[CZ] Complaint of Dismissed Members of the Czech Radio and Television Broadcasting Council

IRIS 2003-8:1/16

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Six ousted members of the Czech Radio and Television Broadcasting Council have lodged a complaint with the Constitutional Court of the Czech Republic and filed a joint lawsuit in Prague over their dismissal by the Chamber of Deputies and by the Prime Minister of the Czech Republic in early April. The Council was dismissed because of repeated and serious infringements of its obligations laid down by the Broadcasting Act. The six claim that the lower house and the Premier ignored provisions of the Charter of Fundamental Rights and Freedoms, since only one of those dismissed, the Council's Chairman, was allowed to defend himself. They also argue that proper procedure was ignored in their collective dismissal. The Chamber of Deputies elected a new council in May, so the case potentially threatens decisions made since then.

The Constitutional Court of the Czech Republic rejected the complaint of the six Council members by its decision of 1 June 2003. The main reason was that not all procedures have been exhausted so far. A constitutional complaint is inadmissible if the complainant failed to exhaust all remedial procedures afforded him by law for the protection of his rights. A constitutional complaint may be submitted inter alia pursuant to Article 87 para. 1, lit. d) of the Constitution, by a natural or legal person, if he alleges that his fundamental rights and basic freedoms guaranteed by a constitutional act ("constitutionally guaranteed fundamental rights and basic freedoms") have been infringed as a result of the final decision in a proceeding to which he was a party, of a measure, or of some other encroachment by a public authority (hereinafter "action by a public authority"). A petition for permission to reopen a proceeding is not considered to be such a procedure. In this case no final decision was taken and the lawsuit before the Prague regional court continues.

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Decision of the Constitutional Court of the Czech Republic Nr. IV. ÚS 306/03 of 1 June 2003

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