Supplementary Materials - CompLaw: A Database for the Comparative Study of Judicial Review

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Contents

The first portion of the Supplemental Materials (Section SMI) presents the fixed effects results for

Table 4. The next section provides information on how we managed the CompLaw database. We then

discuss in Section SMII which information was coded from the cases that were uploaded to CompLaw.

In doing so, we detail all of the variables recorded at the germaneness-, case-, policy-, and question-

level. We also describe our application of the CompLaw coding protocol over time within one country,

France, in Section SMIII.

SMI   Fixed Effects for Table 4

Table SM.1: Supplemental Results for Analyses in Table 4 of Manuscript

	(1)	(2)	(3)	(4)	(5)	(6)
Argentina					-0.75	-0.74
					(0.75)	(0.75)
Austria					0.21	0.21
					(0.65)	(0.65)
Belgium					-0.68	-0.70
					(0.63)	(0.63)
Benin					-1.77	-1.81
					(0.79)	(0.80)
Bolivia		-0.25	-0.22		-1.89	-1.90
		(0.70)	(0.71)		(0.80)	(0.80)
Bulgaria					-1.98	-2.02
					(0.99)	(1.00)
Chile		0.16	0.11		-1.31	-1.36
		(0.61)	(0.61)		(0.73)	(0.73)
Colombia		0.44	0.43		-1.22	-1.27
		(0.49)	(0.49)		(0.64)	(0.64)
Croatia					-0.39	-0.40
					(0.77)	(0.77)
Ecuador					-2.02	-2.06
					(0.94)	(0.94)
El Salvador		2.57			0.90	
		(0.98)			(1.05)	
Germany					0.71	0.72
					(0.70)	(0.70)
Guatemala		0.13	0.17		-1.51	-1.51
		(0.58)	(0.59)		(0.70)	(0.70)
Hungary		0.21	0.24		-1.47	-1.48
		(0.54)	(0.54)		(0.66)	(0.66)
Indonesia					-1.09	-1.13
					(0.89)	(0.90)
Italy					-1.85	-1.85
					(0.68)	(0.68)
Lithuania					1.53	1.53
					(0.97)	(0.98)
Poland		-0.01			-1.71	
		(0.54)			(0.66)	
Russia					-0.86	-0.88
					(0.80)	(0.81)
South Africa					-0.60	-0.59
					(0.89)	(0.89)
Spain					0.91	0.92
					(0.78)	(0.79)
Turkey		1.66	1.71		-0.01	-0.13
		(0.60)	(0.61)		(0.71)	(0.71)
Venezuela					-1.42	
					(0.72)	
Court-Level Variance	0.004			0.02		
	(0.31)			(0.30)		
N	2261	1074	829	2261	2024	1711

Notes: Fixed effects for Table 4 of the manuscript. See Table 4 for further details.

SMII Database Management

The first step in assembling this dataset was to create a web-based, database management system to coordinate the uploading, coding, and distribution of data. The research technology staff of the Center for Empirical Research in the Law (CERL) at Washington University in St. Louis constructed this system, which provides three pieces of essential functionality: (1) an uploading facility, which captures simple features of cases (e.g. names and docket numbers) and stores the full text resolution; (2) a coding facility, which permits research assistants to enter consistent information about the cases from anywhere in the world; and (3) a project management component, which allows our team to assign work to research assistants, track progress, conduct real-time quality control, and ensure that work is not duplicated across research sites.

The second step to establish our dataset involved creating a reference document for each court. This document detailed institutional features of the court and relevant information about the location, format, and interpretation of court documents (most importantly, the court decisions) on the web. We have compiled these documents in stand-alone handbooks, which were immediately accessible to research assistants as they uploadd and/or coded cases.

Based on the instructions in these reference documents, we then uploaded all decisions for each court from 2003 to our database management system.[1] Uploaded cases were coded so as to (a) determine if it was germane and, if so, (b) create the set of variables described in Section SMII. It is important to note that we retain all of the uploaded cases, which means that scholars interested in cases we consider non-germane can still benefit from the data assembled in the CompLaw database.

We created an online coding interface to guide research assistants through a common battery of questions with constrained options for answers. This can be a very complicated process, as the uniform battery of questions sometimes does not square with nuanced differences across the various courts in the dataset. To minimize errors in coding and to maximize consistency in the application of coding protocol across courts, we instituted an online query feature. This allowed the coder to

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[1]Where rulings from 2003 were not available, we resorted to the closest year available. For example, the Constitutional Court of Indonesia commended rulings in 2004, so we coded cases for 2004.

ask questions of the project managers, and this correspondence was available for all other coders and managers to review. Answers to these questions were then used to answer similar questions in other contexts and inform any clarifications in the codebook. The record of this correspondence also provided the material for a "frequently asked questions" resource available on the coding website.

SMIII   CompLaw Variables

Below we outline all of the variables that are coded in the CompLaw database.

SMIII.i   Germaneness Variables

1. Does Court Exercise Constitutional Review (conques)? – This dummy variable is coded at the case level and identifies cases that involve constitutional questions (1 "yes", 0 "no").

2. Is Government a Litigant (govlit)? – This dummy variable is coded at the case level and helps identify cases that involve a constitutional question *and* the government as a litigant. If a case meets this criteria, it is coded as "1". If a case involves a constitutional question but not a government as a litigant, it is coded as "0". Finally, if a case does not involve a constitutional question, **govlit** is coded as NA.

3. Is a National Policy Challenged (lawchal)? – This dummy variable is coded at the case level and help identify cases that involve a constitutional question, no governmental litigant, *and* a challenge to a governmental law. If a case meets this criteria, it is coded as "1". The variable is coded as "0" if it involves a constitutional question, no governmental litigant, and no challenge to a governmental law. In any other case, the variable is coded as NA.

SMIII.ii   Case Level Variables

1. Docket Number (docketnumber) – This variable records the case's docket number.

2. Admission Date (admitdate) – This variable records the date at which the court admitted the case for review.

3. Decision Date (decdate) [date, coder selects predefined numbers, NA optional] – This variable records the date at which the court's opinion became final.

4. Type of Constitutional Instrument (instrument) – This variable records the legal instrument under which the case is organized or documented.

5. Name of Complainant (compname) – This variable identifies the case's complainant.

6. Type of Complainant (comptyp) – This variable identifies the type of actor raising or pursuing the case.

    1 "Head of State"

    2 "Head of Government"

    3 "The Government/Cabinet"

    4 "First (or only) Chamber of the Legislature"

    5 "Second Chamber of the Legislature"

    6 "Both Chamber of the Legislature"

    7 "A court"

    8 "An attorney general, prosecutor general or ombudsman"

    9 "An individual"

   10 "A political party"

   11 "A formally organized interest group"

   12 "A group of citizens (though not formal organization"

   13 "Other"

   14 "Firm"

7. Third Party (thirddummy) – This dummy variable identifies whether the pursuant of the case is acting on behalf of a third party.

8. Identify of Third Party (thirdparty) – If a case involves a pursuant acting on behalf of a third party, this variable identifies the type of third party actor. It's coding rules are identical to compntype. If the case does not involve a third party, this variable is coded as "NA."

9. Concrete Review? (concrete) – This dummy variable identifies cases that as courts to rule on a concrete incident or claim.

10. Appeal? (appeal) – This dummy variable identifies cases that arrived on appeal from a lower court.

11. Are Judges Named? (judgenames) – This dummy variable identifies opinions that reveal which judges participated in the voting procedure. Specifically, coders answer the question, "Are the names of the judges listed with the decision?"

12. Is Case Resolved in Plenary Session? (plenum) – This dummy variable identifies cases that were heard in plenum.

13. We All Judges Assigned? (alljudges) – This dummy variable identifies cases in which judges who were assigned the case participated in it. It is coded as"0" for no, "1" for yes, and "2" for don't know.

14. Number of Judges Who Participated? (judgenum) – This variable records the number of judges that took part in the final resolution.

15. Was There Disagreement? (disagree) – This dummy variable denotes opinions in which there is any indication of disagreement between the participating judges.

16. Was There Dissent? (dissent) – This dummy variable denotes opinions in which there is a signed dissent or any possible sign that identifies which judges disagree. If disagree is coded as "0", then dissent is coded as "NA".

17. How Many Dissenters? (dissentnum) – This variable identifies the number of judges who disagree with the opinion. If disagree is coded as "0", this variable takes a value of NA.

SMIII.iii   Policy Level Variables

1. Type of Policy (actiontype) – This variable identifies the type of government action being challenged in the case. It is coded as follows:

   1 "National Statute"

   2 "Sub-national Statute"

   3 "National Agency Action or Ruling"

   4 "Sub-National Agency Action or Ruling"

   5 "National Executive Order or Decree"

   6 "Sub-National Executive Order or Decree"

   7 "International Treaty"

   8 "National Referendum"

   9 "Sub-National Referendum"

   10 "National Constitutional Provision"

   11 "Sub-national Constitutional Provision"

   12 "Other"

   13 "Pending Legislation"

2. Name of the Policy (actionname) – This variable identifies the name of the action being challenged in the case.

3. Year of the Policy (basisyear) – This variable lists the year in which the relevant government policy was adopted.

4. Did the Decision Overturn a Lower Court's Decision on this Policy (overturn)? This dummy variable denotes cases in which the court overturned the lower court's decision on a particular policy. If the case did not arrive on appeal, then this variable is coded as "NA".

5. Date of Precipitating Event (precipdate) – This variable identifies the date at which the particular infraction occurred that gave rise to the case, e.g. a law authorizing the collection of a tax may significantly precede the date on which the finance ministry attempted to collect the tax. This variable indicates the latter date.

SMIII.iv   Question Level Variables

1. Constitutional Article Associated with the Argument (conarticle) This variable gives the name of the constitutional article or provision being used as the basis on the challenge.

2. Strike (strike) – This variable records how the court responded to the challenged action with respect to the constitutional question. Specifically, it is coded as follows:

   (a) deemed constitutional

   1– deemed unconstitutional

   2– discussed, but dismissed for procedural reasons

   3– not discussed, but dismissed for procedural reasons.

3. Clarity of Strike (clear) – This variable asks the coder how strongly she agrees with the statement, "The outcome of this case–in terms of its ruling with respect to the national government–was clear." The coder could choose the following responses:

   (a) Completely agree

   (b)

   (c) Neither agree nor disagree

   (d)

(e) Completely disagree

SMIV   Within-Country Application: France

We used the CompLaw coding template described above in Section SMII to code rulings for 42 courts from 2003, as well as rulings on ordinary legislation for the French Constitutional Council (FCC) from 2002-2015. We featured statistical analyses of these two datasets in the main body of the paper. In this section, we provide a more detailed description of the process of judicial review by the FCC and the coding rules used extract the relevant information from FCC rulings and related materials.

SMIV.i   Background Information on the French Constitutional Council

The French Constitutional Council (FCC) exercises both *ex ante* and *ex post* judicial review. All ordinary legislation can be challenged after it has been approved by the legislature but before promulgation. Since 1974, The President, the Prime Minister, the President of either legislative chamber, or at least sixty members of one of the legislative chambers may make such an appeal to the FCC. Importantly, this means a minority of legislators (or minority party) can activate *ex ante* review. These motions are by far the most common source of *ex ante* appeals of legislation (Brouard 2009, 338). Importantly, only a small fraction of laws are challenged *ex ante*.[2]

Until 2010, the only available form of constitutional review of legislation was abstract *ex ante* review. A 2008 constitutional reform introduced *ex post* review of legislation by the Constitutional Council. Such review is based on an appeal from a case in an ordinary court: the priority preliminary ruling on the issue of constitutionality (*la question prioritaire de constitiutionalité*, or QPC). Any litigant engaged in an active legal proceeding in a French court can request that the Constitutional Council review the constitutionality of a statute relevant in the instant proceedings. The appeal is indirect; it must survive review for admissibility typically by both the instant court and the top appellate court

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[2]For example, in the 2002-2007 legislature, less than 20% of laws were challenged *ex ante*. See the laws submitted (www.assemblee-nationale.fr/12/documents/index-constitutionnel.asp) and legislative archives pages (www.assemblee-nationale.fr/documents/liste/(type)/ta/(legis)/12/(archives)/index-ta) pages, which we accessed July 1, 2021.

(De Visser, 2014, p. 137).[3] This review is designed to filter out cases that are not serious or valid constitutional appeals. If deemed admissible, the active case is then suspended until the FCC issues its preliminary ruling. This procedure became available in March 2010. Note that legislation that has already been appealed under *ex ante* review is eligible for *ex post* review after promulgation, so long as the part of the law challenged *ex post* is different from the part challenged *ex ante*.[4]

SMIV.ii   Coding Rules for Rulings by the FCC

We only coded cases that involved review of ordinary legislation by the national legislature. Thus, the type of policy was either a national statute or pending legislation. Rulings on ordinary laws by *ex ante* review (DC) and *ex post* review (QPC) were found in a dedicated section on the website of the Constitutional Council. We coded all cases with a decision about the constitutionality of an ordinary law. We excluded cases with a decision of "non lieu à statuer" and "Rejet."

We used an automated system to code most of the basic information because the data was consistently presented in the online documents as text. We accessed the electronic decisions from the Constitutional Council's website, including the associated documents linked to decisions such as the *Dossier Documentaire*, *Commentaire*, and *Text adopté*. From those electronic documents, we began by defining and parsing general case information, such as the name of the case, case number, date of the ruling, and parties to the case. Most of this info is found in the title and introduction to the ruling. We determined the name of the policy that was reviewed from the holding of the court, which is found at the end of its decision. In total, all of the variables we gathered are described in SM.2. The remaining variables of interest were completed by hand by multiple coders, and we provide relevant information about the coding protocol for those variables below.

All of the automated coding was done at the level of the article of law. Occasionally, the decision of the court distinguished between lines within an article. Where that happened, we treated those

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[3]One exception is the case where a request for a preliminary reference is made at the appellate level and then would endure only one admissibility review.

[4]That is, a constitutional question that survives *ex ante* review cannot be reconsidered under *ex post* review.

Table SM.2: The CompLaw variables and their descriptions.

Level	Variable	Description
Case	Docket Number	Docket number of the case in question
	Admission Date	Date at which the court admitted the case for review
	Decision Date	Date at which the court's opinion became final
	Type of Constitutional Instrument	Legal instrument under which the case is organized or documented
	Name of Complainant	Identifies the case's complainant
	Type of Complainant	Identifies the type of actor raising or pursuing the case
	Third Party	Identifies whether the pursuant of the case is acting on behalf of a third party
	Concrete Review	Identifies cases that as courts to rule on a concrete incident or claim
	Appeal	Identifies cases that arrived on appeal from a lower court
	Judges Names	Identifies opinions that reveal which judges participated in the voting procedure
	Case Resolved in Plenary Session	Identifies cases that were heard in plenum
	All Judges Assigned	Identifies cases in which judges who were assigned the case participated in it
	Number of Judges	Number of judges that took part in the final resolution
	Disagreement	Denotes opinions in which there is any indication of disagreement between the participating judges.
	Dissent	Denotes opinions in which there is a signed dissent or any possible sign that identifies which judges disagree.
Policy	Type of Policy	Identifies the type of government action being challenged in the case
	Name of the Policy	Identifies the name of the action being challenged in the case
Question	Constitutional Article Associated with the Argument	Provides the name of the constitutional article or provision being used as the basis on the challenge
	Strike	Indicates how the court responded to the challenged action with respect to the constitutional question

Notes: For further details about the collection and description of the FCC cases that we collected, see Gabel and Ziegler (2021).

distinct parts of the decision as pertaining to one policy (the article). The holding of the decision was the source of all information we used about policies that were found unconstitutional. However, based on our reading of decisions, we were concerned that there may be some articles reviewed by the court that are not featured in the holding because they were reviewed strictly on procedure and deemed constitutional. These were rare. But to ensure we did not overlook those aspects of the ruling we consulted the introduction to the decision, where the objects of review are generally summarized, and the *Commentaire.* In a very small number of *ex ante* cases, the holding simply refers to the law in total, in which case we read the full opinion to identify individual articles that were reviewed. If there were no individual articles identified, then we coded the entire case a policy.

For each policy, we coded the outcome as a "strike" if the court found it in "non conformité" even if it included conditions. We coded the outcome as not a "strike" if the court found the policy in "Conformité", including conformity with conditions. Where the court's holding distinguished among

different parts (e.g., lines) of an article, we coded the ruling on the policy as a "strike" if any part of the article was deemed "non conformité", including nonconformity with conditions.

Information about the legislation's date of formal adoption was typically found in the *Dossier documentaire*, *Commentaire*, or *Text Adopté* that is associated with the ruling or in the ruling itself. Where a policy had a long legislative history, we chose the most recent date of revision to the relevant part of the law. To match the date of the policy adoption with the correct legislature, we collected the year, month, and day the policy in question was adopted. We also typically found the constitutional article associated with the argument in the *Dossier documentaire* (particularly under the "Normes de référence" listed in the Table de matières) and the *Commentaire* (particularly the section "Analyse de constitutionnalité").

Figure SM.1: Number of articles from ordinary laws reviewed under QPC by legislative session.
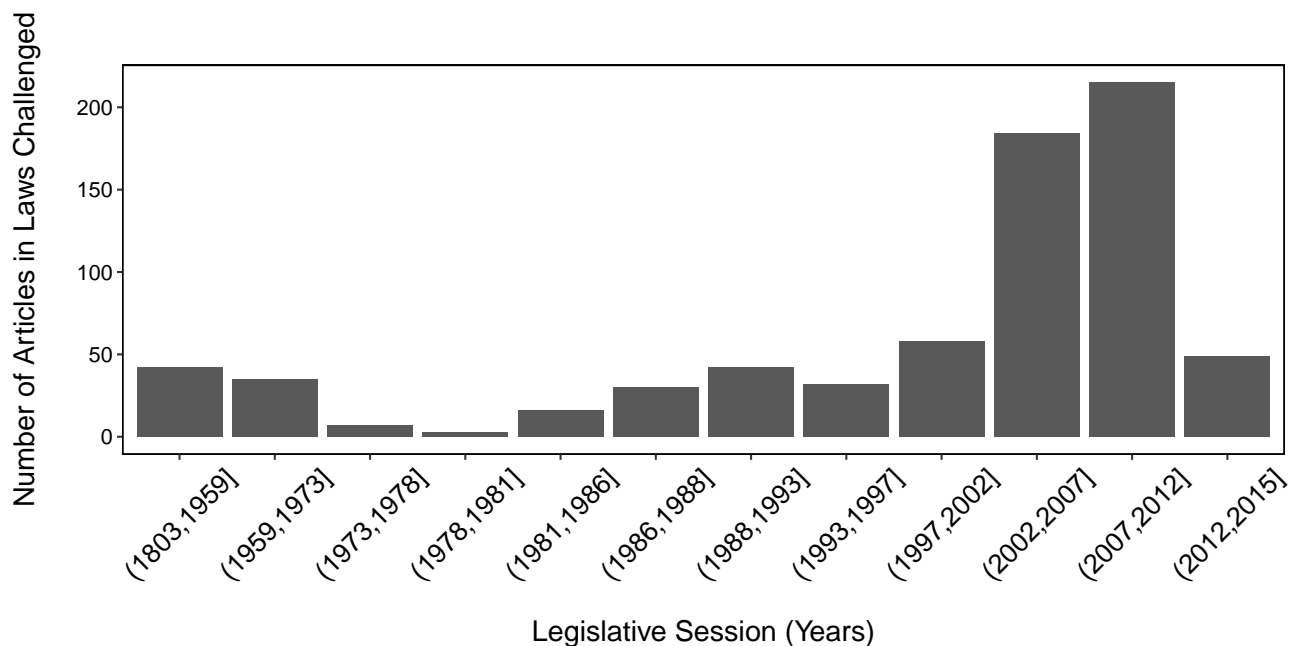
To exploit the data on FCC rulings, we identified legislative sessions with sufficient numbers of laws reviewed *ex ante* and *ex post* to allow meaningful comparisons of strike rates. The *ex ante* procedure allowing appeals by the legislative minority was adopted in 1974. Thus, we focused on post-1974 legislative sessions with sufficient numbers of laws reviewed under the QPC procedure. To that end,

we coded the 453 QPC cases for the first five years after the adoption of the procedure (2010-2015).[5] The temporal distribution of the adoption of the articles in the laws reviewed under QPC in this period is broad, ranging from 2015 back to 1803.[6] Figure SM.1 highlights that most (62%) of the articles of laws reviewed fall into three legislative sessions: 2002-2007, 2007-2012, and 2012-2017 (partial). The remaining rulings are generally scattered thinly across the previous legislative terms. We therefore focus on comparing *ex ante* and *ex post* review of laws from the 2002-2015 period.

SMV   Coding Protocol

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[5]We stopped at the end of 2015 due to resource limitations.

[6]Occasionally, a QPC ruling engaged multiple articles of a law and those articles originated in different versions of that law as it developed over time. In such cases, articles in the same law under review might be assigned to different legislative sessions.

Constitutional Review in Comparative Perspective

Research Assistant Training Manual and Coding Protocol

Introduction

Most scholars contend that courts play a crucial role in limiting government in modern democracies. Yet, all too frequently, courts around the world fail to exercise meaningful control over their governments. The purpose of this study is to understand why some courts exert influence over public policy outcomes while others do not. More generally, can such influence be induced by institutional design? Or, does a court's degree of influence depend on other factors, such as public opinion and legitimacy?

The research team seeks to identify conditions under which institutional design should induce greater judicial influence. There are three competing arguments concerning the relationship between institutional design and judicial influence, which the research team will test using data on constitutional decisions on sixty national courts with constitutional jurisdiction. Specifically, the research team will test whether: 1) institutions that insulate judges increase judicial influence; 2) institutions that insulate judges only increase influence when courts enjoy sufficient public support to ensure compliance; and 3) institutions that insulate judges are irrelevant to judicial influence, because public support substitutes for them. These arguments are at the center of theoretical debates about the importance of institutional design and judicial influence. To systematically test these hypotheses, the research team will build a web-based information system to coordinate data collection efforts across locations, and to ensure that data are comparable cross-nationally.

This study is a first step in the process of constructing a broadly comparative, searchable database on constitutional review for a number of years that could be updated in real time. The information system we propose has the added benefit of providing a platform for future data collection efforts, for additional countries and years. Finally, by better understanding institutional design, the findings from this research will be directly applicable to policy makers engaged in constitution writing.

Administration and Logistics

Supervision

Your supervising professor or graduate research assistant at your home institution will serve as your primary contact for this project, and you should contact him or her immediately should you have any questions or concerns. However, you will likely also hear from other team members or research assistants working as they may be confronting problems or questions that are similar to yours. Your questions give us critical insight into the efficacy of our coding protocol, and are an important signal about how we might improve our research or coding plan. As many of your questions will also arrive for other research assistants, answers will frequently be distributed to the rest of the team. In short, please do not hesitate to ask if you have any questions. Contact information is listed below.

Contact Information

REDACTED

Website

We will keep all relevant material for this project, such as the online copy of this manual, on our project's intranet site. This can be found at <u>REDACTED</u>, and your user name and password should be assigned to you by your supervising faculty member or research assistant. Also posted on this website are all of the relevant country information we have compiled thus far for each of your respective courts, and introductory modules for navigating the webpage.

Introduction to Comparative Law Data Collection Project

As you probably know by now, our project involves collecting the decisions rendered by high courts from around the world, particularly focusing on those disputes that deal with constitutional questions. What you might not know is that we are currently collecting decisions from more than 80 countries, employing research assistants with expertise in 13 different languages including English, Spanish, French, Portuguese, German, Italian, Russian, Bulgarian, Macedonian, Lithuanian, Korean, Chinese and Japanese. Over the summer of 2009, these research assistants set out to help us with some preliminary research that involved researching and documenting relevant institutional features of constitutional courts, locating their decisions and uploading them to our online database.

In agreeing to be part of our research team, you are joining part of a larger network of scholars from several academic institutions from around the world. It goes without saying that first and foremost we are extremely appreciative of your time, effort and expertise. A project of this scope and magnitude would simply not be possible without the hard work and professionalism each and every one of you bring to the table, and we hope this experience will prove not only professionally enriching, but also intellectually stimulating for everyone involved.

Three phases of the Comparative Law Project

There are three primary phases of our research endeavor, each described below.

- **Creation of the "Handbook" entry** is a preliminary step in our research process that involves the documentation of several pertinent features of the constitutional courts in our study. These descriptions include a detailed account of court jurisdiction, internal organization, how to locate court decisions on line and how to discern if the government is a party to a case. A brief of this sort has been created for all of the courts on our database, and a link to each handbook entry is available from the country page on the Comparative Law Database website.

- **Uploading** is the first part of the actual data collection process. When uploading, the user will create a new case record that contains some precursory data to identify the case. After this record is created, the user will then be able to upload files. These files are then stored within the intranet system and are accessible to the larger research team (with appropriate permissions).

- **Coding** is the second part of the data collection process. Users assigned to coding will begin working through the uploaded cases in the system by reading the uploaded files and filling out the information required for each case. This will permit the characterization and subsequent comparison of court decision-making behavior along more than 30 theoretically relevant dimensions.

Replication Goals

In each of the phases described above, we seek a key aspect of quality social science research: replication. That is to say, if another student or researcher were going to characterize the constitutional jurisdiction of the court, locate its decisions online or code particular cases, he or she would be able to reach exactly the same decision as you. This concern is especially relevant to the last stage in the process: coding. Because we are guided by this standard, it is important that you not make guesses or assumptions that are not supported by the documents that you (and others) have to rely on. If you are uncertain how to code a particular item and this manual does not address the issue--please contact your primary institutional supervisor immediately.

Doing This Research Comparatively

A feature of this project that is worth acknowledging up front is that we have made necessary simplifications to our scope, research design and coding protocol for the sake of cross-national comparability. What this means is that in reading your cases or studying your courts, you may well come across interesting institutional features or compelling political stories the research design presented here does not adequately address. We welcome your insights into the cases and courts you are studying, and encourage you to share with us discoveries about them you think may be of import to the larger research project. However, a necessary but unfortunate tradeoff to conducting this type of research cross-nationally is that we may not be able to investigate all the truly interesting things we come across along the way.

Coding Procedure for the Comparative Law Project

Workflow

Before you begin the coding process, please consult the Handbook entry of your respective country/court. This document is the first source of information for coders, as the courts' jurisdiction, internal organization, and docketing procedures are described, providing critical background knowledge to greatly facilitate the coding process. For this reason, it is a good idea to keep this document close at hand as a reference.

Prior to coding specific cases, please read through the opinion in its entirety. A good way to go about this is to print out the decision and mark up the document (with pens or highlighters) and important features of interest, such as litigant name, pertinent statutes and constitutional articles or whether the judges signed the opinion. Your accuracy matters, so please do not rush the reading or coding of the opinions--make sure you read and comprehend the pertinent information of interest to our study, and please contact your supervising faculty member if you have any additional questions.

There are five main coding steps, each of which are detailed below. First, coders must correctly answer a series of preliminary questions, meant to delimit our sample to constitutional cases which involve the national government. Second, you will be asked to locate basic case information, such as the date of the decision and the type of review in which the court engaged. Third, you will be asked to describe the public policy (or policies) that is being challenged. Fourth, for each policy, or object of the constitutional challenge, you will be asked to describe the precise constitutional basis for the complainant's challenge. In other words, on what grounds might the policy be found unconstitutional? You will repeat this process for each policy that is challenged in the case and for each constitutional ground for the challenge. Finally, you will indicate whether there was disagreement among the court with respect to the decision on each public policy. Again, we will refer to the policies being challenged as "objects of a constitutional challenge."

Accessing the System

Upon navigating to the home page of the intranet system, you will be prompted to log into the system. Usernames and passwords are assigned by your supervising faculty member or graduate research assistant, so please contact them for that information. Once you log in, your home page should show the flag of your activated countries, or sometimes multiple flags if you have been approved to access more than one country at a time. Below each flag, either an uploader or coder view will be accessible via green link depending on your status in the system.

Login

Please enter your credentials below

Email: [   ]

Password: [   ]

(Login)

Forget your password?

ARMENIA
Uploader View
Coding View

Preliminary Information

The preliminary information is a battery of questions meant to narrow the focus of our study and the coding process to only those questions that involve constitutional review of a national governmental action or law or in which the national government is a party. This is because in some countries, the highest court that exercises constitutional review authority may also have non-constitutional jurisdiction. Cases that do not involve constitutional review of government actions --while interesting--are not the focus of this study. For that reason, coders are asked not to code decisions that do not meet our preliminary criteria for inclusion.

Note that Constitutional review does not always involve review of actions of the legislature (e.g., statutes) or the executive (e.g., administrative acts). For example, in countries with a common law tradition, the compatibility of the common law with the constitution may be in question. Also, appeals of lower court decisions may involve constitutional review of the actions (not the constitutional interpretations) of the lower court judge. In these sorts of instances, the case will involve constitutional review but it is not a form of review of interest to us. Please indicate that the case does not ask the court to consider a constitutional question for such cases.

Also note that, in many countries, the "state" is the litigant in criminal proceedings, even if no administrative or executive actions are reviewed, nor any action by the state (e.g., a detention, a search, or a criminal statute) for constitutionality. While this sort of case may therefore appear to meet the criteria for inclusion in our study, we do not want to code these cases. Please be careful to determine whether a litigant in the case is defending the actions of the executive or the legislature when answers the question about whether the national government is a litigant. If not, then the answer to that question should be "no."

If the case falls outside the scope of the study, the system will automatically direct you to code the next case. For some courts, these questions will be easy to answer, because the court's jurisdiction is such that it will only ever hear constitutional cases brought by governmental actors. For other courts, this step may require considerably more work.

The following is a screen shot of the preliminary information, in which the coder has indicated that the court is exercising constitutional review in this case, and that the national government is a litigant. You will notice that if you indicate that the national government is a litigant, the system will not allow you to answer the third question. This is because we have already determined that the case falls within the scope of our study.

Does the case ask the court to consider one or more constitutional questions?

This question asks you to consider whether the court is being asked to resolve a constitutional question. The ease of answering this question will depend on the nature of your court's jurisdiction and the way in which your court reports its decisions. Some courts, such as the Canadian Supreme Court, list a number of keywords at the top of each decision indicating whether the case involves a constitutional question. Other courts, such as the Bulgarian Constitutional Council, only hear cases in which a constitutional issue is raised. Typically, this question will be more difficult to answer when dealing with supreme courts, whose jurisdiction is quite broad, than with constitutional courts, whose jurisdiction is almost entirely constitutional. You may need to read the full text of the decision to discern if the court is answering a constitutional question. The handbook entry for your court is a good place to start if you are uncertain about your court's jurisdiction.

Is the National Government a Litigant?

We wish to code cases in which the national-level government or government official is a litigant. "National government" should be construed broadly. In a parliamentary system, we wish to include the government itself and the individual ministries, as well the ministers when named explicitly. In a presidential system, we wish to include the president, all departments, and cabinet officials when named explicitly. In either case, please include national agencies that fall directly under the control of cabinet. That said, do not include independent agencies. If you are uncertain, please document your concern under the case notes function and contact your supervisor.

Is a National Law Challenged?

It is possible that the government is not identified as a litigant in the case, but that a national law is nevertheless challenged. For example, in the context of an individual constitutional compliant (e.g. *amparo*), the complainant may allege that his/her constitutional rights have been violated by

a national law, even though the national government does not appear directly in the litigation. At the very least, it may be difficult to discern whether a representative of the national government participated directly. If the complaint nevertheless attacks the constitutionality of a national law, please answer this question affirmatively.

We wish to construe "law" broadly. This question should be coded affirmatively if the court is considering a) a national-level statute that has been enacted, b) a national-level bill, which is being reviewed prior to final passage, c) an executive decree, d) an executive order, e) a piece of the national constitution itself, f) a national referendum, g) an international treaty, or h) a national agency decision.

Basic Case Information

On what date was the case admitted to the court?
Please enter the date at which the case was formally admitted for review by your court.

On what date was the case disposed/decided?
Please enter the date on which the court's resolution became final.

What class of legal instrument is this case?
In some systems, cases are organized and documented by case type that classifies cases along certain dimensions. As an example, in many Latin American countries, an "amparo" is a constitutional action involving a citizen alleging that his or her individual rights have been violated. Similarly, an "unconstitutionality action" often involves the abstract constitutional review of a statute, and "habeas corpus" involves the judicial review of an individual's detainment. If no instrument is indicated, as is often the case in the U.S., simply report "NA". Please see the handbook entry for the court you have been assigned for possible classification schemes.

Name of party raising/pursuing the constitutional challenge?
This entry asks you to identify the "complainant," that is, the person, persons or institutional entity pursuing the constitutional challenge. In the majority of cases, this information should be readily apparent. The one exception involves interlocutory appeals.

Unfortunately, interlocutory appeals present a significant conceptual challenge. In an interlocutory appeal, a lower court refers a question of constitutionality to a superior court. Technically, the lower court has asked for review; however, please do not name the court, which has certified the question as the party raising or pursuing the constitutional challenge. Instead, if possible, please identify the actor who would benefit from a finding of unconstitutionality. This information is typically discussed in the opinion. If it is not clear, please enter "Don't Know." Please see the bible documentation for further information.

The following screen shot shows an example of answers to the first four questions under preliminary information.

Type of actor raising/pursuing constitutional challenge?

This is a standardized classification of types of possible actors who may bring a constitutional challenge (see screen shot below). If you select "other" the dialog box to the right hand side of the drop down menu will permit manual input. Please check with your immediate supervisor before selecting that option.

You may encounter problems in classifying the party raising the challenge. First, some cases involve multiple parties raising a constitutional challenge (or where the court joins similar appeals under one decision). In such cases, please choose "other." Second, use the option "firm" to include non-profit as well as for-profit business entities.

Is the challenger acting on behalf of a third party?

In some cases, a government entity raises a constitutional challenge on behalf of a private actor, in order to enforce some constitutional obligation on another piece of the state. Likewise, a private actor may raise a challenge on behalf of another. Please indicate whether this is true here.

If challenging on behalf of third party, who are they bringing the challenge on behalf of?

This is a standardized classification of types of possible actors on whose behalf the challenge was raised. If you select "other" the dialog box to the right hand side of the drop down menu will permit manual input. Please check with your immediate supervisor before selecting that option.

Does the case ask the court to rule on a concrete incident or claim?

This question speaks to the issue of concrete or abstract review. Concrete review is exercised when the court reviews the legality of governmental decision in reference to the facts of a specific case. In contrast, abstract review may be conducted without reference to a specific outcome or circumstance—e.g. litigants may challenge the constitutionality of a statute or action without reference to a specific situation or claim, but rather advancing a protest to the law more generally. The United States Supreme Court is an example where cases must have a concrete basis, and the court is not empowered to rule in the abstract. During the period of our study, the French Constitutional Council could only rule in the abstract. Please refer to the handbook entry for case-specific information.

Did the case arrive on appeal?

Is this a case in which your court is reviewing the final decision of a court that lies beneath it in the judicial hierarchy? If not, if the court is reviewing the case in the first instance, this question must be answered negatively.

Are the names of the judges listed with the decision?

Some courts publish the names of the judges who voted in the case, while some do not. Please indicate whether this case identifies the judges who participated.

Was the case heard by the Plenum?

Some of our courts hear cases only in plenary session. If you are coding a case from such a court, then the answer to this question is always yes.

Other courts hear some cases in plenary session and other cases in benches or panels. A bench is a subset of the entire court's membership. For example, there may be a bench for criminal law and a bench for civil law. If your court hears cases in benches, but each bench is competent to engage in constitutional review, then the answer to this question is yes only if the case was resolved by the plenum. Similarly, if your court hears cases in panels or benches constructed on an *ad hoc* basis, then only answer yes if the case was resolved by the plenum.

There are still other cases, (e.g. the Supreme Court of Costa Rica), where the court has a constitutional bench that exclusively hears constitutional claims. In such a case, treat the constitutional bench as the "plenum." Thus, the answer to this question is yes for such a court if the entire constitutional bench was assigned to the case.

Importantly, you should answer this question with respect to the judges that were assigned to the case. If it turns out that a few judges were absent (for whatever reason), but that the case was resolved in plenary session, the answer remains yes. We address absences below.

Did all judges assigned to the case participate in it?
This question allows you to indicate that judges assigned to the case failed to participate.

How many judges [participated]?
Please indicate how many judges took part of the final resolution. This will be the total number of judges issuing a vote on a proposed opinion. In the U.S. case and cases like it, this will be the total number of judges signing the opinions associated with the case.

It is important to stress that a signature at the bottom of a resolution does not necessarily indicate a "vote" as it does in the United States. Indeed, it may appear that there are more dissenting votes than signatures on what is the majority opinion. This can emerge if a judge is permitted to concur with the decision without explicitly signing it. Sometimes this will be mentioned in the text of the opinion. Sometimes it will not. It is necessary that you understand what it means to "participate" in a case in each country you code. This may require reading about procedure on your court or contacting a country expert.

Is there any indication of disagreement among the judges, or a formal vote taken?
Some courts identify the judges who did and did not agree with the resolution, even if there is no alternative written opinion. If there is evidence of this kind of indentification, please let us know.

Is there a signed dissent, or indication of who does not agree?
If there is an alternative, dissenting opinion published, please indicate that there is. Similarly, answer the question yes if it is possible to identify precisely who dissented from the resolution, even if there is no formal dissent.

What is the number of judges expressing dissent?
If there is a way of discerning dissent among the justices, please indicate how many judges' appear to be dissenting from the majority opinion.

When you have completed this battery of questions, press the "Update Basic Information & Continue to Next Step" at the bottom of the coding interface to move to the next step.

Update Basic Information & Continue To Next Step

Create New Object of Constitutional Challenge

This section is designed to give us information on the public policy or policies that are being challenged. We refer to these policies as "objects" of the constitutional challenge. It is possible for a case to involve two or more objects. The system allows you to identify and code information about each object. Consider the following situation.

The screen shot below involves a case in which a national statute, the "National Education Act of 1995" is being challenged. As you will see as we proceed, an individual is challenging the act in two ways. The first involves the legislature's constitutional authority to pass the law. The argument is that the legislature lacked the constitutional authority to do so. The second involves the Secretary of Education's implementation of a provision of the law regarding national testing standards in 2001. The argument there is that the Secretary of Education committed an equal protection violation. The coder is going to consider the act itself first. Thus, as the screen shot shows, she has identified the statute as the object of the challenge. Importantly, the date of the event precipitating the case is the date of enactment, i.e. April 16, 1995.

What type of government action is being challenged?

This question asks you to identify the nature of the public policy that is being reviewed. If your policy does not appear on the drop down menu, please select "Other." However, please check with your supervisor before choosing "Other."

A typical action for which the answer is "Other" is one in which the complainant is alleging that some element of the state has failed to take an action that it is required to take under the constitution. For example, suppose that the constitution provides for a right to health and that a party claims that the government is failing to provide adequate medical care for HIV/AIDS patients, this failure to act is not covered by the actions in the drop down menu. You should choose "Other." Then in the text box, enter "[Official], Failure to act." In place of *Official*, please enter a description of the government entity who is being attacked. For example, if it is the President, enter "President, Failure to act."

In what year was the legal basis for government action adopted as law?

Please indicate the year of adoption. When referring to a statute, please indicate the year the statute was formally adopted. If the statute has been amended over time, indicate the most recent date that any part of the statute was amended.

Sometimes you will know that the law was amended between one year and other (e.g. between 2000 and 2002), but you do not know when it was amended exactly. In such a case, choose "Other" and enter the full range of years.

What is the name of this action?

Please indicate the name of the action.

Did the case arrive on appeal?

Is this a case in which your court is reviewing the final decision of a court that lies beneath it in the judicial hierarchy? If not, if the court is reviewing the case in the first instance, this question must be answered negatively.

Did the court overturn the lower court's decision?

If there was an appeal, did the court overturn the lower court's decision with respect to this object of constitutional challenge?

What is the date of the event precipitating the court case?

This question pertains to the time at which the particular infraction occurred that gave rise to the case. In some cases this may be many years after the statute or administrative rule was first promulgated. In contrast to the earlier question, "when was the legal basis for this infraction adopted as law", this question considers not when the law was passed, but when the action, which is the basis of the claim occurred. Again, if the action is the statute itself, then the date on which the statute became law is the relevant date. If the statute was modified over time, then the most recent date of modification is the appropriate date. If on the other hand, an enforcement action grounded in a statute is at stake, it is the date of the enforcement action itself that is relevant.

Now, had the coder begun with the Secretary of Education's enforcement action, this screen would have looked as follows. Note, 1995 is still the year, which is the basis for the action, but

the date of the event has changed to reflect the secretary's order. Note that now, the date of the event precipitating the case has changed to October 13, 2001, the date of the Secretary's order.

When you have completed this battery of questions, press the "Create Object of Constitutional Challenge" button at the bottom of the coding interface to move to the next step. If at any time in coding this information you are unsure how to proceed, please contact your primary supervisor.

Add New Constitutional Question

At this stage, you are asked to provide information on the nature of the constitutional challenge to the object of the constitutional challenge you have just identified. It is important to note that the litigants in the case may propose a set of constitutional questions and the court may only mention subset of these in their ruling. Or, the court may describe the challenge differently than the litigants. For the purposes of this study, the definition of the constitutional question(s) is defined exclusively by the court in its ruling.

What is the constitutional article or provision this claim pertains to (if multiple articles or provisions, input one at a time)?

For each object of a constitutional challenge, you will identify which constitutional articles are being used as the basis for the challenge. For each basis, you will indicate the article number in the dialogue box.

In some countries, international law or treaties may be considered as part of the constitution. If so, then please include the relevant international legal provisions as objects of challenge.

Also, some constitutional challenges identify multiple constitutional articles as objects of challenge, but the articles combine to define a general constitutional issue (e.g., several articles define a constitutional right to privacy). In that setting, list each article separately as an object of constitutional challenge. If possible, it would be helpful to amend the Court's Bible entry to describe these general constitutional issues and their component articles.

Did the Court rule the object of challenge unconstitutional according to this article/provision of the constitution?

In answering how the basis of the challenge was disposed of, you are asked to indicate whether the object of challenge was deemed unconstitutional or constitutional. In addition, it is possible that the court discussed the substantive argument but dismissed the claim on procedural grounds (e.g. for lack of standing). It is also possible that the court simply dismissed the claim on procedural grounds without discussing the substantive argument at all. If there was a procedural dismissal, please indicate whether the substantive argument was discussed in the opinion.

Even if the court dismissed the entire complaint without discussing any of the substantive claims, it is nevertheless necessary to enter something in the "Constitutional Article" text box. In a case in which all of the substantive claims are dismissed on procedural grounds, please enter "Court does not discuss any substantive claims." You will then proceed to choose "Not discussed and dismissed" from among the options that follow.

The outcome of this case--in terms of its ruling with respect to the national government--was clear.

This question only appears if the coder selected "yes" in response to the previous question regarding whether the Court ruled the object unconstitutional. This is by design. If the coder is uncertain as to whether the Court ruled the object unconstitutional, the coder should choose "yes" on the previous question and then indicate the level of clarity in response to this question. Thus, a response of "no" to the previous question implies the coder determined the Court ruled the object of challenge constitutional and that this ruling was clear.

To answer this question, please indicate a response on the drop down menu reflecting your sense of how clearly the outcome of the case bears on the interests of the national government. ("1" indicates highest clarity and "5" indicates lowest clarity)

To continue our education example, it appears that the statute was challenged on the basis of Article 1, Section 8 of the constitution, which let's say, governs the powers of the legislature. Note that at the top of the screen, the system reminds you that you are "Currently Adding/Editing Constitutional Questions For:" the National Education Act of 1995. If you had been coding the

Secretary of Education's enforcement action, the system would have indicated it at the top of the screen.

Currently Adding / Editing Constitutional Questions For:

National Education Act of 1995

Add New Constitutional Question

Constitutional Question	
What is the Constitutional article or provision this claim pertains to (if multiple articles or provisions, input one at a time)?	Article 1, Section 8
Did the court rule the object of challenge unconstitutional according to this article/provision of the constitution?	● Yes ○ No ○ Discussed but dismissed ○ Not discussed and dismissed
The outcome of this case--in terms of its ruling with respect to the national government--was clear.	2

Create Constitutional Question

When you have completed this battery of questions, press the "Create Constitutional Question" button at the bottom of the coding interface to move to the next step. If at any time in coding this information you are unsure how to proceed, please contact your primary supervisor.

Add Another Constitutional Question

After creating the first constitutional question, you are given the opportunity to add another constitutional question bearing on the government action you identified above. For example, a complainant might argue that Education Act also violated some provision of the constitutional governing powers of the states in a federal system. If you have a case of this sort, and you began by considering the Article I, Section 8 issue, you should now turn to the federalism issue. Specifically, you do so by selecting "Add another constitutional question." Otherwise, select, "Finish adding constitutional questions for this object of constitutional challenge," and move to the next stage.

Currently Adding / Editing Constitutional Questions For:

National Education Act of 1995

What would you like to do next?

Add another constitutional question

Finish adding constitutional questions for this object of constitutional challenge

Add Another Object of Constitutional Challenge

You are now given the opportunity to add a second government action that may be an object of a constitutional challenge in this case. At this point, it would be necessary to enter the enforcement action for the Secretary of Education. This will return you to the Object of the Constitutional Challenge screen. To do so, select "Add another object of constitutional challenge." Otherwise, select, "Begin coding the disagreements encountered in the objects of constitutional challenge."

What would you like to do next?

Add another object of constitutional challenge

Begin coding the disagreements encountered in the objects of constitutional challenge

Disagreements

The final battery of questions deal with disagreements among the judges with respect to the objects of constitutional challenges on which you have been focusing (e.g. statutes, treaties, etc.). Notice that you will be able to record disagreement for each object of a constitutional challenge you selected.

Is there any indication of disagreement among the judges with respect to this specific challenge?

If it appears that the judges were not unanimous on the constitutionality of the action you have been considering, please indicate it here.

Is there a signed dissent, or indication of who does not agree on this specific action?

If there is disagreement, has it been formalized via a formal dissent or a minority vote?

What is the number of judges expressing dissent on this specific challenge?

If there is a formal dissent or minority votes, please indicate how many judges either signed the dissent or voted against the majority.

Once you have recorded the information regarding disagreements, you may choose to "Finish Coding," this case. By electing to finish coding, you will move to a final screen.

Finishing/And Repeat

The final screen of the coding process gives two options. You can indicate that you are finished with the case or not. Either way, you may adopt to move to the next uncoded case or move back to the main case listing for your court (i.e. the list of all of the cases for your court). If you indicate that you are not yet finished, you may also select "Review your work," which will return you to the first coding screen for the case on which you are currently working.

Are you finished with this case?

Yes

Move to the next uncoded case.

Go back to the main case listing.

No

Move to the next uncoded case.

Go back to the main case listing.

Review your work.

SMVI   Uploading Instructions for Venezuela

VENEZUELA
REPÚBLICA BOLIVARIANA DE VENEZUELA

**1. The basics of the docket for the country's constitutional court:**

The Constitution of Venezuela in its article 253 establishes the country's Tribunal Supremo de Justicia (Supreme Tribunal).[i] This Tribunal is divided into 7 autonomous and specialized Chambers. One of which is the "Sala Constitucional" or Constitutional Chamber.[ii]

- Sala Constitucional.
- Sala Político - Administrativa.
- Sala Electoral.
- Sala de Casación Civil.
- Sala de Casación Social.
- Sala de Casación Penal. [iii]

Sala Plena

The Tribunal is the court of last resort and is "empowered to invalidate any laws, regulations or other acts of the other governmental branches conflicting with the constitution."[iv] In addition, it "hears accusations against high public officials, cases involving diplomatic agents and certain civil actions arising between the State and individuals."[v]

Article 5 of the Ley Orgánica del Tribunal Supremo de Justicia de la República Bolivariana de Venezuela ("LOTSJ"), specifies the competency of each Chamber. The Sala nstitucional reviews all matters contained in numerals 3 to 23. According to this Law, the review of all constitutional matters pertains exclusively to the Constitutional Chamber.[vi]

Additional information about the Supreme Tribunal – including, possibly, information about whether the docket is discretionary – is available in Spanish at the following website: http://www.tsj.gob.ve/
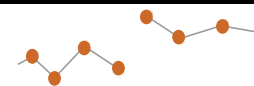
2. Locating a list of opinions for a given calendar year post-2000:

The case law for the Supreme Tribunal is available online at the following website: http://www.tsj.gob.ve/juriprudencias

To locate cases:
Go to www.tsj.gob.ve This is the home page of the Tribunal Supremo de Justicia. Once there, go to the column on the left side of the page. Look for the title "Información" (Information), once there click on "Decisiones" (Decisions). That will take you to a new page, on that page click on "Sala Constitucional". The following page will take you to the 2009 decisions. However, decisions from 2000 to 2009 are available. Click on 2003 and it will display them by month and day.

A short cut is to follow this link:
http://www.tsj.gob.ve/es/web/tsj/decisiones#1

However, neither the texts of the decisions nor the website where the decisions are located are available in English. Thus, it will be necessary to have an individual who speaks Spanish locate the decisions online.

In most instances, the court provides full cases. Sometimes, the background and discussion are omitted and only the resolution is published.
A brief summary of the cases containing basic information can be found in the Court's webpage. The following is an example:[vii]

Numero : 07	N° Expediente : 01-1827	Fecha: **16/01/2003**
Procedimiento: Acción de Amparo		
Partes: Alexandra Margarita Stelling Fernández		
Decisión: Declara Improcedente		
Ponente: Iván Rincón Urdaneta		

To identify cases that do not involve a constitutional review:
Cases not involving constitutional matters or matters contained in numerals 3 to 23 of LOTSJ are not assigned to the Constitutional Chamber and are reviewed by a different Chamber.

However, it is advisable to review the cases resolved by the Administrative Chamber because this Chamber "hears cases brought against the Republic, its States and municipalities, or any autonomous institution, public body or corporation   where the Republic has a controlling and permanent interest in its direction or administration"[viii]. It also "hears resolves on unconstitutionality or illegality of acts or laws from the Executive and other institutions with "National Public Power". It also resolves controversies between the Republic and a State.[ix]

Last, because the Constitutional Chamber reviews "acciones de amparo" derived from decisions of lower courts, there are several cases that do not fall into the scope of this investigation. The only way to identify those cases is by reading the Court's resolution.

For cases involving a constitutional review:
- There is not a way to determine if the cases were resolved based on the merits or on procedural grounds without reading the full case.
- The court's reolution contains information related to the background of the case, including its procedural history. However, sometimes the background and discussion are omitted and only the resolution is published.

3. How to determine whether the national government is a party in each case:

You can determine if the government is a party in the case by reading the preamble of each resolution. The brief summary in the webpage does not provide this information.

In addition to the government being named as a party itself, the government may be represented by agencies or individual representatives of a department. A list of Cabinet Members in Venezuela is available at the following website:
https://www.cia.gov/library/publications/world-leaders-1/world-leaders-v/venezuela.html

Notes:
- All the cases reviewed by the six Chambers and the Plenary Chamber are available online. These Chambers are: Constitutional, Electoral, Civil Cassation, Criminal Cassation, Social Cassation, and Political-Administrative.
- The cases from the Chambers are more salient than those from the Juzgados de Sustanciación. Each Chamber has an assistant court named Juzgado de Sustanciación.
  - **Is there a common way of indexing the cases?** Yes, the cases are indexed by year, month and day in the Court's webpage.
- There is a standard listing of the parties in the preamble of the case.
- The Constitutional Chamber also creates jurisprudence. However, codification has not allowed case law to reach the same recognition it has within the Common Law system. Case law is limited to fill in legislative blanks.[x] In the web page, jurisprudence is available. (http://www.tsj.gob.ve/es/web/tsj/jurisprudencias) However, those decisions are out of the scope of this investigation.

[1] Constitution, Tit. V, Ch. III, § 1° Disposiciones Generales, Art. 253 (1999) (Venezuela).

[2] Constitution, Tit. V, Ch. III, § 2° Del Tribunal Supremo de Justicia, Art. 262 (1999) (Venezuela).

[3] http://www.tsj.gov.ve/eltribunal/sobretribunal/organizacion.shtml (June, 2009)

[4] An Introduction to Venezuelan Governmental Institutions and Primary Legal Sources," prepared by GlobaLex, available at: http://www.nyulawglobal.org/globalex/Venezuela.htm

[5] Id.

[vi] Ley Orgánica del Tribunal Supremo de Justicia de la República Bolivariana de Venezuela, Art. 5 (May 24, 2004) (Venezuela). http://www.tsj.gov.ve/legislacion/nuevaleytsj.htm

[vii] This will be the first case on January 16, 2003. The case file is 01-1827.

[viii] http://www.cejamericas.org/reporte/pdfing3/Venezuela_ing.pdf, June, 2009

[ix] Ley Orgánica del Tribunal Supremo de Justicia de la República Bolivariana de Venezuela, Art. 5 §30, 31 and 32 (May 24, 2004) (Venezuela). http://www.tsj.gov.ve/legislacion/nuevaleytsj.htm

[x] An Introduction to Venezuelan Governmental Institutions and Primary Legal Sources," prepared by GlobaLex, available at: http://www.nyulawglobal.org/globalex/Venezuela.htm

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