Director of International Affairs Division, Mrs. Lim, and Deputy Secretary Mr. Kyung. Thank you very much.

12. CHAIRPERSON: ARIEF HIDAYAT (CHIEF OF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you. Kyrgyzstan, you have the floor.

13. KYRGYZ REPUBLIC DELEGATION: KUANBEK KIRGIZBAEV (VICE CHAIRMAN OF THE CONSTITUTIONAL CHAMBER OF THE SUPREME COURT OF KYRGYZ REPUBLIC)

I am the Deputy Chief of The Constitutional Court of Kyrgystan and with me Mr. Marat Dzhamankulov who is the Head of Administrative Division for the Constitutional Court of The Republic of Kyrgyzstan.

14. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Malaysia, you have the floor.

15. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF (CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)

Thank you, Mr. Chairman. I'm Justice Raus Sharif. I'm the Chief Justice of Malaysia. And with me is Encik Aslam Zainuddin, Deputy Chief Registrar of Malaysia. And with me, we have two officers: Encik Aizzuddin and Encik Abduh. Thank you very much.

16. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Baik, Terima kasih. Next, we give the floor to Mongolia.

17. MONGOLIAN DELEGATION: DORJ ODBAYAR (CHAIRMAN OF THE CONSTITUTIONAL COURT OF MONGOLIA)

Thank you very much, Mr. President. I am ... my name is Odbayar, Chairman of the Constitutional Court of Mongolia. And the let me introduce my Senior Advisor to the Chairman's Office, Mrs. Unuborgil. Thank you very much.

18. MYANMAR DELEGATION: MYO MYINT (MEMBER OF THE CONSTITUTIONAL TRIBUNAL OF MYANMAR)

My name is Myo Myint, Member of the Constitutional Tribunal of the Union of Myanmar. Here with me are Khin Maung Cho. He is also the Member of Tribunal of the Union of Myanmar. And Hla Myo, Director of the office of the Constitutional Tribunal of the Union of Myanmar. Thank you.

19. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you. Russia, you have the floor.

20. RUSSIAN DELEGATION: VLADIMIR SIVITSKIY (HEAD OF SECRETARIAT OF THE CONSTITUTIONAL COURT OF RUSSIA)

Good morning. My name is Vladimir Sivitskiy. I am the Chair for the Secretariat as well as the Head of the Delegation. And the mandate has been given to me from the Chief of the Constitutional Court. I'm accompanied by Egor Bushev. Thank you.

21. THAILAND DELEGATION: NURAK MARPRANEET (PRESIDENT OF THE CONSTITUTIONAL COURT OF THAILAND)

I'm Nurak Marpraneet, President of Constitutional Court of Kingdom of Thailand. My team is Mr. Punya Udchachon, Justice, and Mr. Chaowana Traimas, Advisor of Academics. Thank you.

22. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you. Turkey, you now have the floor.

23. TURKISH DELEGATION: ZÜHTÜ ARSLAN (HEAD OF DELEGATION OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

I'm Zühtü Arslan. I'm the President of Turk Constitutional Court. Let me introduce Dr. Abdullah Celik. He is the Chief Rapporteur Judge of the Constitutional Court. I wish very successful and stimulating meeting of Board of Members and also International Symposium. Thank you again for inviting us to this meeting and this organization.

24. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you, Mr. Last but not least, from the thirteenth member who is here. Uzbekistan, you have the floor.

25. UZBEKISTAN DELEGATION: BAKHTIYAR MIRBABAEV (ACTING CHAIRMAN OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF UZBEKISTAN)

Assalamualaikum. I am Bakhtiyar Mirbabaev. Saya Ketua Pelaksana untuk Mahkamah Konstitusi kami dan juga Aziz Boltaev, asisten saya. Terima kasih.

I'm Acting Chairman of the Constitutional Court and here is Aziz Boltaev, my assistant. Thank you.

26. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you Excellencies for introducing yourselves this morning.

As the host, I would like to bid you welcome to Solo, Central Java to all heads of delegation and members of delegation of Member countries of AACC. As it is referred to as the cultural city with the existence of Surakarta and Mangkunegaran Sultanese in Central Java, in the city of Solo, which has been here since hundreds of years ago. I hope the heads of delegation and members of delegation can enjoy the beauty and the culture of Javanese in between the meetings we are conducting. And last night we saw a little bit of the Javanese culture, a Javanese song which is known as keroncong. I hope that the delegations are comfortable staying in the city of Solo. In the last two days of the meeting we will also experience the villages around the Borobudur temple. It is my greatest hope that in between the formal and auspicious meetings that require our attention, we can come up with strategic decision that can strengthen the world and activities of AACC, particularly in the election of the new president of AACC.

However, in-between these official sessions, we hope that you can enjoy the beauty and the culture of this city, Solo. And therefore, in this auspicious occasion your participation is very important.

Distinguished delegates – country members of AACC. As the President AACC for 2016 to 2017 who is then mandated and extended, the presidency to end on the 12th of August 2016, in this auspicious occasion we are gathering here in a meeting, in a congress which is held annually, but because the meeting in Bali failed to elect a new president, the mandate that was given to me the President of the Constitutional Court of the Republic of Indonesia is now responsible to hold this meeting. This is not a congress but this is a meeting equivalent to the congress, but with a specific objective which is to elect the new president and to discuss a number of strategic decisions, in addition to the need to report the progress that we have made for the past year with regard to the Permanent Secretariat that we have established as well as other development or new development relevant to this association.

Distinguished participants of the meeting, the agenda for our meeting today we will discuss four points: the first one, we will listen to the resolutions or results of the meeting of the Secretariat Generals (MSG), which was conducted yesterday and then we will proceed with discussing the resolutions of the meeting of the Secretary Generals.

The third point, we will discuss about the participation of AACC in the fourth congress of the World Conference on Constitutional Justice (WCCJ) in Lithuania in September. In accordance to our decisions that we have taken in Bali last year. The next important agenda or the most important agenda is the election of the new president of AACC. The last item in the agenda is relevant to what I have conveyed in the meeting in Bali last year. There is a need – a common need – from CCJA and AACC to establish a cooperation and in this meeting. Present shall be the President of CCJA, Chief of Justice of South Africa Constitutional Court. This is the agenda or points in the agenda that we are going to go through this morning. We hope that we can complete all of the points accordingly. I would like to ask for input or comments from members of delegation whether we can agree on this agenda, adopt this agenda or is there any input or suggestion? I welcome you all.

Can the meeting agree on this agenda? Very well, if there is no input, we will continue. We will start or commence the meeting but before that, we will have a break for fifteen minutes for photo session, group photo for the heads of delegates and followed by all members of the delegation, who are present here this morning.

After the photo session, we can then start with the discussion. The meeting is adjourned for photo session. Thank you.

27. MASTER OF CEREMONY: RAHMAT IDRIS

Our Chairperson for this morning's meeting. Ladies and Gentlemen, it is now our privilege to invite you for moment of the group photo. For the first round, may we invite the Chief Justice of Constitutional Court of the Republic of Indonesia alongside heads of delegation of participating member states. Inviting heads of delegates from Afghanistan, Azerbaijan, Kazakhstan, Korea, Kyrgyz Republic, Malaysia, Mongolia, Myanmar, Russia, Thailand, Turkey, and Uzbekistan. For the first round, we have put our marks on the floor. Excellencies, please.

28. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

The meeting is now a closed session. We kindly ask the media to exit the venue and after the meeting we'll invite you back again. Thank you.

Once again, we kindly ask our friends from the media to exit the venue because the Board of Members Meeting is a closed session. Thank you for your attendance this morning.

29. MASTER OF CEREMONY: RAHMAT IDRIS

To the beautiful moment of group photo we have now arrived to the Board of Members Meeting. May we now call the meeting to order as I hand over the session to our chairperson, Professor Doctor Arief Hidayat. Please.

30. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Welcome back to the meeting this morning. The first agenda of this meeting the meeting of Secretary Generals that was conducted yesterday will report the resolution or results. I now invite the Secretary General to report about the resolution of the meeting which was held yesterday and we will then follow the report with any comments or responses from the participants.

31. INDONESIAN DELEGATION: M. GUNTUR HAMZAH (SECRETARY GENERAL OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you, Excellency Chairman. In the Name of God, The Most Gracious The Most Benevolent. Good morning. Wa'alaikum salam, may peace and prosperity be upon you. Om Swastiastu. Namu Buddaya. Excellency Chief of Justice of Constitutional Courts of Republic of Indonesia and the President of AACC.

Excellency Chief of Justices of Constitutional Courts or Equivalent Institutions, Distinguished members of delegates from the country members of AACC, Distinguished Deputy Chief of Constitutional Courts of Republic of Indonesia, Judges of Constitutional Courts of Republic of Indonesia, Ladies and Gentlemen.

First of all, let us convey our gratitude to God the All-Mighty, The Most Gracious The Most Benevolent because of His blessings and grace today we are able to meet and gather here this morning. With warmth I'd like to extend our welcome to Indonesia and also extend our outmost appreciation for the attendance of the Ladies and Gentlemen who are here today for the Board of Members Meeting.

Excellency President of AACC, Chief of Justices of Constitutional Courts and Equivalent Institutions, allow me to report the activities surrounding the International Symposium of Association of Asian Constitutional Courts and Equivalent Institutions and the Meeting of Secretary Generals which was conducted on Monday the 7th of August 2017 yesterday. And at the meeting yesterday present were member countries of AACC and a number of invitees, also present were the Secretary Generals from AACC.

Excellency President of AACC, Chief of Justices of Constitutional Courts and Equivalent Institutions. In this occasion allow me to extend the report, the resolution of the meeting of the Secretary Generals. The meeting of Secretary Generals yesterday was attended by 11 representatives, absence were the delegations from Afghanistan, Pakistan, Philippines, Uzbekistan, and Tajikistan.

The meeting has heard and appreciated reports from the Indonesian delegation with regard to the preparation of Board of Members Meeting and series of meeting in other activities of AACC, both conducted on the 7th to 11th of August 2017. The Meeting also heard ... report from Korea, Indonesia, and Turkey regarding the progress and development of the establishment of permanent secretariats in each respective country. With regard to the discussion about the election of AACC president, the meeting has recommended by five models of election to be recommended and decided at the Board of Members Meeting, this morning.

The first one, volunteer election. If this first recommendation fails, then we will proceed with other options as follows, geographical approach, alphabetical order, joint presidency between two or more countries, and as the last alternative is to hold the presidency role, by all three permanent secretariats that were established. In the discussion, the volunteering model is preferred ... preferred, by the majority of the Secretary Generals and other delegates who were present at the meeting yesterday.

And the second alternative option, would be the rotating model, and the alphabetical manner. One important thing to note, is the importance to revisit the discussion about the financial contribution to be divided proportionately to support presidency tasks. The meeting also noted, the establishment of cooperation between AACC and CCJA. However, the meeting recommended that the draft of MoU, can be discussed at this BoMM prior to signing. If there is no new president elected, then the designing of the MoU, will be signed by Indonesia as one of the permanent secretariats in planning and organizing.

We would also like to report the implementation of International Symposium entitled Constitutional Court Ideology and Democracy in a Pluralistic Society. This meeting or this symposium, God speed, will be facilitated by the President of the Republic of Indonesia, Mr. Joko Widodo. This symposium, will last for two days commencing from the 9th and 10th of August 2017, which will be attended by various speakers from various countries who will share their practices and experiences in upholding the democracy principles and ideology principles in plural community within each respective country, and also to safe guard democracy with checks and balances mechanism among institutions.

The symposium will not only involve speakers and experts, but also observers of the symposium. The academic papers will be compiled and developed, as the proceedings of the international symposium, which will then be distributed among all members or all participants. And we hope, that this can serve as reference for all constitutional court and equivalent institutions, participants of the symposium, in developing, in building, and actualizing democracy based on constitutionalism that upholds pluralism.

This international symposium, will be broadcasted using video conference equipment owned by the Constitutional Court of Republic of Indonesia placed in 34 provinces, in 42 universities in Indonesia. This international symposium, will also be broadcasted online, by using video streaming facility through the website of the Constitutional Court of Republic of Indonesia.

Excellency, President of AACC, and Chiefs of Justice of The Constitutional Courts and Equivalent Institutions, those mark the end of my report, and we acknowledge that the success of this event, is a collective interest of all entities. And therefore, we would like to extend our gratitude to all parties supporting the event.

I thank you. I apologize for any shortcoming. Waalaikumsalam, may peace be upon you.

Secretary General Mr. Guntur Hamzah. Thank you.

32. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Secretary General, I would like to invite delegations, participants of the meeting to convey their comments and responses on the report of the Secretary General, with regard to the resolution of the MSG conducted yesterday.

I have several notes regarding the mechanism of the AACC presidency election. As mentioned to you, there are five alternatives or five options that we can apply. The most preferred option is will of course be considered but if the most preferred option is not chosen, we can proceed to other alternatives or options that we have provided. But I do recommend and wish that we can apply the easiest option.

But most importantly, and one thing that we have agreed upon is that we have to keep the wheel of the association running and to develop sense of ownership and to actively participate in this association, and to prevent absence of presidency of this association. I believe this is our commitment, and whoever is elected as president or chair of this association needs to be fully supported and encouraged to perform his job.

Second point, we now have permanent secretariat. Moving forward, we have to be able to optimize the function of this permanent secretariat, based in Jakarta, Seoul, and Ankara for the success and advancement of this association.

The next note is the issue about financial contribution, which was conveyed in yesterday's meeting of Secretary Generals. I believe we can discuss this issue and the permanent secretariat can decide and for formulize whether we can apply financial contribution, whether we need new mechanism for financial contribution, or whether we shall continue with this common practice, whereby expenses are borne by each relevant constitutional court when we are holding a congress or meeting.

And I do hope that we all recognize that Indonesia has done its work to bring this association to a higher level and to set the bars so high for future meetings. I do apologize, but this is just our culture, being Indonesians, to give the very best that we can give. But our colleagues from Korea and Turkey, when they conducted meetings including the commemoration of their anniversary, were also done excellently. I do apologize if there are shortcomings, and I believe that whoever is going to hold meetings for this association will need to adjust the meetings according to their standard and ability in hosting such meetings. Regarding the financial contribution issue, I would like to hand the issue to the permanent secretariat to prepare the financial contribution issue for us to discuss in future meetings because we still have different views about whether we need financial contribution or not, because the practice that we have had so far is deemed sufficient.

With regard to the MoU signing between AACC and CCJA based on my talk with the president ... with the new president of CCJA from Gabon and also the new president of CCJA, South African Constitutional Court. Indeed there is a wish from the two associations to establish a strong cooperation considering the development that we have in actualizing democracy in the Asian region which we can share and enrich the development of democracy in the world. Because what is developed in the west perhaps can be enriched by the development that occurs in this region in Asia. And therefore we see the need to establish this cooperation between AACC and CCJA. Those are my notes, for us to take into consideration in our meeting.

Any input or response from delegations? If none, I now invite the permanent secretariat to convey their report and I would like to start from the delegation from

Korea. And in front of you, ladies and gentlemen, you have the written report of Korean Constitutional Court for your reference, the floor is now yours. Justice Lee the floor is yours.

33. KOREAN DELEGATION: JIN SUNG LEE (JUSTICE OF THE CONSTITUTIONAL COURT OF KOREA)

Thank you honorable chairman. I'd like to express my deep gratitude to the president Arief Hidayat and the organizers for hosting this Board of Members' meeting, hosting AACC meeting as the presidency country during less than 3 years in a row. A year has passed since the AACC historic decision to establish permanent secretariat and progress has been made.

In Seoul, we have been busy doing both the set-up work and substantive role. We aim to host researchers and other staff from the AACC members at our office in Seoul, and together work on a research project. The constitutional court of Korea is formerly committed to the AACC Secretariat for research and development and is added value to the AACC. Also I need to emphasize that the active participations and regular inputs by AACC members are vitally important for the successful operation.

Next. Now I shall give you an overview of the concept of the SRD, first the function of SRD, then areas of work, and finally plan the research, outputs and working method.

Next, the first one the concept and function. The function of the SRD is formerly based on the consensus achieved in last year in Bali. They consist of the following in caring out of its activities, it will provide the platform for knowledge exchange. But most importantly the aim is to build the network of experts on comparative constitutional law within the AACC.

Next, the second concept on areas of work. In terms of areas of work the SRD will function as a research unit, divided into three thematic groups: Constitutional Adjudication, Fundamental Rights, and Global Constitutionalism. Constitutional Adjudication focuses on comparative studies of constitutional adjudication mechanism that exists across the AACC members. The second area of work focuses on comparative studies of how fundamental rights are protected by the AACC members. The third area of work will be Global Constitutionalism, the rule of law, the separation of powers and judicial reviews.

The last concept, about research output and working method. The SRD performs various research functions. One is simply to provide the platform for the collection and accessibility information on the AACC members, and their respected case law. So, fact files and case law collections fulfill this function. In their mandate, the AACC statute, two types of research I'll put our best acclamation. There is a journal of this research activity conducted and a database.

To finish my presentation, let me briefly say a few more words of coming events and ideas for closer cooperation. For that aim, it is necessary that there are clear channels of communication between each permanent secretariat and each AACC members. Idea for suggestion, each AACC institution should nominate or reconfirm one liaison officer who is in charge of communicating with the three respective AACC permanent secretariats. Also, I would like to draw your attention to our secondment program, funding is available for those interested candidates to attend and complete master degree program at Seoul National University during the period of secondment.

Next. Lastly on Southeast October of this year, the Korean SRD will host symposium of AACC Justice. Invitation has already been sent out to you and I am looking forward to meeting all you in Soul. Thank you very much.

34. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you to Judge Lee. Next is the report or presentation from the Turkish Constitutional Court.

35. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

As we all know that last in the Meeting of Board of Members, we decided to establish a permanent secretariat within AACC, and one of the ... one part of this permanent secretariat was established in Turkey, in Ankara, and it is called the Center for Training and Human Resources. Actually we have been holding the summer school in Turkey for 5 years, we started to hold this summer school in 2013. Last year, for the first time we organized this summer school within the scope of the Center for Training and Human Resources Development, and the subject of last year summer school was the right to respect private and family life. It was held from 2nd to 9th October, and the participants of this summer school were ... delegates from Afghanistan, Algeria, Indonesia, Kazakhstan, Kirgizstan, Kosovo, Malaysia, Mongolia, Moldova, Myanmar, Russia, and Tajikistan. This Summer school as well as the previous ones provided an opportunity varied to relating framework to share knowledge, and experiences of the members of the AACC.

And this year the 5th summer school, will be held on 17th to 24th September and we are planning to organize this meeting on the topic of immigration and refugee law as you can easily guess this topic is very important for all of us and this meeting will be again held in Ankara, but as the previous summer school, we will also organize a social program to introduce the historical culture and natural beauty of Istanbul. So, there will be a social program as we organized the previous ones. I hope this summer school will be also very successful and very fruitful for all of us. Thank you very much.

36. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you very much, Professor Arslan, the President of the Turkish Constitutional Court. And next is from Indonesia, the Permanent Secretariat of Indonesia. You are welcome to give your presentation.

37. INDONESIAN DELEGATION: ANWAR USMAN (DEPUTY CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you very much, Your Honor. As the response of the results in the meeting in Bali last year, related to the permanent secretariat, then the Constitutional Court of Republic of Indonesia has taken the following steps.

First, preparation of work area for the permanent secretariat, we have prepared an office to support the implementation of the work, which is located on the ground floor of The Constitutional Court as you can see from the slides that we put up there, and then secondly, the legal basis on the formation of this permanent secretariat in Jakarta.

The existence of a permanent secretariat for planning and coordination has been strengthened, with the legal basis of the regulation of The President of Indonesia, that determines the organizational support as well as the financial support. This will be very beneficial for the operational costs of the permanent secretariat in Jakarta as well as doing all other kinds of coordination work among the secretariats. For the implementation of the duties of the permanent secretariat, His Honorable Dr. Palguna will give you more briefing.

38. INDONESIAN DELEGATION: I DEWA GEDE PALGUNA (JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

The government of Indonesia as to the exercise of the permanent secretariat of the AACC in Jakarta, I would like to inform you that some steps have been done. Firstly, the preparation of the AACC's website. The secretariat of the AACC in Jakarta, has designed a website but it is still included in the website of The Constitutional Court of the Republic of Indonesia.

A new AACC's website will be developed gradually and will contain all information needed as reference by all, especially by all of its members. And, it is planned that the website, will also be connected to the secretariats of the associations in Korea and in Turkey as well.

The information contained on the website is among others, the profile of the AACC members. This profile contains the information, of the form of the institution, the authorities of the institutions, as well as the names public chief justice or

the Chairman of the Institution and the composition of these justices, I mean the incumbent justices, each of the justices of the AACC members. To these purposes, we'd like to ask all the AACC members to assign a liaison officer, which is important to disseminate all the information included in the AACC's website. So, we can share the information to all members of the AACC.

Secondly, the agenda for international activities of each member. The international agenda, consists of agenda of activities that are organized by all members of the AACC with the coordination of the AACC, for examples, internship programs, short courses, seminars, symposiums, etc.

Thirdly, the verdicts and other publications of all members of the AACC. And, the last one will be the digital library.

The second preparation is the preparation for the MSG and BoM Meetings. In connection with the MSG and Board of Members Meetings, and The International Symposiums, The Permanent Secretariat in Jakarta has done some activities as follows:

- a. The technical and substantive preparation for the MSG, BoMM, and international symposiums.
- b. To organize and send invitation as well as doing confirmation for the MSG and BoMM, and as well as International Symposiums, and to handle relations with the media.
- c. To make another step up for the MSG and BoMM and the congress.

And the third, step that has been taken by the permanent secretariat in Jakarta, is giving the back up for international relations. To these purposes, we have done the organization of agenda for the participation of The Constitutional Court of Republic of Indonesia as the President of AACC in international forum. Ya.

Secondly, to collect and disseminate the AACC report. That is all we can say about we have done for the preparation of AACC permanent secretariat in Jakarta. I think the other report will be continued by Your Honor Mr. Vice-Chairman of the Constitutional Court of The Republic of Indonesia.

39. INDONESIAN DELEGATION: ANWAR USMAN (DEPUTY CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, Baik. Mungkin untuk rencana kerja, Yang Mulia Prof. Aswanto?

Very well. Maybe for a work plan, Excellency Prof. Aswanto?

40. INDONESIAN DELEGATION: ASWANTO (JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

For the work plan of the AACC permanent secretariat, for the planning and coordination has also planned some work programs like this. Coordination of international activities of AACC members, the international activity that has been implemented is still managed by each member independently. However, as permanent secretariat of the planning and coordination we will also make an activity calendar of the AACC members in yearly basis, and therefore we need to have data on the international activities from each member as well as the activity calendar to be distributed among the members and to be put into AACC website. And the permanent secretariat for the planning and coordination will give support to the members in relation to the function of planning and coordination. And then the coordination for liaising with the AACC members.

As we have said before, the LO for each country will have the important role of doing the coordination function, whether among the member countries or with the secretariat. We will invite the LO to be present in the work meeting to discuss about actual work program that needs to be attended specifically. Like for example, in the implementation of the statute amendments. So, that is what we can inform you in relation to what we have done, what we are doing and what we'll be doing in relation to the permanent secretariat in Jakarta. Thank you.

41. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you, Your Honor. Thank you, Indonesia.

Next, I'm going to give the opportunity to the participants to give inputs, but I also need to inform you related to the progress report that is submitted by each country that is mandated to become the permanent secretariat. The first one is from Korea. We hope that the members can immediately appoint the LO for each member, which will later be asked to become an LO with the permanent secretariat in Korea that is related to research and development.

And then, secondly, I hope to have this implemented as soon as possible and the active participation for all of the activities conducted by the permanent secretariat in Korea in the research and development cooperation. And there is also a very good offer in terms of internship in Seoul University in Korea. I think we need to respond to this, and each of us can send their staff for this activity, so that the permanent secretariat in Korea can immediately conduct their activities well.

And then, for the report from Turkey, I note that they have already conducted the training on the internship that has been conducted by the Turkish Constitutional Court. And we really appreciate the many benefits that have been obtained by the

participants of the Summer School in Turkey. And we also hope that we will have the 5th Summer School with very interesting topic that is related to immigration and refugees. And then we can also have a social program that will be very interesting.

So I, as the president of the association, hope that the Constitutional Court member can send their staff to participate in the Summer School activities in Turkey which will be conducted for the fifth time. And then, responding to what is informed by the Indonesian delegation related to the permanent secretariat in terms of Planning and Coordination. There are things that we need to respond in relation to this and we hope that the members can immediately send the data on their Constitutional Courts Organization and their Organization like, who is the latest President or the history of each of the Constitutional Court, so it can be put into the Association of Asian Constitutional Courts Website.

And in addition to the data, we also want to be able to upload the data on the International Activities that can be attended by the Association of Asian Constitutional Courts members. So, please if you can give this information to us, so that we can immediately upload it in the website and it can be known by all of the members: eventhough later traditionally it is still conducted, correspondence by letter is still responded. But we make or input all of the data in Association of Asian Constitutional Courts. So, even without the correspondnce letter that we receive, we will get the information immediately, as soon as we open the website of our own association.

And I also want that in the future, as the connection of digital library among the members, which will be very beneficial for the development of staff and judges in obtaining references, in order for them to do their duties and obligations. And I also want to make sure that all of the decisions of the Constitutional Courts in the Association of Asian Constitutional Courts Members can be made into a summary in English, and may be if it is possible, to put that in Russian as well. And that the decision can be put in the web. And thus, if we need to find a reference, we are not only talking about the digital library books, but we can also obtain it from the references of decisions in each country members' Constitutional Court. And when necessary, then, the person can obtain a complete one, if they really need it. So, these are the responses that I can inform you, and we see a very positive trend with the formulation of Permanent Secretariat.

But, I also would like to give proposal to the Secretary General, when we are doing the MSG meeting, maybe we always discuss about the development of the Permanent Secreatriat. And there are some proposals for the advancement of this Permanent Secretariat in the future. It could be like we change the president continuously, but I think the Permanent Secreatriat and the Secretary General will always give support to the New President, so that the organization of this association can go forward and

be better. And the mutual cooperation, the mutually beneficial cooperation can also be increased and be fruitful for all parties. So, I think those are what I can give as the notes, too. And if there are more inputs, you are welcome to give so.

And if there is no input, than we will do... I am sorry, at 12.00 we are going to have a lunch break, but this is only 11.15, we still have around 45 minutes. We are going to continue with the Second Agenda, namely the preparation of the Association of Asian Constitutional Courts and its participation with World Conference on Constitutional Justice, the congress that is going be conducted in Lithuania in September 2017. This is 11 to 14 of September, which will be conducted in Vilnius, Lithuania and the theme of the WCCJ Congress based on the Venice Commission Meeting. The theme is the Rule of Law and Constitutional Justice in the Modern World, so that is the big theme. And Association of Asian Constitutional Courts is given a mandate to appoint somebody in accordance with our agreement in Bali. We appoint the acting president of the Korean Constitutional Court as the key note speaker, Ms. Yi Sung Kim, Justice Yi Sung Kim. And then, as a moderator, is the President of the Azerbaijan Constitutional Court, Mr. Farhad Abdullayev. And then as a rapporteur is Professor Maria Farida, an Indonesian Judge of the Constitutional Court.

Is there any change? Because this confirmation will be given to the host, the Constitutional Court of Lithuania. And for Korea, is the keynote speaker the same? Justice Lee? The same? Yes, the same.

42. KOREAN DELEGATION: JIN SUNG LEE (JUSTICE OF THE CONSTITUTIONAL COURT OF KOREA)

WCCJ and speaks as a keynote speaker.

43. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Pembicara, ya, ya, baik. Sebagai keynote speaker, masih tetap. Kemudian Presiden Azerbaijan?

Speaker, yes, yes, fine. As a keynote speaker, still remain. Then The President of Azerbaijan?

And the President of Azerbaijan as a moderator, is there any change? His Honorable, Mr. Farhad, still? OK, so no change?

44. AZERBAIJAN DELEGATION: RAUF GULIYEV (SECRETARY GENERAL OF THE CONSTITUTIONAL COURT OF AZERBAIJAN REPUBLIC)

I'd like to confirm on behalf of Chairman Farhad Abdullayef, he will be pleased to be the moderator on the meeting. Thank you.

45. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Yes, thank you. And then Professor Maria is still no change? Yes, still no change? Okay, good. So we're going to reconfirm the people that have been given the mandate to be present in Lithuania for the WCCJ Congress. There's also something that I need to inform you at today's meeting, on last April I also attended a meeting of the Venice Commission in Venice and it is expected that members of the AACC to take active participation in the Congress. So those who have been invited can immediately respond so that the WCCJ Congress can be successful and attended by many members of the WCCJ.

And then, I also need to inform you that the WCCJ Bureau is going to add more personnel by adding one representative country according to the continent. So we need one more name to be part of the WCCJ Bureau and AACC will have a separate session that can be used to discuss about the internal needs of AACC in this MSG meeting. We have already noted down here, Azerbaijan, Malaysia, Kazakhstan, and Kyrgyzstan are to participate because you have already been included in our notes. We will be also ask Lithuania so that we can make any meeting. And for the members who are present in WCCJ can put the agenda for our discussion there, which can be responded in the upcoming meeting later on.

The WCCJ bureau does not have a candidate for the 2020 WCCJ Congress. If there is any member that is interested in becoming the host, then we are open to suggestions. Indonesia once proposed itself, but we don't know whether Indonesia is still willing because it's been a long time ago. If Indonesia is still willing we can inform that in the Congress because they haven't got any candidate for the host. The members of WCCJ that have become a host in the past are South Korea and Turkey, I think. Yes, Turkey. South Korea and Turkey, both of them have become a host. So we have an offer because they haven't got any candidate. If any AACC member is willing to become the host we can inform that in the Forum. We also hope that the AACC can do this because this is, I think, based on the continent, so 2020 is not yet available. If Indonesia is still willing or still has the willingness to become the host, we are going to look at the opportunity because in 2020 I think we are going to have a full agenda. We're going to have a presidential election and the legislative election at the time, so we will have a busy schedule. Is there any response for this? If there's no response, then we will ... oh, yes, there is. From? Russia. Okay, go ahead, Russia.

46. RUSSIAN DELEGATION: VLADIMIR SIVITSKIY (HEAD OF SECRETARIAT OF THE CONSTITUTIONAL COURT OF RUSSIA)

In regards to the participation in this world congress, and in accordance to the information that we obtain from Mr. Zoking, our Chair that we will have the following issues. And I also obtain information, from Lithuania stating that they

are prohibited from entering the territory of The Republic of Lithuania as they as I quote, “May pose a threat to the national security and public order of the Republic of Lithuania as follows from the text of those notification.”

Such decisions, were taken at the initiative or with the support of the President of The Constitutional Court of The Republic of Lithuania, who in a letter to The Ministry of Internal Affairs of The Republic of Lithuania, indicated that in particular that The Judges of The Constitutional Court of the Russian Federation, I quote, “Have deliberately participated in making decision contributing to the Russian aggression against Ukraine.” Judges of The Constitutional Court of Russian Federation do not and cannot conduct political or administrative activities.

This sanction have been imposed on judges essentially just for implementing the judicial work. The Constitutional Court of The Republic of Lithuania, presides in the fourth congress of the world conference in the world Constitutional Justice. The statute of the world conference on Constitutional Justice establishes the principle of organizing regular congress uniting all members on a global scale.

Meanwhile, the mentioned letter of The President of Constitutional Court of The Republic of Lithuania following the notification stated that, I quote, “The visits of the judges of the Constitutional Court of The Russian Federation to Lithuania including the participation in a multilateral international cooperation activities are incompatible, with the Lithuanian legal system.” That is to say, that The Lithuanian authorities deliberately exclude, the delegation of the Constitutional Court of The Russian Federation from the fourth congress.

The Constitutional Court of Russian Federation, has informed the European Commission for Democracy through law The Venice Commission of the Council of Europe, which exercises the function of secretariat for the world conference, that the current situation might not allow The Russian delegation to take part in the fourth congress in Vilnius in 2017.

Thus, it should be emphasized that the Constitutional Court of Russian Federation has been a rightful member of the world conference on Constitutional Justice, since 2009 The Conference of European Constitutional Court since 1996, The Association of Asian Constitutional Court since 2011. It attaches a great importance, in developing international cooperation with constitutional courts and equivalent institutions from different countries. This possible non-participation in the fourth congress in Vilnius, is because of specific host party will not affect our position of the constitutional court. And therefore, I request to all of the members to understand that we will not be able to attend on the fourth congress, and we ask you to prevent the exclusion of members and the holding of other international congress to make sure, that this will not happen again in the future.

Thank you very much.

47. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Baik. Thank you very much for the input from The Russian Delegation. What is been informed, by The Russian Delegation has been discussed in the Venice Delegation and there is a willingness of the Venice Commission's President to send a letter to The President of the Lithuanian Republic that is being carbon copied to the President of the Lithuanian Constitutional Court to give a special treatment for the Russian Constitutional Court Members to attend this congress. And it is fortunate that we will have him in the congress in Solo. I will try to meet them and the Russian delegation to get further explanation from the Venice Commission.

I think this is very important because our persons in the international activities related to our association and other constitutional court associations from all over the world. It is very important and should not be hindered by any problems what so ever as we have already informed the Venice Council.

And please if you are willing to the Russian delegation when we have the president of the Venice Commission attending the symposium for you to meet with him and discuss about this issue.

Yes, thank you. And we have about thirty minutes. Are we going to begin with the selection of the AACC President? If we are not finished, we can continue after lunch. We will begin with the selection of the AACC President. In the meeting in Bali, actually all of us have agreed to ask Malaysia to become the President for the next two years' term. But at that time the honorable President of Constitutional Court of Malaysia, Professor Tun Zakaria stated that due to the internal situation they could not confirm the mandate. But whether or not they are still willing to accept the mandate, we would like to ask the feedback from all of the honorable people who are attending this meeting. I open the floor for this.

Professor Arslan, maybe you have something to inform us in relation to the presidency for the next two years' period?

48. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

It is mentioned last year in Bali we talked about the next presidency of AACC. I remember that all members of AACC insisted that Malaysia had to take the next presidency of the AACC. Arifin Zakaria, the previous Chief Justice of Malaysian Supreme Court, told us that Malaysia was not ready to take the presidency. He also said they would consider to take it next year. And here we have the new Chief Justice of Malaysian Supreme Court. Perhaps he will propose to take the next presidency. I personally will be very happy to hear that. Thank you.

49. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

I welcome to the honorable.

50. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF (CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)

My predecessor. If there's no other volunteers, we accept.

51. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Only in three minutes we have the president for the next term. And then, based on the continuation of this term consideration. Is there any willingness after Malaysia? After we did some multilateral and bilateral discussions, after Malaysia, Kazakhstan is willing to become the next president of the association. So, I would like to give the floor to the President of Kazakhstan to state their willingness.

52. KAZAKHSTAN DELEGATION: IGOR ROGOV (CHAIRMAN OF THE CONSTITUTIONAL COUNCIL OF THE REPUBLIC OF KAZAKHSTAN)

Thank you very much for the opportunity that has been given. In the beginning this issue was not yet settled because we're afraid we might not get support from the Ministry of Foreign Affairs and other institutions that are related to the financial issues. If it is possible, I would like to give the final confirmation by the end of this year. So, tentatively I accept this. We do not only agree but we are pleased to take this mandate. But there are things that need to be considered in this issue. And we also need to inform this to all related institutions and of course to our president.

53. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

So we have already have the process of the replacement of the presidency and there is no problem and Mongolia is also willing to take up the next presidency. You are welcome. The floor is yours, Mongolia.

54. MONGOLIAN DELEGATION: DORJ ODBAYAR (CHAIRMAN OF THE CONSTITUTIONAL COURT OF MONGOLIA)

On the 22nd we are going to celebrate the 30th anniversary of the Mongolian new democratic constitution and we have just experienced slight difficulties we all face before in order to choose - select the president. That was our opinion that if we make this presidency to be [inaudible] some event like constitutional jubilee or something then we thought that it may be some good opportunity to hold this session conference. In that point of view, we are finding a possibility if this is supported from your side we are willing to host, I mean be in charge of 2022. Of course there

will some discussion with our parliament and with our president. The thing is this one principle, I mean in Mongolia, the Constitutional Court in Mongolia does not request or beg for money from the parliament strictly and (inaudible) they pass we try to (inaudible) to keep our independency and impartiality. So, anyway since the 30th anniversary will held in 2022 we are planning to get support of our friends.

55. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Baik, Terima kasih.

Thank you. Is there any other input from the other constitutional courts of justice? Bur I think like most of the countries are willing to become the president of this association, but those that are already clear is that Malaysia is now willing for the next two years and then after that Kazakhstan and Mongolia are willing to take the chair.

56. THAILAND DELEGATION: PUNYA UDCHACHON (JUSTICE OF THE CONSTITUTIONAL COURT OF THAILAND)

[Inaudible] from our friend from Thailand.

57. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thailand, ya? Yes, I'm offering the floor for Thailand.

58. THAILAND DELEGATION: PUNYA UDCHACHON (JUSTICE OF THE CONSTITUTIONAL COURT OF THAILAND)

We agree to organize AACC after Mongolia. But may I discuss with the new president for the judge meeting after this?

59. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Thank you very much. So, different from Bali in which it was really difficult for us to determine the president and until the end of the first twenty years, we have already got the president. So, in this session we have officially elected the President of AACC from the President of Malaysian Constitutional Court. So, the President of the Malaysian the Constitutional Court has been elected as the fourth president and the handing over of the position, etc. will be dealt with after this meeting is over. Once again, thank you very much to his Honorable Professor Raus who is willing to become the president of the association.

**60. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF
(CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)**

Malaysia is indeed humble by this appointment and I hope and pray that Malaysia will leave up to the success of my immediate predecessor Chief Justice Arief Hidayat who has taken the AACC to a greater height under his skilled stewardship.

Thank you, Chief Justice Professor Dr. Arief Hidayat and the team of the Constitutional Court of the Republic of Indonesia for having organized this Secretary Generals Meeting and Board of Members Meeting. A heartfelt congratulation to Indonesia for having successfully organized this notable event. In the past presidential tenure which includes two secretary general meetings and Board of Meeting held in 2015 and 2016 in Jakarta and Bali. The third congress of AACC held in Nusa Dua Bali ... 2015 short course in constitutional law held in Jakarta as well as the International Symposium held in 2015, 2016, and tomorrow which will be participated by 16 members and non-member states.

I would like also to take the opportunity to thank the members and board of the AACC for the supports and trust in appointing Malaysia to this prestigious seat. I assure you that Malaysian judicatory extend its full support in the demonstration administration and the organization of the future event of AACC for the benefit for all the members and the Asian region as a whole.

The establishment of the three Permanent Secretariats Korea, Indonesia, and Turkey will indeed be tremendous benefit to all members of AACC, especially in the planning and organization Secretary Generals meeting, Board of Members Meeting, and of course bi-annual congress. As the new elected president, Malaysia look forward to work closely with all the member states as the only Permanent Secretary but also the past President of AACC.

Malaysia will be forwarding the details of the upcoming 2018 Board of Members Meeting and the fourth congress of the AACC in due course. As the Malaysian always says, "Selamat datang ke Malaysia pada tahun 2018." Welcome to Malaysia in 2018. Insha-Allah. (If God's will.) Thank you.

**61. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)**

Thank you very much, Professor, who is willing to become the President for the next two years. And we would like to ask for big round of applause for the Professor.

We have successfully fill up the position of the President of the association and as I said before that the handing over, the official handing-over process will be prepared after this event is done. And the last in the agenda is the approval to sign the MoU between AACC with CCJA which I have said before the president of AACC is going to be present for the International Symposium tomorrow.

So if it is allowed the signing as I've already talked to the new president of Association.

**62. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF
(CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)**

Who is going to sign this? Is it the old president or the new president?

**63. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)**

I think should be planned that the old president should sign this so I think before the handing over you have ... I have to sign this?

**64. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF
(CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)**

Yes, you have to sign that first.

**65. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)**

Okay, thank you.

There is a concept that has been distributed in each of the tables. Please give correction and inputs for the MoU draft. And this is still general in nature. And we are going to talk about this after we take our lunch break. So we have already got that upfront. The one that is being distributed with the signature of the old CCJA from Gabon, but now have already changed to the President of South Africa who is now the President of CCJA and we will discuss this after we finish with our lunch break today.

The CCJA is going to come to Solo at 3 o'clock this afternoon. So maybe the signing will be after he arrives here, after he is present here. And then after that we would do the handing-over between the Indonesian Constitutional Court to the Malaysian Constitutional Court. So any inputs? Please read, please give a review and give corrections and then we will amend and do the revision as soon as possible ... conducted by the Permanent Secretariat staff in Jakarta and going to put that on the screen and will discuss it to get your approval and then after that we will inform the President of CCJA at 3 o'clock this afternoon.

So I think that's it. Thank you very much for all of your participation and the fruitful success of today's meeting even though we still have something that needs to be discussed further, but at least this morning we've already discussed a lot of important things that are significant toward the progress of association that we are members in the form of AACC.

I am going to adjourn the meeting, we will (inaudible) at 14.00 WIB. So, we will adjourn the meeting until 14.00 WIB, Solo time. Thank you very much and may peace be upon us all.

66. MASTER OF CEREMONY I: RAHMAT IDRIS

Our Chairman, Chief Justice of the Constitutional Court of the Republic of Indonesia, and the former President of AACC, as we invite our excellences delegates ladies and gentlemen to enjoy your delicious lunch which is already prepared in the room next to this conference room. We will reconvene for the continuation of today's agenda and the board of members meeting at 2 PM, with the signing minute of meeting and the handover of presidential of The Association of Asian Constitutional Court. Excellencies, ladies and gentlemen, we wish you a wonderful lunch time.

67. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

In the name of God, the most gracious, most merciful, honorable members of the AACC, we commence the meeting. In this last session, there are two points that I will ask for your decisions and consent. Please, show the MoU of the AACC and CCJA because until now there isn't any input. If there is any input should be conveyed, please show the draft MoU.

Yes, please show the draft MoU. If there is no input to the draft, we can consider that we have your consent that the MoU shall be signed today, based on the elect President, honorable Chief Justice of Malaysian Constitutional Court, Professor Raus Sharif.

Therefore, this MoU, I as the previous President will sign, but due to technical reason and publication reason, technically the MoU will be signed tomorrow at the symposium. But, the handover of the presidency of the association will be conducted this afternoon. Is that accepted? Correction for spelling? Okay hold on, but technically we're going to do the signing tomorrow. Is it accepted? Prof. Sharif, do you have any issue on that? No issue at all? So, for technical reason, the MoU will be signed tomorrow morning.

In the morning of the symposium, there will be the speech of The President of The African Association, The Association of CCJA and the elect President from The Malaysian Constitutional Court, Prof. Raus, and if we can accept that we will now discuss the draft. From Indonesia, honorable Palguna, do you have any input?

68. JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA: I DEWA GEDE PALGUNA

Yes, I would like to make some correction, editorial correction on page one paragraph two, considering *the necessity between the two organizations*, I think it's missing an 's' in the sentence. And so on *the constitutional case's jurisprudences*,

jurisprudence or *jurisprudences*? Realizing the increased information, increasing or increased? Because, before ‘increased’ the word is intensified. I don’t know which word is more appropriate. That’s my suggestion, Chairman.

69. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Is there any comment or response? We’ll ask for assistance, from grammatical perspective to be corrected and revised including your proposal, we’ll take note. Any other? If none, we can give our consent on the draft of MoU between AACC and CCJA as shown.

And the signatures on the bottom, please scroll up, yes, this part. The President for CCJA is The African President, please check the name. This is based on our consent, specifically the consent from Chief Justice of Malaysia, Professor Raus, that I should sign the draft.

Before you, honorable Ladies and Gentlemen, Member of AACC, we have distributed the minutes of meeting. As stated there on the paper, this shall be the resolution of Board of Members Meeting that we have to sign after the end of this meeting. I will ask the announcer to assist in reading out the draft of minutes of meeting for all of us so that we may make correction. Please read it slowly so that we can follow.

70. MASTER OF CEREMONY: RAHMAT IDRIS

8th of August 2017. Solo, Central Jawa, Indonesia.

Opening.

1. The Board of Members Meeting.

The Meeting of the Association of Asian Constitutional Courts and Equivalent Institutions. The Association was held in Solo, Central Java, on the 8th of August, 2017. The meeting was attended by heads and representatives of the members of the association. The meeting was conducted in the warm, friendly and cordial atmosphere. List of delegations is attached as Annex 1.

71. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya. Lanjut!

Continue!

72. MASTER OF CEREMONY: RAHMAT IDRIS

2. The meeting was chaired by his Excellency Prof. Arif Hidayat, Chief Justice of the Constitutional Court of the Republic of Indonesia and term president of the association, President of AACC. In his opening remarks, he welcomed the delegates to Solo and conveyed his hopes that the meeting could arrive at the strategic decision to strengthen the work of the association, particularly in the election of new term president of the association.

73. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya. Saya kira di dokumen ini.

In this document, I think, the title is not necessary to be in cooperated, so please delete *professor*. And the last word *association* the *a* should be in capital. Continue.

74. MASTER OF CEREMONY: RAHMAT IDRIS

Of agenda.

3. The meeting adopted the agenda as appears in Annex 2.

75. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya.

76. MASTER OF CEREMONY: RAHMAT IDRIS

Report of the Meeting of Secretaries General.

4. The meeting listen to the report of the Meeting of the Secretaries General or MSG, presented by M. Guntur Hamzah, the Secretary General of The Constitutional Court of The Republic of Indonesia as The Chairman of the meeting of the secretaries general. The highlighted among others that MSG was attended by 11 members of the association. The MSG, also expressed their appreciation to the report from Korea, Indonesia, and Turkey of the development and progress of their respective permanent secretariats since their establishments in 2016.

77. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya.

Very well.

78. MASTER OF CEREMONY: RAHMAT IDRIS

MSG also discussed several mechanism for electing the new president of the Association for consideration by the BoMM, voluntarily bases, geographical bases, alphabetical order, joint presidency, and permanent secretariat to carry out the relevant duties in the absence of a new elected president.

In this regard, the model of voluntarily presidency was preferred although there were a number of members that also favored the rotating presidency by alphabetical order model.

MSG also, discussed the proposal from Azerbaijan regarding the proportional sharing of reasonable financial contribution among all members, which would facilitate the work of the presidency and the AACC.

79. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya.

80. MASTER OF CEREMONY: RAHMAT IDRIS

7. The meeting took note of the report of the MSG and its minutes of meeting. The meeting further discussed the report of the MSG. The president of the AACC highlighted that the deliberation made during the MSG in particular on the option of election mechanism of the next president, the financial contribution, and the proposal of the MoU, between the AACC and CCJA benefitted the association and would strengthen its effective functions in the future.

The five options of the mechanisms were noted while emphasizing the need to find the easiest option, to elect the next president as well as the importance of the continuity and the sense of ownership. The President, also underscored that all three permanent secretariats would assist fully the new President in leading the association.

81. INDONESIAN DELEGATION: I DEWA GEDE PALGUNA (JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Would you consider changing *the sense of ownership* with *the sense of belonging*, maybe? I don't know what the opinions of the other delegates are. Which one makes sense? *Sense of belonging* or *sense of ownership*?

82. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

Sense of belonging is better.

83. INDONESIAN DELEGATION: I DEWA GEDE PALGUNA (JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

I think, yes. *Sense of belonging.*

84. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, ya.

85. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

Not ownership. It's not a property.

86. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Okay?

87. MASTER OF CEREMONY: RAHMAT IDRIS

8. On financial contribution, the President highlighted the importance of considering the ability of each member. Therefore, the meeting mandated the Permanent Secretariat for Planning and Coordination in Jakarta, to study various mechanisms available on this matter for further consideration by the next BoMM.

88. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya.

89. MASTER OF CEREMONY: RAHMAT IDRIS

9. Regarding the signing of the MoU between the AACC and the CCJA, the President shared that the President of the CCJA would attend the international symposium of the AACC in Solo. The President, welcome the prospect of the cooperation between the AACC and the CCJA as proposed in Bali in 2016. The meeting assigned the permanent secretariat to prepare the necessary documents and arrange for the signing of the MoU. Reports and discussions on the progress of the establishment of the permanent secretariats.

10. The Delegations of Korea briefed the meeting on the progress of the Permanent Secretariat of Research and Development or SRD in Seoul. He introduced the concepts, areas of work and research output and working method of the SRD. The functions of SRD are as stipulated in Article 22 of the statute, while the areas of work of the SRD comprised of constitutional adjudications, fundamental rights, and global constitutionalism.

The research output and working method of the SRD, covers fact files and case local actions, reports, and studies, journals and database. He also informed that the SRD provides a secondment program, for interested participants from member countries. He further informed that funding is available to any seconded officers interested in completing a Master's Degree Program at the Seoul National University.

90. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Seoul Korea. Seoul National University in Korea? Yes. Please?

91. KOREAN DELEGATION: JIN SUNG LEE (JUSTICE OF THE CONSTITUTIONAL COURT OF KOREA)

Funding is not available to any seconded officers, interested in getting a Master's Degree. Funding is only available to the officers admitted to the degree program. So, I suggest that funding is available to the seconded officers admitted to a Master's Degree Program. So, *any* should be changed to *the*, and *interested in completing* should be deleted and changed to *admitted to*. That's all.

92. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, coba diulangi.

Can you please repeat?

93. KOREAN DELEGATION: JIN SUNG LEE (JUSTICE OF THE CONSTITUTIONAL COURT OF KOREA)

To the *seconded officers* and *admitted to the Master's Degree Program*. Yes. Right. Okay.

94. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, oke. Tolong dibaca nomor 10, supaya anu, dibacakan kembali.

Yes, oke. Please, read number 10, so that ... reread.

95. MASTER OF CEREMONY: RAHMAT IDRIS

The Delegations of Korea brief the meeting on the progress of the Permanent Secretariat of Research and Development or SRD in Seoul. He introduced the concept, areas of work, and research output, and working method of the SRD. The functions of SRD are as stipulated in Article 22 of the statute, while the areas of work of the SRD are comprised of constitutional adjudication, fundamental rights, and global constitutionalism.

The research output and working method of SRD covers fact files and case law collections, reports and studies, journal and database. He also informed that SRD provides a secondment program for interested participants from member countries.

He further informed that funding is available, to the seconded officer admitted to the master degree program at The Seoul National University.

96. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Okay, thank you, Mr.

97. MASTER OF CEREMONY: RAHMAT IDRIS

The delegation of Turkey provided the meeting with a progress report on the center for training and human resources development. The center has organized, various courses including last year's summer school, which was focused on the theme of rights to respect for private and family life.

This year, Turkish Constitutional Court will organize a summer school on the 17th – 24th of September with the theme of migration and refugee law.

12. The Indonesian delegation briefed the meeting that an office, has been dedicated for the permanent secretariat for planning and coordination, and it is currently located at the ground floor of The Constitutional Court of The Republic of Indonesia. Not only has it been operational, but the Constitutional Court of Indonesia has secured, both financial support and legal basis for the secretariat through the issuance of a recent presidential decree. Website has also been developed for the secretariat and further improvement will be carried out.

98. INDONESIAN DELEGATION: I DEWA GEDE PALGUNA (JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Mr. Chairman, I'm sorry, I think is it not a presidential regulation, ya? Peraturan presiden kan? So, it is *a presidential regulation*, not *a presidential decree*.

99. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Professor Maria, is it *presidential decree* or *presidential regulation*? Presidential regulation, it is.

100. MASTER OF CEREMONY: RAHMAT IDRIS

13. The permanent secretariat for planning and coordination, has also arranged work plans to coordinate international activities of members of AACC. The permanent secretariat, will arrange an annual calendar of events of the AACC members.

Therefore, Indonesia encouraged each member to share data on their international activities. The secretariat, will distribute the information to all members and publish it on the website including, coordination of liaison officers of AACC. Considering their critical role, the secretariat will invite liaison officers to attend the working level meeting to discuss current issues that deserve special attention such as amendments to the statute.

14. In response, the President expressed appreciation of the progress and development of all permanent secretariats. In this regard, he encouraged members as follows, to submit names of liaison officers to the SRD, to take opportunity of the scholarship provided by SRD, to assign officers to attend courses provided by the center in Turkey, to provide the permanent secretariat for planning and coordination with brief information on the history, and organizational structure of the respective courts and equivalent institutions, to provide all relevant information including activities and programs, as well as extracts of courts decisions to be published in the AACC's website, and to coordination and combine the members' respective digital libraries in English language.

101. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya.

102. INDONESIAN DELEGATION: I DEWA GEDE PALGUNA (JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Pak Ketua karena itu merupakan (...)

Mr. Chairman, because this refers to the three secretariats. This should be, *in response The President expressed his appreciation of the progress and development of all the permanent secretariats* because there are three permanent secretariats.

103. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Continue. Okay, hold on, Russia?

104. RUSSIAN DELEGATION: VLADIMIR SIVITSKIY (HEAD OF SECRETARIAT OF THE CONSTITUTIONAL COURT OF RUSSIA)

I suggest to eliminate or delete the words *English Language*, because we have two official languages in association. The main language is English or English, but if material can be provided in Russian language, that will be very useful for us.

105. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Mengacu pada (...)

Yes, we will refer to the amendment of the statute, let us delete the words English Language because we will automatically refer to the amendment of the statute, the main language is English and then, the second is Russian language.

106. INDONESIAN DELEGATION: I DEWA GEDE PALGUNA (JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Chairman, we can refer to Article 5, that refer to mainly English. Yes, but we would also like to make the supporting documents available in Russian language.

107. UZBEKISTAN DELEGATION: BAKHTIYAR MIRBABAEV (ACTING CHAIRMAN OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF UZBEKISTAN)

I have a proposal, there are two minor proposals, technical proposals. The first, I would like to go back to number 2 on the President of the Association in brackets (President of AACC). But, in another paragraph, we only refer to the President of the Association as *President*. I think we should be consistent, and we should refer 'President' as the President of the AACC. The second proposal, when we talk about reports of the MSG, we hear reports from Turkey, Korea, and Indonesia. I think, it will be better if we can provide the names and the titles.

108. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

So, you suggest the names and titles reported in the meeting. Let's go back. We have Professor Guntur Hamzah here. Someone, please scroll up. What paragraph is it? That says about the meeting hearing reports from each secretariat? This one? The Head of Delegation. Paragraph 4; the end of paragraph 4. Please go to paragraph 4. Okay. "Appreciation to the report from Korea, we shall incorporate the names and titles." And then, Turkey and Indonesia, please refer to the list of participants in Annex 1.

Please, Turkey.

109. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

What do you mean by the reports made by? They are I think, they are anonymous reports. There is no right for these reports and they are drafted by the Constitutional Courts. You mean, the reports *presented by* or *made by*?

110. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Mestinya tidak di sini, tadi yang sudah saya tunjukkan.

It should not be in paragraph 4, because this is a report from the Secretary General, we do not need the names, so not here ... not here. Okay, delete that, and move that to the paragraph below, scroll down, down, now ... this is it. Number 10, paragraph 10, we should incorporate the name Justice Lee.

Please, refer the names to the list of the participants to ensure complete and correct spelling. And from Turkey, honorable Professor Arslan.

Please, refer to Annex 1 for the list of participants. And then, from Indonesia ... Professor Aswan, is the name correct? Paragraph 11, is that correct? That's correct.

Now, go to Indonesia. Professor Palguna, should be there? Just one? No need? Okay, just Mr. Deputy. Shall we continue? Is there anything else? The consistency, for referring to the president of the AACC? Let's search, any reference to president? This has president of AACC. No more.

Very well. Okay? No, *association* should remain *association*. Just change *the* president. Any reference to the president should be *President of the AACC*. No more? Thank you. We shall continue. Let's continue. Where were we? Paragraph 15. Paragraph 15.

111. MASTER OF CEREMONY: RAHMAT IDRIS

Preparation of AACC's participation at the 4th Congress of WCCJ.

15. The meeting confirmed that during the 4th Congress of WCCJ, to be held on the 11th to the 14th of September 2017 in Lithuania, a representative from Azerbaijan will act as moderator, a representative from Indonesia as a rapporteur, and a representative from Korea as a keynote speaker.

112. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Dibalik ... dibalik.

I think we should put it in an order where the keynote speaker is mentioned first and we shall incorporate the name. Honorable Justice Lee, the correct name for the Justice of the Constitutional Court of Korea who will act as the keynote speaker?

113. KOREAN DELEGATION: JIN SUNG LEE (JUSTICE OF THE CONSTITUTIONAL COURT OF KOREA)

Ya, Yisu Kim, Y-I-S-U, yeah, Yisu Kim.

114. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Pakai 'HE'. Tolong anu.

Before the name, we should put 'HE', His Excellency? The same goes for Azerbaijan.

Okay. Paragraph 16.

115. MASTER OF CEREMONY: RAHMAT IDRIS

The Russian delegation informed the meeting of the situation with the prohibition of the judges of The Russian Constitutional Court from entering the territory of the Republic of Lithuania that was imposed by the Lithuania Ministry of Internal Affairs with the knowledge of the Lithuanian Constitutional Court. They further informed the meeting that due to the situation, they may not be able to participate in the conference. The president, took note of the position of the Russian Delegation and reminded the meeting that the matter had been discussed at the bureau meeting of WCCJ in Venice. In March this year.

During the meeting, the President of Venice Commission informed about the prohibition by the Lithuanian government against the Russian citizens from entering Lithuania. In light of the upcoming fourth, WCCJ congress, the President of Venice Commission would like to request the president of Lithuania to grant the Russian Delegation with permission to enter Lithuania.

116. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, please.

117. RUSSIAN DELEGATION: VLADIMIR SIVITSKIY (HEAD OF SECRETARIAT OF THE CONSTITUTIONAL COURT OF RUSSIA)

I have an addition, to the second statement or second sentence from *informed the meeting*. At the end of sentence please add ... please, add which *might be perceived as a violation of the provision of the WCCJ statute*. So please add, *perceived as violation*. This is our view. I feel the words (...)

118. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

Ya, *with the prevention of the judges of the Russian Constitutional Court from entering*.

119. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Prevention. More soft, ya. Okay.

120. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

We have ... at the last sentence, I think.

121. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, about the prohibition. That word *prohibition* above that. Change to *prevention*. Okay? Prof. Aslan, okay? Paragraph 17.

122. MASTER OF CEREMONY: RAHMAT IDRIS

Paragraph 17. The president of AACC also suggested bringing this matter again to the president of the WCCJ, who would be attending the International Symposium to be held from the 9th to the 10th of August in Solo.

123. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Very well, so tomorrow if Ms. Sisil is attending the symposium, I would like to ask and invite the delegation from Russia to see the president of CCJA to discuss about this matter, about the current development of the situation. Continue!

124. MASTER OF CEREMONY: RAHMAT IDRIS

President of the new term, President of the AACC.

18. The meeting appreciated the willingness expressed, by the Chief Justice of Malaysia to hold the next presidency of the association. By acclamation, the meeting elected Malaysia as the new term President of AACC for the period of August 2017 to August 2019.

The meeting simultaneously received the readiness from the delegation of Kazakhstan to serve as the following term President after Malaysia for the period of August 2019 to August 2021. The confirmation of such readiness would be given by the end of 2017. The meeting also, received the confirmation of the Delegation of Mongolia to assume the presidency of August 2021 to August 2023, succeeded by Thailand for the period of August 2023 to August 2025.

19. The Chief Justice of Malaysia took the floor and conveyed its gratitude (...)

125. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Oh, okay from Mongolia, the floor is yours.

126. MONGOLIAN DELEGATION: DORJ ODBAYAR (CHAIRMAN OF THE CONSTITUTIONAL COURT OF MONGOLIA)

Your Excellency, on the term of one year which means 2022 not from August 2021 to August 2023. I expressed very openly, that there's not enough one year. I mean, how to familiar but one year term not two year. August 2022 maybe, from August 2021 to 2022.

127. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Yang menjadi masalah adalah di (...)

The problem is that in the statute, the presidency is two years. If it is two years, that's 2021 to 2023? So, in the statute is two years. So, what should be done, Mr. President from Mongolia?

128. MONGOLIAN DELEGATION: DORJ ODBAYAR (CHAIRMAN OF THE CONSTITUTIONAL COURT OF MONGOLIA)

Only in the duration of one year which is to be up to the Mongolia constitution. Isn't it possible to be adopted? Because we consider the current situation of the time? It wasn't standard...each year on the request of the member states, expect to expand or not, that what we understood.

129. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Saya minta komentar.

I would like to have comments from the others. Please.

130. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

Very compatible with the Statute of AACC to hold the conference of presidency only for one year. So, instead of this proposal, I would suggest that we should read the last sentence because we have already guaranteed for the next two terms. So, we don't need the last sentence.

131. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Oh, tidak perlu dicantumkan yang (...)

So, you don't need to put the last sentence as you said?

132. MONGOLIAN DELEGATION: DORJ ODBAYAR (CHAIRMAN OF THE CONSTITUTIONAL COURT OF MONGOLIA)

Chief Justice of Mongolian Constitutional Court insisted on holding the next presidency for only one year. I think, we have to change or amend the statute first. Then, may I take the floor, Mr. President? Then, the sentence maybe we can be like that. It's not so much each easy to decide, but we can may [inaudible], previous I mean secondly to the second sentence after ... I mean where is Delegation Kazakhstan so, so, so and Mongolia so, so, so and readiness, would be given by the end of 2018 or 2017 because it might be ready at the end of 2018 because we have to submit to the parliament, to the president office budget of the next year, for the submitting on the floor president and parliament, but the draft of budget of 2019, would be present next year in July, in the end of July. So, that time we can discuss about our readiness and possibility of our financial situation, so this kind of precondition like expression of readiness, is it possible to be given to Mongolia, Mr. President. It is our request.

133. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Atau kalau kita rumuskan (...)

Or maybe we can formulate it like this. After the Malaysian term is finished which is 2017 to 2019 and then the meeting simultaneously bla, bla, bla until the Delegation of Kazakhstan and the term of presidency after Malaysia the period is just erased and then, the confirmation of such readiness is the same and for Mongolia, probably you don't really need to put the period from August 2021 to 2023, you don't need that. Just erase it.

And then, for Thailand also you have to erase the period. Those that are already confirmed is Malaysia on 2017 and 2019. And then, after that is just the confirmation to become the president. And then, after Malaysia term is done then we talk about it later. Can we agree to that kind of formulation? There is also a proposal if I may. Uzbekistan has a proposal. May we?

**134. UZBEKISTAN DELEGATION: BAKHTIYAR MIRBABAEV
(ACTING CHAIRMAN OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF UZBEKISTAN)**

I have a slightly different proposal. In principle I agree with Mr. Arslan, that we could not have within one year because if it is only one year term then you have to change the statute. So, in relation to Mongolia what we can do is to determine the year? But, the latest confirmation he can only give confirmation by 2018. And we have already written about Kazakhstan and I think we can write down for Mongolia and with regard to Thailand you can write the same years. Thank you.

**135. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)**

Russia, please.

**136. RUSSIAN DELEGATION: VLADIMIR SIVITSKIY (HEAD OF
SECRETARIAT OF THE CONSTITUTIONAL COURT OF RUSSIA)**

In the statute it has never been written that the president is for two years, but point 2 of Article 21 ... oh sorry, 11, 21 it says that the association generally conducts a congress once every two years.

**137. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)**

Yesterday, when we were discussing with the general secretary about the election, we had an idea that we need to expect the possibility of becoming president among the delegation that this ability would depend on the capability of each person to become a president, and this is through mutual decision, so this will give a flexible possibility by respecting the wishes of the members of the delegation to become a president.

I think, if we just put that the confirm one is Malaysia, in 2017 to 2019 and there is a willingness, after Malaysia is Kazakhstan, and after Kazakhstan is Mongolia, and after Mongolia is Thailand, without mentioning the period, it will automatically be able to accommodate the proposal.

But in principal, we cannot change the statute for ... to accommodate the wishes of the members because the statute, has to be the guidelines for us in taking steps, and let us not change the statute, just because of some matters that are not really worth making the statute changed.

**138. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF
(CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)**

Can we delete the last sentence? Hello? And then, who is going to be the next President of the Kazakhstan? We can discuss it the next meeting, I supposed because we are not sure, what the years they want to be the chair. But, I think if we delete, we solve the problem, I think. Then, we discuss for 2021, I think.

**139. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)**

Ya, saya kira sama dengan Professor Aslan.

I think the same thing as Professor Arslan, there is no problem with this formulation, if we just erase the last sentence because what we know that after Malaysia is Kazakhstan. And then, for the next if we discuss it later I don't think there would be a problem. So, what if we just change the last wording.

From Russia, please.

**140. RUSSIAN DELEGATION: VLADIMIR SIVITSKIY (HEAD OF
SECRETARIAT OF THE CONSTITUTIONAL COURT OF RUSSIA)**

I think for colleagues, who have stated that they are willing to become the president, I think, it would be better to write the name of the country in the text. So, that they can talk with their finance minister or their foreign minister. So, it's not only talking verbally but there is a legitimate document. If Mongolia doesn't have a problem to have the name of your country we put it there, I support.

I think, the last formulation is actually moderate we accommodate two years for Malaysia and we accommodate two years for Kazakhstan. And then, the next we just don't put the period. So it is already quite flexible. This is a moderate formulation.

So, the proposal for Russia can be accommodated, meaning that the countries who are willing or already inform their readiness, would be able to do approach the people in their own countries. But what's clear is that after Malaysia is Kazakhstan and those who are willing are Mongolia and then Thailand. I don't think there is a big problem in here.

I think, this the most moderate formulation. The one that is clearly for 2 years is Malaysia. And then, it is followed by Kazakhstan even though it is not written in terms of the period. And then, after that is Mongolia and Thailand. You don't need to write the period as well. That would accommodate everything. Can we agree on this?

Okay from Turkey, please.

141. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

Can we write here that the meeting accepts the readiness from the Mongolian and Thai delegations to take the posts as the presidents after this? That's all.

142. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Okay, thank you. So this is a very moderate formulation. It can accommodate what has developed in the discussion. Okay, so we continue?

143. MASTER OF CEREMONY: RAHMAT IDRIS

Justice of Malaysia took the floor and conveyed its gratitude to the members for the trust and confidence in Malaysia to carry out its presidency of the association. And in this regard, Malaysia will be working closely with the three permanent secretariats.

144. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF (CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)

Maybe you could change *its* to be *his*, *his gratitude*.

145. MASTER OF CEREMONY: RAHMAT IDRIS

Other matters.

20. The meeting agreed to proceed with the signing of the MoU between the AACC and CCJA as appears in Annex 3. The meeting mandated the incumbent President of AACC to sign the MoU on behalf of the AACC. Adoption of the minutes of meeting.

21. The meeting adopted the minutes of meeting, closing.

22. The meeting was concluded by the handing over of the term of presidency from Indonesia to Malaysia.

146. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Okay. Silakan, Prof.?

147. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

Shall we, please? Not the last sentence, the one before the last sentence, while emphasizing the need to find the easiest option to elect the next President as well as the important, yes. It was important now it's changed, *importance of the continuity*

and the sense of belonging, I think the sense of solidarity is better than the sense of belonging.

148. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

The sense of solidarity?

149. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)

The sense of solidarity.

150. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Okay, belonging-nya dihapus saja.

So, we just erase the *belonging?* *Sense of solidarity.* Is there anymore, Professor Arslan? Thank you. Azerbaijan, please.

151. AZERBAIJAN DELEGATION: RAUF GULIYEV (SECRETARY GENERAL OF THE CONSTITUTIONAL COURT OF AZERBAIJAN REPUBLIC)

Item 6, MSG also discussed the proposals, it was not just a proposal of Azerbaijan, some members also join this kind of proposal. Therefore, I don't have any kind of copyright over this proposal. So maybe it's better to say just the proposals regarding without indicating the name of our country.

152. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Okay.

153. AZERBAIJAN DELEGATION: RAUF GULIYEV (SECRETARY GENERAL OF THE CONSTITUTIONAL COURT OF AZERBAIJAN REPUBLIC)

Thank you.

154. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Is there any more? Malaysia, please.

**155. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF
(CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)**

The second line, maybe for the trust and confidence in Malaysia to hold the presidency of this association not to whole presidency of the association.

**156. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)**

Okay, thank you. Anything else? If there is nothing else, I think it should be enough. So it is now finished, closing is already done.

So, we are going to sign, it's going to be signed by all of the Heads of delegations who are here, and we're going to put this into alphabetical order. So, the signatory ready? So, let's check the names.

So, we are going to put the names according to alphabetical order. Pak Guntur is not here, so we should erase the name. Now, it's all the heads of delegations who are attending this meeting, so we have thirty names signing this MoU. Please check and amend this.

Okay, so His Excellencies, all of the agenda has been discussed and agreed, including also agreeing on the minutes of meeting for today's meeting. And before I conclude this event, I would like to once again convey my thanks for all of your attention and participation and also concerns. Oh, Prof. Arslan, you have something else to add? Go ahead Sir.

**157. TURKISH DELEGATION: ZÜHTÜ ARSLAN (PRESIDENT OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY)**

But I was thinking that we should talk about the other matters concerning the AACC. I want to raise an important issue. It is the extension of membership of AACC, I mean we should find a way of increasing the number of the members of AACC. I mean as you already know, Asia with its geographical area and in terms of geography and population, similar institutions have created number or members but the AACC has only sixteen members, we should extend the number of the AACC by focusing on special methods.

For instance, we can send invitation letters to potential members such as China, Japan, Pakistan, Bangladesh, India, Singapore, and similar states. So, I think we can delegate a mandate to the next president of the AACC to work on this issue and to send the invitation letters to potential members. Thank you very much.

158. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, saya sangat setuju.

I highly agree to this proposal. So, in the third presidency, we have two countries, that joined the AACC membership which were Kyrgyzstan and Myanmar, and the for the time being, the ones that are being invited to the symposium are some countries in Asia who attended the symposium.

So, maybe tomorrow, we can ask them to be part of the discussion. We have representatives coming from Cambodia and Timor Leste, and they are willing to actively participate, and I believe that Timor Leste is going to participate in the AACC. And what Professor Arslan said was very good and it has to be included in the other matters, so that it can be made into a formulation there, and everybody would understand and we hope that the next presidency would be able to take an appropriate response to this latest development that we have in the meeting.

So, we hope that tomorrow, Cambodia and Timor Leste especially, because they are being invited and they are willing to come. We would talk to them between all presidents, presidents of the associations and I'll also ask the new president to have a meeting with Timor Leste and Cambodia, and urge them to actively register and participate. Also, we invited countries that are potential to be requested to participate. And, yes, Africa and Europe have already got a lot of members, and in terms of membership number, Asia is the lowest. And, I hope that this can grow better in the future.

So, I also would like to invite the delegations, if there is any member of the association that has a close neighbor, maybe you can ask them to do some discussions and then later on compel them to join this organization. Like for example, Korea can talk to Japan or China or any other countries that are next-door to them. Like for example, Indonesia has a cooperation between the Indonesian Constitutional Court and the Timor Leste's Constitutional Court, and the Timor Leste sent a lot of their judges to have a discussion with us, and at the end of the day Timor Leste is very interested in joining our association.

159. AFGHANISTAN DELEGATION: MOHAMMAD QASIM HASHIMZAI (PRESIDENT OF THE ICOIC ISLAMIC REPUBLIC OF AFGANISTAN)

In regards to the expansion of the membership, what the, His Excellency of the Chairman of the Constitutional Court of Turkey suggested, in expanding the membership, one should take care of that there are some countries charged with financing terrorism, and of course financing and promoting that evil around the world. We should not include those people around our circle if they are charged or accused of such misbehavior. Thank you very much.

160. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Baik (...)

Very well.

161. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF (CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)

Mr. Chairman. Can the association give me a mandate to invite these countries? For example, like India, Bangladesh, Srilanka, Singapore? If there is a mandate then, I can just send a letter to join the association. But, I think this should be reflected in the minutes.

162. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Ya, ya.

I think what is informed by the Presidents from Afghanistan and Malaysia is that yes, we have to be careful when we are extending invitations to members because this is basically an active registration, and in order to become a member of the association, you have to have a common, a mutual, approval to be part of it.

And if there is someone or some countries that want to join, they are not using rule of law, then we can say no because they are still being authoritarian. And if there are countries that are suspected to be agent of terrorism or even to finance terrorism, we have to be careful in inviting them to be a member.

So, yes, we are going to extend the membership, but we also have to be careful to make sure that the association members are the ones that are in accordance to our statute. So we have to make sure that we have a lot of members but the quality is not above a very democratic rule of law.

So, we don't want to have a member who doesn't support the supremacy of law in their countries. But if we have any request to become a member, then the request has to be officiated in the plenary meeting of the Board of Members Meeting.

So, all of the members agree to have a country become a member of this association. So we have already got the formulation in here, and number 21 maybe we can have that reflected. Go ahead, MC.

163. MASTER OF CEREMONY: RAHMAT IDRIS

The importance of expanding the association membership. In this regard, the meeting requested that the upcoming presidency takes appropriate measures with the view of expanding the membership to the association.

164. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Itu, supaya konsisten, presidensi asosiasi.

That one, to make it consistent, association presidency. Would you make it consistent. You have to put *the upcoming president AACC*. Incoming.

165. MALAYSIAN DELEGATION: MOHAMMAD RAUS SHARIF (CHIEF JUSTICE OF THE FEDERAL COURT OF MALAYSIA)

Incoming.

166. CHAIRPERSON: ARIEF HIDAYAT (CHIEF JUSTICE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA)

Okay. The presidential AACC take.

Ya, rumusannya demikian?

So, that's the formulation? I think, number 21, *gives the mandate to the next president, to do the job that is tasked to him*. So, is there anything else, Your Honorables? Any inputs? Any feedback? Professor Aswan? That's it, enough?

Okay. To all of honorable members of today's meeting, all of the agenda has been discussed and we have already formulated all important issues that we put in the minutes of meeting on today as result of the meeting. And on behalf of the AACC President who is still having his position within one hour from now, I would like to extend my thanks, and on behalf of the President of the Indonesian Constitutional Court, I would like to convey my gratitude and also apology if there is anything, there is lacking in our way of receiving you, and whether there are any problems that occur whether it is intentional or not, we would like to apologize beforehand, and we hope that the good news can be spread to your friends, but if you have any bad experience, just leave the bad experience behind in Solo.

So, thank you very much and may God's blessing be with us all.

We are going to have a ten minute break, and then after that we are going to have the ceremonial signing of the MoU, and then after that the handing over of the AACC presidency from the old president, from a president to the new one.

MINUTES OF MEETING OF
THE BOARD OF MEMBERS MEETING



**ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS**



Association of Asian Constitutional Courts
and Equivalent Institutions

**MINUTES OF MEETING
BOARD OF MEMBERS MEETING
8 AUGUST 2017
Solo, Central Java, Indonesia**

Opening

1. The Board of Members Meeting ("the Meeting") of the Association of Asian Constitutional Courts and Equivalent Institutions ("the Association") was held in Solo, Central Java, on 8 August 2017. The Meeting was attended by heads and representatives of the members of the Association. The Meeting was conducted in a warm, friendly and cordial atmosphere (list of Delegations attached as **Annex I**).
2. The Meeting was chaired by H.E. Arief Hidayat, Chief Justice of the Constitutional Court of the Republic of Indonesia and Term President of the Association ("President of AACC"). In his opening remarks, he welcomed the delegates to Solo and conveyed his hope that the Meeting could arrive at strategic decisions to strengthen the work of the Association, particularly in the election of new term President of AACC.

Adoption of Agenda

3. The Meeting adopted the Agenda as appears in **Annex II**.

Report of the Meeting of Secretaries-General

4. The Meeting heard the report of the Meeting of the Secretaries-General ("MSG") presented by M. Guntur Hamzah, Secretary General of the Constitutional Court of the Republic of Indonesia, as the Chairman of the Meeting of the Secretaries-General. He highlighted, among others, that MSG was attended by 11 members of the Association. The MSG also expressed their appreciation for the report from Korea, Indonesia and Turkey on the development and progress of their respective permanent secretariats since their establishment in 2016.
5. MSG also discussed several mechanisms for electing the new President of AACC for consideration by the BOMM: voluntary basis, geographical basis, alphabetical order, joint presidency and Permanent Secretariats to carry out the relevant duties in the absence of a new elected President. In this regard, the model of voluntary presidency was preferred, although there were number of members that also favored the rotating presidency by alphabetical order model.
6. MSG also discussed the proposals regarding the proportional sharing of reasonable financial contributions among all members, which would facilitate the work of the Presidency and the AACC.



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7. The Meeting took note of the report of the MSG and its Minutes of Meeting. The Meeting further discussed the report of the MSG. The President of AACC highlighted that the deliberation made during the MSG, in particular on the options of election mechanism of the next President of AACC, the financial contribution, and the proposal of MoU between AACC and CCJA, benefited the Association and would strengthen its effective functions in the future. The five options of the mechanism were noted, while emphasizing the need to find the easiest option to elect the next President as well as the importance of the continuity and the sense of solidarity. The President of AACC also underscored that all three Permanent Secretariats would assist fully the new President of AACC in leading the Association.
8. On financial contribution, the President of AACC highlighted the importance of considering the ability of each member. Therefore, the Meeting mandated the Permanent Secretariat for Planning and Coordination in Jakarta to study various mechanisms available on this matter for further consideration by the next BOMM.
9. Regarding the signing of the MoU between AACC and CCJA, the President shared that the President of CCJA would attend the International Symposium of the AACC in Solo. The President welcomed the prospect of the cooperation between AACC and CCJA as proposed in Bali in 2016. The Meeting assigned the Permanent Secretariat to prepare the necessary document and arrange for the signing of the MoU.

Report and discussion on the progress of the establishment of permanent secretariats

10. H.E. Mr. Jinsung Lee, Justice of the Constitutional Court of the Republic of Korea, briefed the Meeting on the progress of the Permanent Secretariat of Research and Development (SRD) in Seoul. He introduced the concepts, areas of work and research output and working method of the SRD. The functions of SRD are as stipulated in Article 22 of the Statute. While the areas of work of the SRD are comprised of constitutional adjudication, fundamental rights and global constitutionalism, the research output and working method of SRD cover fact files and case law collections, reports and studies, journal and database. He also informed that SRD provides a secondment program for interested participants from member countries. He further informed that funding is available to the seconded officers admitted to the master's degree program at the Seoul National University.
11. H.E. Mr. Zühtü Arslan, President of the Constitutional Court of the Republic of Turkey, provided the meeting with a progress report on the Center for Training and Human Resources Development. The Center has organized various courses including last year's Summer School, which was focused on the theme of right to respect for private and family life. This year, Turkey's Constitutional Court will organize a Summer School on 17 – 24 September with the theme of migration and refugee law.



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12. H.E. Mr. Anwar Usman, Deputy Chief Justice of the Constitutional Court of the Republic of Indonesia, briefed the Meeting that an office has been dedicated for the Permanent Secretariat for Planning and Coordination, and it is currently located at the Ground Floor of the Constitutional Court of the Republic of Indonesia. Not only has it been operational, but the Constitutional Court of Indonesia has secured both financial support and legal basis for the Secretariat, through the issuance of a recent Presidential Regulation. A website has also been developed for the Secretariat and further improvement will be carried out.
13. The Permanent Secretariat for Planning and Coordination has also arranged work plans to coordinate international activities of members of AACC. The Permanent Secretariat will arrange an annual calendar of events of the AACC Members. Therefore, Indonesia encouraged each member to share data on their international activities. The Secretariat will distribute the information to all members and publish it on the website, including coordination of liaison officers of AACC. Considering their critical role, the Secretariat will invite liaison officers to attend a working level meeting to discuss current issues that deserve special attention, such as amendments to the Statute.
14. In response, the President expressed his appreciation of the progress and development of all the permanent secretariats. In this regard, he encouraged members as follows:
 - to submit names of liaison officers to the SRD;
 - to take opportunity of the scholarship provided by SRD;
 - to assign officers to attend courses provided by the Center in Turkey;
 - to provide the Permanent Secretariat for Planning and Coordination with brief information on the history and organizational structure of the respective courts and equivalent institutions;
 - to provide all relevant information, including activities and programs, as well as extracts of courts' decisions to be published in the AACC's website; and
 - to coordinate and combine the members' respective digital libraries.

Discussion on the preparation of AACC's participation at the 4th Congress of WCCJ

15. The Meeting confirmed that during the 4th Congress of WCCJ to be held on 11 – 14 September 2017 in Lithuania, a representative from Korea, H.E. Mr. Yi-Su Kim as a keynote speaker, a representative from Azerbaijan, H.E. Mr. Farhad Abdullayev, will act as a moderator, and a representative from Indonesia, H.E. Mrs. Maria Farida Indrati as a rapporteur.
16. The Russian Delegation informed the Meeting of the situation with the prevention of the judges of the Russian Constitutional Court from entering the territory of the Republic of Lithuania that was imposed by the Lithuanian Ministry of Internal Affairs with the knowledge of the Lithuanian Constitutional Court. They further informed the Meeting that due to this situation they may not be able to participate in the Conference, in fact, solely



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for the adoption of a judicial decision, which might be perceived as a violation of direct provisions of the WCCJ Statute regarding the general participation of all WCCJ members without any exceptions in its Congresses, despite the political attitude of a specific host party. The President of AACC took note of the position of the Russian Delegation and reminded the Meeting that the matter had been discussed at the Bureau Meeting of WCCJ in Venice in March this year. During the meeting, the President of Venice Commission informed about the prevention by the Lithuanian Government against Russian citizens from entering Lithuania. In light of the upcoming 4th WCCJ Congress, the President of Venice Commission would like to request the President of Lithuania to grant the Russian Delegation permission to enter Lithuania.

17. The President of AACC also suggested bringing this matter again to the President of the WCCJ, who would be attending the International Symposium to be held from 9 – 10 August 2017 in Solo.

Election of the new term President of the AACC

18. The Meeting appreciated the willingness expressed by the Chief Justice of Malaysia to hold the next Presidency of AACC. With acclamation, the Meeting elected Malaysia as the new term President of AACC for the period of August 2017 – August 2019. The Meeting simultaneously received the readiness from the Delegation of Kazakhstan to serve as the following term President after Malaysia. The confirmation of such readiness would be given by the end of 2017. The Meeting also received the readiness of the Delegation of Mongolia and Thailand respectively to assume the Presidency in the successive terms.
19. The Chief Justice of Malaysia took the floor and conveyed his gratitude to the members for the trust and confidence in Malaysia to hold the Presidency of the Association. In this regard, Malaysia will be working closely with the three Permanent Secretariats.

Other matters

20. The Meeting agreed to proceed with the signing of the MoU between the AACC and CCJA as appears in **Annex III**. The Meeting mandated the incumbent President of AACC to sign the MoU on behalf of the AACC.
21. The Meeting discussed the importance of expanding the Association's membership. In this regard, the Meeting requested that the President of AACC take appropriate measures with a view of expanding the membership to the Association.

Adoption of Minutes of Meeting

22. The Meeting adopted the Minutes of Meeting.



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Closing

23. The Meeting was concluded by the handing over of the term Presidency from Indonesia to Malaysia.

Mohammad Qasim Hashimzai
Chairman
of the Independent Commission for
Overseeing the Implementation
of the Constitution
of the Islamic Republic of Afghanistan

Rauf Guliyev
Secretary General
of the Constitutional Court
of the Republic of Azerbaijan

Arief Hidayat
Chief Justice
of the Constitutional Court
of the Republic of Indonesia

Igor Rogov
Chairman
of the Constitutional Council
of the Republic of Kazakhstan

Jinsung Lee
Justice
of the Constitutional Court
of the Republic of Korea

Kuanbek Kirgizbaev
Vice Chairman
of the Constitutional Chamber of the
Supreme Court of the Kyrgyz Republic



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Raus Sharif
Chief Justice
of the Federal Court
of Malaysia

Dorj Odbayar
Chairman
of the Constitutional Court
of Mongolia

Myo Myint
Member
of the Constitutional Tribunal
of the Republic of the Union of Myanmar

Vladimir Sivitskiy
Head of the Secretariat
of the Constitutional Court
of the Russian Federation

Nurak Marpraneet
President
of the Constitutional Court
of the Kingdom of Thailand

Zuhtü Arslan
President
of the Constitutional Court
of the Republic of Turkey

Bakhtiyar Mirbabaev
Ex-Chairman
of the Constitutional Court
of the Republic of Uzbekistan

ANNEX

**Report of the Secretary General
of the Constitutional Court of the Republic of Indonesia
In Board of Members Meeting
Tuesday, August 8 2017
Solo, Indonesia**

CHAIRPERSON, ARIEF HIDAYAT:

*In the name of God, the most Gracious and the Most Benevolent,
May peace and prosperity be upon you,
Good morning, Om Swastiastu, Namo Buddhaya.*

- Honorable Chief Justices of Constitutional Courts and/or Equivalent Institutions
- Distinguished delegation members from the member countries of the AACC
- His excellency Deputy Chief Justice of Constitutional Court
- Honorable Constitutional Court Justices
- Ladies and Gentlemen

Praise be to Allah Subhanahu Wa Ta'ala, God Almighty for His blessings, mercy and grace that today, we are given the opportunity to meet again. With warmest greetings, I bid you welcome to Indonesia, and express my gratitude for your presence in this Board of Members Meeting.

Honorable President of AACC and Chief Justices of Constitutional Courts and/or Equivalent Institutions,

Allow us to report the activities of the International Symposium of Association of Asian Constitutional Courts and Equivalent Institutions in Solo, the city of culture, preceded by the *Meeting of Secretary Generals* yesterday, Monday, August 7 to Friday, August 11, 2017.

Present in this event are the delegates from the member countries of the Association of Asian Constitutional Courts and several invited countries, namely Algeria, bebin, Cambodia, Romania, Timor Leste. Other than those, also present are the Conference of Constitutional Jurisdictions of Africa (CCJA), the Conference of Constitutional Control Organs of the Countries of New Democracy (CCCOCND), Venice Commission, and legal academicians from inside and outside Indonesia.

Honorable President of AACC and Chief Justices of Constitutional Courts and/or Equivalent Institutions,

On this occasion, we ask permission to deliver several items as the results from the previous meeting of the Secretary Generals, as follows:

- The meeting was attended by 11 representatives of the members, with the delegates from Afghanistan, Pakistan, the Philippines, Uzbekistan, and Tajikistan unable to attend;
- The meeting attendees listened to and appreciated the report from Indonesian delegation concerning the preparation of BOMM, and the other meetings and activities of the AACC from August 7 to August 11 2017;
- The meeting attendees appreciated Korea, Indonesia and Turkey for the reports concerning the progress and development of the establishment of permanent Secretariats in the respective countries;
- With regard to the discussion of the election of the next-term President of the AACC, the meeting agreed to recommend 5 models of election to be discussed and agreed upon by BOMM, as follows:
 - Volunteer in nature
 - Geographical approach
 - Alphabetical approach
 - Joint presidency
 - All permanent secretariats should take the relevant tasks in the event of absence of a newly elected president
- In the discussion, the volunteer model tended to be favored, but some members were also of the opinion of a rotation model based on the alphabetical order;

- The meeting also took note of the proposal from one member stressing the importance of proportional financial contributions in order to support presidential tasks;
- The meeting also noted the need to form cooperation between the AACC and CCJA, but the attendees recommended that an MoU of the said cooperation could be first discussed in the BOMM , and supposed in the event of the absence of an elected President, the meeting recommended that Indonesia as a permanent Secretariat in relation to the Planning and Organizing should sign the MoU.
- The meeting also suggested that in the future meeting of the AACC should pay attention to the use of correct mapping.

Honorable President of AACC and Chief Justices of Constitutional Courts and/or Equivalent Institutions,

In this event, we will hold an international symposium that will take the theme “Constitutional Courts, ideology, and democracy in Plural Societies.” The event will be attended and opened by the President of the Republic of Indonesia, Mr. Ir. H. Joko Widodo.

This symposium will take place for two days on August 9 and 10, 2017, and will be attended by resource persons from several countries that will present their best practices and experience in applying democracy principles and ideology in a pluralistic community in their respective countries, included the roles of Constitutional Courts or other Equivalent Institutions in guarding and watching over democratization as well as relevant checking and balancing of mechanisms among state institutions. These need to be deepened in the discussion process, not only by the participants but also by the symposium observers.

The entire process of the symposium and the work sheets of the speakers and panelists will be collected in the form of proceedings of an international symposium, which will be forwarded to all of the participants. We do expect that the results of this international symposium can provide input to all of the parties, especially Constitutional Courts and other Equivalent Institutions from the participating countries of the symposium in order to build, develop, and establish democratic countries based on the constitution and appreciation of pluralistic values.

In order for the whole societies to gain the benefit, this international symposium will be directly relayed through *video conference* by the Constitutional Court of the Republic of Indonesia in 34 provinces and spread in 39 Universities across Indonesia.

**Honorable President of AACC and Chief Justices of Constitutional Courts
and/or Equivalent Institutions,**

So, that is the report that we can present. We understand that the success of this event is the result of the collective endeavor of all delegates, participants, and all the parties. For that, we would like to express our gratitude to all parties that have supported the organization of this event.

Thank you.

Billahi taufic wal hidayah,

Wassalamu 'alaikum warahmatullahi wabara kaatuh.

Secretary General,

M. Guntur Hamzah



BOARD OF MEMBERS MEETING
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
8 August 2017, Solo, Central Java, Indonesia



Association of Asian Constitutional Courts
and Equivalent Institutions

LIST OF PARTICIPANTS

- | | | |
|----------------------|--------------------------------|---|
| 1. Indonesia | a. Mr. Arief Hidayat | Chief Justice
(Chairperson) |
| | b. Mr. Anwar Usman | Deputy Chief Justice
(Head of Delegation) |
| | c. Mr. Aswanto | Justice |
| | d. Mr. I DewaGedePalguna | Justice |
| | d. Mrs. Maria Farida Indrati | Justice |
| | e. Mr. Manahan MP Sitompul | Justice |
| | f. Mr. Suhartoyo | Justice |
| | g. Mr. Wahiduddin Adams | Justice |
| | h. Ms. Nina S. Djajaprawira | Advisor |
| i. Mr. IndraRosandry | Advisor | |
| 2. Afghanistan | a. Mr. Mohammad QasimHashimzai | President
(Head of Delegation) |
| | b. Mr. Najeebullah Jami | General secretariat of
the ICOIC |
| | c. Mr. AsrarullahHamdard | General Executive
Manager for the office
of the ICOIC president |
| 3. Azerbaijan | a. Mr. Rauf Guliyev | Secretary General |
| 4. Kazakhstan | a. Mr. Igor Rogov | Chairman
(Head of Delegation) |
| | b. Mr. Bakyt Nurmukhanov | Secretary General |
| | c. Mr. Kuanysh Aldongarov | Head of Personnel
and Documentation
Department |



**BOARD OF MEMBERS MEETING
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
8 August 2017, Solo, Central Java, Indonesia**



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|--------------------|-----------------------------------|--|
| 5. Korea | a. Mr. Jin Sung Lee | Justice
(Head of Delegation) |
| | b. Mr. Yong-hun Kim | Secretary General |
| | c. Ms. Kook Hee Lim | Deputy Director
International Affairs
Division |
| | d. Mr. Jung Kyung Yoon | Staff |
| 6. Kyrgyz Republic | a. Mr. Kuanbek Kirgizbaev | Vice Chairman
(Head of Delegation) |
| | b. Mr. Marat Dzhamankulov | Advisor to the
Chairman |
| 7. Malaysia | a. Mr. Mohammad Raus Sharif | Chief Justice
(Head of Delegation) |
| | b. Mr. AslamZainuddin | Deputy Chief
Registrar |
| | c. Mr. Mohd. Aizuddin Zolkeply | Judicial Officer |
| | d. Mr. Mohd. Abduh bin Md. Hafidz | Special Officer III to
the Chief Justice |
| 8. Mongolia | a. Mr. Dorj Odbayar | Chairman
(Head of Delegation) |
| | b. Mr. Dulam Sugar | Justice |
| | c. Mrs. YondonjugnaiUnuborgil | Advisor at Chairman's
Office |
| 9. Myanmar | a. Mrs. Myo Myint | Member of Tribunal
(Head of Delegation) |
| | b. Mrs. Khin Maung Cho | Member of Tribunal |
| | c. Mrs. Hla Myo | Deputy Director |



**BOARD OF MEMBERS MEETING
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
8 August 2017, Solo, Central Java, Indonesia**



Association of Asian Constitutional Courts
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|----------------|---------------------------|---|
| 10. Russia | a. Mr. Vladimir Sivitskiy | Head of Secretariat
(Head of Delegation) |
| | b. Mr. Egor Bushev | Counsellor,
Department of
International Relations
and Research of
Constitutional Review
Practice |
| 11. Thailand | a. Mr. Nurak Marpraneet | President
(Head of Delegation) |
| | b. Mr. Punya Udchachon | Justice |
| | c. Mr. Chaowana Traimas | Advisor on Academics |
| | d. Mr. Montree Kanokwaree | Senior Expert on
Legal Cases |
| | e. Mr. Pitaksin Sivaroot | Constitutional Court
Academic Officer /
Interpreter |
| 12. Turkey | a. Mr. Zühtü Arslan | President
(Head of Delegation) |
| | b. Mr. Abdullah Çelik | Chief-Rapporteur
Judge |
| 13. Uzbekistan | a. Mr. BakhtiyarMirbabaev | Ex-Chairman
(Head of Delegation) |
| | b. Mr. Aziz Boltaev | Assistant to Chairman |

