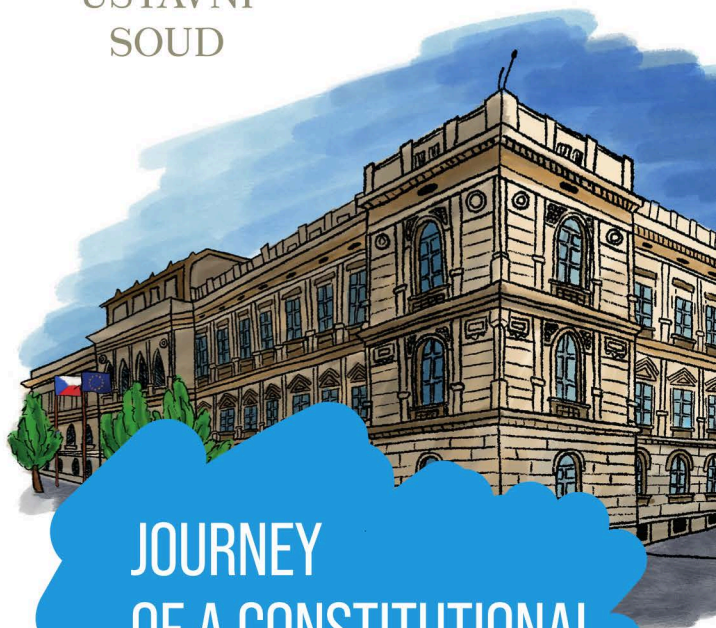




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JOURNEY OF A CONSTITUTIONAL COMPLAINT

The Constitutional Court is not an ordinary court. It stands outside the general courts structure and does not serve as a regular appellate court. It has a different task: to protect constitutionality and human rights. It is not subject to other state bodies and is completely independent. This is the only way it can fulfil its mission.

The Constitution assigns several competences to the Constitutional Court. The most visible of these is deciding upon the constitutionality of laws and the constitutionality and legality of other legal regulations. Most often, however, it deals with the protection of individuals' fundamental rights by deciding on their constitutional complaints.

A constitutional complaint must be drawn up by an attorney and must be filed within two months of the delivery of the last decision. Complaints delivered to the Constitutional Court are received by the Registry, with delivery mostly via data box but sometimes also by post or in person. At the Registry, the complaint is assigned a registration number, recorded, then forwarded to the Judicial Department.



Every day at midnight, a computer system sorts all constitutional complaints received and allocates them evenly among the Justices in conformity with predetermined rules and according to the Court's work schedule. This distribution takes place without human intervention and is completely unbiased. The Justice to whom a constitutional complaint is assigned is termed the Justice Rapporteur.

The Justice Rapporteur is responsible for preparing the draft decision. She or he first examines the constitutional complaint, reviews the contested decisions, and determines how to proceed in the case.



The Justice Rapporteur does not deal with the constitutional complaint alone. He or she has a small team of three lawyers who work as assistants. The Justice consults with the assistants and assigns them the task of collecting supporting material and preparing some passages of future decisions. Nevertheless, the Justice alone is responsible for the draft decision.



A Justice can also turn to the Analytics Department and request research or analysis for a case under consideration. One does so, for example, when needing to ascertain how similar legal issues are approached by foreign courts.



Once the Justice has gathered all the material, he or she will prepare a draft decision together with the team of assistants. This draft will then be discussed either in the Plenum, that is, among all the Justices, or in a three-member panel.



If the Justices find the constitutional complaint manifestly unfounded, they will dismiss it. The Justice Rapporteur may herself or himself also dismiss a constitutional complaint, but only on procedural or formal grounds.

If the Justices conclude that the issue requires further clarification or evidence, they will order an oral hearing. However, most of the relevant information usually will be contained in the case file. Therefore, an oral hearing is held only when the Court needs to know something that cannot be ascertained from the case file.



The Justices decide the case by vote.



Unless the constitutional complaint is dismissed, the proceedings end with a judgment. In such case, the Court decides on the merits. It will consider and assess each individual objection. In its judgment, the Constitutional Court may uphold the complainant's claim and annul the contested decision, or, if no violation of fundamental rights and freedoms is found, reject the complaint. Judgments are always pronounced publicly.



Not infrequently, the pronouncement of Constitutional Court judgments attracts media attention. When asked by the press, Justices may provide a commentary explaining the decision in a clear manner. A press release summarizing the substance of a case will be issued for a decision having significant legal, social, or political impact.

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All decisions of the Constitutional Court are published in the NALUS database. All judgments of the Constitutional Court and resolutions selected by the Plenum are included in the Collection of Judgments and Resolutions of the Constitutional Court. The Constitutional Court also uses its own website and social networks to inform about its decision-making and other activities.

CONTACTS

Ústavní soud
Joštova 8, 660 83 Brno

Tel: (+420) 542 162 111
E-mail address: podani@usoud.cz
Data box: z2tadw5
www.usoud.cz



 @usoud_official
 Ústavní soud České republiky
 @usoud_official