



**AFRICAN REGIONAL GROUP
INTERNATIONAL ASSOCIATION OF JUDGES**

**Summary Report of the meeting in
Maputo (Mozambique), 10th May, 2017**

The meeting was chaired by Mr. Cagney Musi, Vice-President of the IAJ, President of the African Regional Group, with the participation of the President of the IAJ, Mr. Christophe Régnard, of the Secretary-General of the IAJ, Mr. Giacomo Oberto, as well as the following delegates of the member associations of the International Association of Judges and of the African Regional Group:

Algeria	Mr. Aidouni Djamel; Mr. Boutabouna Abdesalam;
Angola (obs.)	Ms. Denise Ventura; Ms. Henrizilde do Nascimento; Ms. Bebiana do Nascimento; Ms. Sonia Edna Duarte; Ms. Amilda Campos; Ms. Tatiane da Assunção;
Democratic Republic of the Congo	Mr. Piepie Mukuna; Mr. Symphorien Kibundila; Mr. Shabani Watenda Junior;
Guinea Bissau (obs.)	Mr. Alberto Lucas Carlos;
Ivory Coast	Mr. Ndri N Guesson Mathurin; Mr. Kouhou Thomas;
Morocco	Mr. Mohamed Khadraoui; Mr. Mohamed Belbach;
Mozambique	Ms. Elisa Samuel; Mr. Carlos Mondlane ; Mr. Hermenegildo Chambal ; Mr. Virginius Madeira; Ms. Osvalda Joana; Ms. Soraia Salomas Agiamade; Mr. Luis Massingue;
Niger	Mr. Abdou Moussa Djibril; Mr. Zakari Yaou Mahamadou; Mr. Ayouba Assane;
Sao Tomè e Príncipe	Ms. Nadgeida Castro; Mr. Miris Botelho Bernardo;
Senegal	Mr. Magatte Diop; Mr. Diam Sene;

South Africa

Mr. Cagney Musi.

1. Opening and Welcome.

The opening ceremony took place on 8th May, 2017, with the attendance of the Minister of Justice of the Republic of Mozambique. Speeches were delivered by the President of the Mozambican Judges Association, by the President of the African Group of the IAJ, by the President of the IAJ and by the Minister of Justice, Human Rights and Religious Affairs of the Republic of Mozambique.

During the whole day, as well as during the following day, 9th May, 2017, the African Group debated the following issues: “Law, justice and citizenship: confronting challenges to judicial Independence in Africa” (presentations by Mr. Luis Mondlane and Mr. Flavio Prazeres Lopes Menete); “The role of judicial management and disciplinary bodies in Africa: Powers and limitations” (presentations by Ms. Amabelia Chuquela and Mr. Cagney Musi); “The role of the Executive in ensuring judicial independence” (presentations by Ms. Osvalda Joana and Mr. Cesar Zunguze); “Judicial independence, human right and access to justice” (presentations by Mr. Filomeno Rodrigues and Ms. Nadgeida Castro); “Judicial integrity: modern approaches to judicial ethics” (presentations by Mr. Delio Portugal and Mr. Francis Burak). On 9th May, 2017, a final resolution was unanimously adopted.

President Musi opened the meeting of the Group on 10th May, 2017, at 9.30 a.m., by thanking all the delegates in attendance as well as the observers for their presence. Then, the President of the Group thanked the Association of Mozambique for the perfect organization of the meeting of Maputo and for the very cordial reception.

2. Approval of summary report of ARG meeting held Mexico City.

President Musi passed to examine the points on the agenda of the meeting. He asked whether delegates in attendance had remarks on this subject. No delegation presented an observation. He asked then if there were remarks on the minutes of the meeting of the Group in Mexico City, distributed beforehand by the Secretariat. No remark was sent to the Presidency, or to the Secretariat. The minutes of the last meeting of the African Group in Mexico City were approved unanimously.

3. President’s Report

President Musi gave the floor first of all to the IAJ President, Mr. Christophe Régnard, thanking him for the great work he had done for the IAJ. Mr. Régnard welcomed all the delegates, wished good work to the Group and assured his constant support to it. He then thanked the Mozambican Association for the perfect organisation of the meeting, pointing out that this was the second time he visited this Country. He made reference to the main problems affecting the judiciary worldwide, as they emerged also during the meeting of the Ibero-American Group and surely will be evoked in the next EAJ meeting in Chisinau. He added that all general issues will again be debated during the meeting of the Presidency Committee in Paris at the end of June and during the meeting of the Central Council in Santiago de Chile in November this year. He underlined that unfortunately this year no candidature had already been submitted for the organisation of the meeting in 2018. President Régnard evoked also the work done around the new and revised draft Universal Charter of the Judge, to be discussed and approved in Santiago de Chile.

President Musi then took the floor underlying that the conference which had been held in the two previous days in Maputo had been a very interesting and important experience.

He then added that his report concerned the period subsequent to Mexico City up to the present. He recalled that nothing much important had happened since. He pointed out that in Mexico there had been disagreements about the organisation of the next meeting. The Group managed to solve the incident but it was desirable that such problems do not arise again in the future. President Musi mentioned then the situation of Turkey, on which the IAJ had been working very hard since the summer of 2016. He pointed out that many colleagues are still languishing in jail there only because they may have been suspected of having different ideas of those of the government. The Presidency Committee had decided to launch several initiatives in order to support judges in Turkey.

President Musi added that one of the members of the Presidency Committee had brought to the attention of that body that colleagues in Cameroon were submitted to persecutions similar to those endured by judges in Turkey. Mr. Musi tried to contact colleagues in Cameroon, but his attempts were not successful. He therefore added he would make a proposal, during the course of the meeting, in order to try to enquire into that issue.

Mr. Musi recalled that during the conference in Maputo many colleagues had made a constant reference to IAJ's African Group becoming a NGO at the African Union. This attempt had already been made by former President Ms. Fatoumata Diakite and by himself, to no avail. He also stressed that during one of the meetings of the Group he had proposed to appoint a colleague who could be resident near Ethiopia, where the African Union has its seats, and to charge this colleague to represent the African Group there. Luckily we managed to start a co-operation with the UN office on Drugs and Crime as it was witnessed by the attendance of Mr. Francis Burak in the conference of Maputo. That office will also send a full list of possible initiatives of interest for the IAJ and its African Group.

Mr. Musi then complained that the Group still does not contribute to our web site; African Associations do not communicate among themselves between the meetings. He therefore invited all delegates to send their contributions to the Secretariat-General, so that they can be published in our web site. He also complained that, with the only exception of Morocco, he had not received any invitation to participate in events organised by African Associations in their respective countries.

The President also underlined that currently two African countries are in the process of being scrutinised for a possible admission in the IAJ: Liberia and Guinea Bissau. The report about the first of these two Associations has already been drafted, whereas the second should be ready very soon. He called on the Group to show cohesion and support when the two candidatures will be discussed before the Central Council.

A short debate among delegates followed the President's report. Delegates from Morocco, the Democratic Republic of the Congo, Senegal and Niger took the floor in order to underline the need for the Associations to contribute more in the Group's works. The delegate of Morocco informed the meeting that his Association could be willing to organise the general annual meeting of the IAJ in 2018. The delegate of the Democratic Republic of the Congo informed the assembly that he had been contacted by some colleagues from Rwanda who could be interested to better know the IAJ.

4. ARG member associations' reports.

Mr. Musi welcomed first of all colleagues from Angola attending the meeting, and requested them to contact the IAJ's Secretariat-General, in order to be informed about the procedures for possible admission to the IAJ. The President then invited the Associations, and especially those which attended the meeting for the first time, to specify what are the developments in their country, their challenges and problems and also what kind of assistance of the IAJ they needed.

Algeria:

Mr. Aidouni took the floor thanking first of all the IAJ President and Secretary-General, as well as the President of the Group. He also thanked the Mozambican Association for the perfect organisation of the meeting. He evoked the last meeting of the steering committee of his Association, during which many problems had been debated. Actually, the local Association had decided to give its contribution to revise the law concerning the status of the judges, which should be updated in the light of the new Constitution. The Association is also advocating a new form and composition of the high judicial council. A reflection commission has been designated by the Minister of justice and charged with formulating proposals.

The Algerian Association has as well proposed the setting up of a welfare system for judges and for all people working in the field of justice. During this year a new commission has been created, called National Council for human rights: many judges are members of this panel and among the members there is one judge representing the Algerian Association. The Association has also been fighting for raising salaries of the judges and it has also been involved in the fight against corruption.

President Musi asked some information concerning the Palestinian Association of judges and Mr. Aidouni informed the assembly that he had tried to contact the ambassador of Palestine; he had also been informed that currently there are two associations in that country: one has good relations with the government and the other one is rather at odds with it. Another serious problem was raised by Egypt; in those very days the President of the Republic brought about an alteration of the Egyptian law on the judiciary, according to which the powers of the President of the Republic would become much stronger and would now designate and appoint all the main justices of the country. Mr. Aidouni also evoked the situation of Tunisia, where a new Association had been created and its members were mainly those who were previously members of the old Association, which still is member of the IAJ. The founders of the new association had ceased their membership in the old one, after the Revolution that occurred in that Country.

Dem. Rep. of the Congo:

The delegate of the Congolese Association thanked first of all the hosting Association. He brought the apologies of the current President of the Association, Mr. Isofa, who could not travel to Maputo and explained that his organisation had much suffered for the loss of its founder, President Nsambay, last year. Many problems were created by the politicians, as the Government had created two or three new associations, in order to bring prejudice to SYNAMAC. He then illustrated the fight of his Association for an improvement of the moral and material situation of judges, such as the welfare system, retirement treatment and housing for judges.

Ivory Coast:

Mr. Ndri Mathurin, Secretary General of the Association of Ivory Coast, thanked the colleagues of Mozambique for the perfect organisation of the meeting in Maputo. As for the Association, he pointed out that in Ivory Coast a new Constitution has been adopted in December 2016, which has brought about some problems, due to the fact that a new kind of Supreme Court has been set up. Also the High Council for the Judiciary has been reformed and it is no longer presided over by the President of the Republic, but by a judge. The Association has co-operated in the drafting of new laws, which are currently debated before the Parliament. Justice in Ivory Coast is now functioning regularly, even though with few material means. He finally points out the necessity to find a solution for financially helping African Associations, as IAJ meetings are becoming very expensive.

Morocco:

Mr. Khadraoui of Morocco thanked the hosting Association for the perfect organisation of the meeting. He informed the Assembly about the initiatives that his association, with the Ministry of Justice,

had launched in order to train judges on various themes. Many conferences and training activities have been set up in different parts of the Country. The King has designated the President of the High Judicial Council, who is the former Moroccan chief delegate to the International Association of Judges Mr. Moustapha Farès. The minister of justice is no longer a member of the Council and the local Association has reached the majority within it, as seven out of ten elective members have been elected from among the ranks of the Hassania Association.

Mozambique:

The delegate from Mozambique underlined that this was the second occasion that his Association hosted the African Group, after the first time in the year 2011; he added that it was an enormous pleasure to receive colleagues from other parts of Africa. He informed the assembly that his Association held elections in the year 2015 and that a new board had been elected for three years. This new board is trying to implement the interests of judges but also to raise the level of technical skills of the judiciary. Therefore they have been setting up different partnerships with public entities, in order to set up training activities for judges. With the help of such bodies they had organised also the African Group meeting in Maputo. Association has been also involved by the local Parliament in some initiatives concerning new legislation, in fields such as criminal justice. They organised as well international seminars on corruption and criminal justice, with other countries of the Portuguese speaking area, such as Portugal and Brazil. They hosted as well a seminar on the organised crime, with the participation of jurists and journalists.

Niger:

The delegate of Niger thanked first of all the hosting Association for the warm reception. He underlined that the current situation of the judiciary in his Country was rather difficult, due to tensions with the Executive power. Actually politicians accused judges of being corrupted, each time they rendered decisions politicians would not like. The Association tried as well to counter some appointments to the main offices of some courts, as being influenced by political decisions. It has been fighting also for getting a higher representation of elected judges among the members of the High Council for the Judiciary, so far to no avail. A committee has been set up, in order to try to revise the powers of the Minister of justice. The Association was also engaged in the process of revision of retirement rules for judges. The delegate closed his report prompting the IAJ to help judges to finance their participation in IAJ meetings.

Sao Tomé e Príncipe:

The delegate from Sao Tomé e Príncipe thanked first of all the Mozambican Association for the invitation. She informed the Assembly that the problems of length of the judicial proceedings in her Country have been aggravated recently by a strike of the judicial staff, which was still paralyzing every activity. The final moment of this action was not in sight for the moment. The new Minister of Justice had involved the Association in the process of reforms concerning new laws on courts and judiciary. The main problem of the local judiciary and of the Association is caused by the very limited number of judges, taking also into account the dimension of the Country and its population.

Senegal

The President of the Association of Senegal Mr. Diop apologised for the problems occurred after the meeting in Mexico City, as some unexpected difficulties had prevented them to organise the springtime meeting of the Group. He underlined the difficulty of having good relations to the other powers of the State, which also brings into consideration the issue of financing of Associations and of their initiatives, with a narrow link to judicial independence. He added we should be aware of the role of the IAJ as worldwide guarantor of judicial independence. He evoked the case of a Senegalese judge who was disciplinarily charged, simply for having criticised working methods of the High Council of the

Judiciary. The Association stood up to defend him. On the legislative side, however, some improvements had to be registered: for instance, the number of elective members of the Council has been raised.

South Africa

President Musi informed the Assembly about recent developments in South Africa, where magistrates are busy rewriting their regulations in co-operation with the Deputy Minister of Justice. In the past years some tensions had occurred, and the Government had withdrawn its support to the organisation of the meeting of the African Regional Group some years ago. Today the climate keeps being tense, but it slightly improved and they are hoping to have in the future better relations to the Executive.

Angola:

The delegate of the observer Association of Angola thanked the Mozambican Association for the invitation. She explained that the Association was founded in 2015 and encompasses 203 members out of 220 judges of the Country. Its main scope is that of improving moral and material conditions of judges, but as well to provide them with training. In Angola the financial and administrative autonomy of the Judiciary is not yet fully implemented, although this has been provided for by the new Constitution of the year 2010. Actually, in 2014 a new law on the organisation of the Judiciary has been approved, but it was not yet implemented. Many courts are working in situation of precarity and, in practice, a very low percentage of the total allocation for Justice of the State budget is given to the courts, so that they very often cannot cope with their needs. The situation of the Supreme Court is better than that of the first instances. The Angolan delegate then explained the organisation of the High Council for the Judiciary, where elected judges are sitting but are very often excluded from the committee which takes the most important decisions. Also the personal situation and salary treatment of the judges has been worsening in the last years. Many problems still exist between the judiciary and the executive power; the admission of the Association to the IAJ will help the improvement of this state of things.

Guinea Bissau:

The delegate from the observer Association of Guinea Bissau took the floor to thank the Mozambican Association and the IAJ for the invitation and to explain that the judiciary in his Country was still fragile. Therefore they were hoping that IAJ membership could help them overcome present difficulties. President Musi informed the Assembly that the report on Guinea Bissau was ready and would be submitted to the Presidency Committee in June.

5. The situation of Lesotho and Cameroon

President Musi took the floor to illustrate the situation of Lesotho. He explained the Association had attended our meetings only two times. Following elections, the board had changed and this had brought about some problems among the members of the judiciary. It was also difficult to establish contacts among colleagues, although he himself belonged to that judiciary. The current Secretary-General was not established in Maseru, the capital, and was therefore not within easy reach. In any case, Mr. Musi said he would travel to Lesotho in the end of June and would try to contact the President of the Secretary-General of the Association.

President Musi then passed on to illustrate the situation of Cameroon, referring to what he had already explained in his report. He proposed therefore to charge the delegate of Ivory Coast, Mr. Ndri Nguesson Mathurin, to travel to Cameroon and to report about what is happening in that Country, as far as the situation of the judiciary is concerned. He should report to President Musi within next fourteen days, so that President Musi can refer on the situation to the IAJ Presidency Committee. The Assembly unanimously approved the proposal of the President.

6. Monitoring

President Musi pointed out that, in the past, IAJ had two different categories of members: extraordinary and ordinary members. The African Group felt very strongly that this distinction had to be abolished. It was agreed within the Central Council that countries should complete a questionnaire every five years and for the first time in 2015. Unfortunately, some African countries have not completed the questionnaire and this subject had been discussed in Barcelona as well as in Mexico City. During the last meeting of the Group he had therefore invited concerned associations to fill in the questionnaire and send it to the Secretariat-General. The risk run by associations not complying with this requirement is that of being expelled from the IAJ. He had also added that the Associations were not obliged to answer all the questions.

At this point he informed the Group that, among African Association, still those of Cameroon, Niger and Tunisia had to fill in the monitoring questionnaire. He urged therefore the delegates of Niger attending the meeting in Maputo to fill the questionnaire and to send it to the IAJ Secretariat-General as soon as possible. Mr. Ndiri Nguesson Mathurin will inform the President about the person to be contacted in Cameroon for the questionnaire and Mr. Aidouni Djamel of Algeria will contact the Tunisian Association, urging them to fill in and send the monitoring questionnaire as soon as possible.

7. Committee to assist ARG President

Mr. Musi introduced the subject by evoking the decision taken in Mexico City to investigate the possibility of setting up a committee formed of three members, in order to study the composition, the powers and the functions of the Committee that had to assist the President of the Group. This Committee was charged with preparing a report and sending it to all the Associations, so that they could enrich the report, to be adopted formally at the meeting of the Group. Mr. Kahdroui Mohamed, from Morocco, Mr. Aboubacar Nouhou, from Niger and Mr. Lamine from Togo, as volunteers, were charged to prepare a report in English, French and Portuguese, to be sent to the IAJ Secretariat at the beginning of March 2017.

In April only Mr. Nouhou Aboubacar sent some remarks, proposing to set up a committee of four members, appointed as follows: - one member from the Arab speaking countries; - one member from the English speaking countries; - one member from the Spanish-Portuguese speaking countries and - one member from the French speaking countries. As regards their mission, they should: - be representative for each group of countries (as listed above) for the President in the transmission of information to the associations belonging to the Group; - collect and guarantee the transmission of information, ideas and considerations of the associations of their respective group, as particularly relevant and interesting, to submit to the President; - possibly conciliate candidatures from different countries willing to host the meeting of the Regional Group, in order to present just one candidature. As for the advantages, he proposed taking charge of the cost of the assistants to the President for their participation to the regional and international meetings for a participation of two members per any meeting and in a rotary way.

Having said this, the President remarked that usually very little happens in between African Group meetings and there is still very little communication among the Associations outside the meetings: therefore the creation of such a panel would be useless, at least for the present time. He also remarked that this proposed fragmentation in linguistic groups, referring to Africa colonial traditions, was of no help, as the Group had always acted as a united body.

After a short discussion the Assembly approved the proposal of the President to leave the subject on the agenda of next meeting and to invite in the meantime Associations willing to forward ideas and reflections on the subject to do so.

8. Statement/s and Resolution/s by the Group

President Musi explained that very often the discussions among the members of the Group do not give way to statements or resolutions. Therefore he put this point on the agenda, in order to stimulate

ideas and initiatives in this regard. This means that it would be desirable that, before travelling to the meeting of the Group, each delegation contacted the President and/or the Secretariat-General, announcing possible initiatives of this kind. The President pointed out as well that two years ago the Central Council, upon proposal of the Presidency Committee, approved the procedures to be followed when Associations and/or Regional Groups want to pass resolutions before the Central Council. The document is available on our web site, see: <http://www.iaj-uim.org/iuw/wp-content/uploads/2015/10/ProcedureforsubmissionofresolutionsEN1.pdf>.

Codice campo modificato

9. Finance

Secretary-General Oberto illustrated to the Assembly the situation of the Group's budget: it may count on reserves and an annual assignment for a total amount of more than 19,000 Euro (enclosure n. 1). He also noted that by the date of the meeting only few member associations paid their annual fees and invited them all to settle their contributions. He added that, this year, as usual, the Presidency Committee had decided to allocate to each Regional Group the regular allocation of 3,000 Euro.

10. Venue of next meeting

Mr. Aidouni Djamel informed the Assembly that the Algerian Association could be available to host next year's regional meeting. However, he will communicate the final decision before the meeting in Santiago de Chile. The Assembly, upon proposal of the President, warmly thanked him for the availability.

11 Miscellanea

The President of the IAJ Mr. Régnard took the floor in order to inform the Assembly about the works for the updating of the Universal Charter of the Judge. The draft had already been disseminated among member Associations and the Presidency Committee will finalize the text during its Paris meeting next June. He added that no remarks had been raised by African countries on the draft. After adoption the text will be distributed and published. The Presidency Committee will also decide how and through what means it will be made public.

Mr. Musi asked if there were issues to be dealt with under miscellanea. This not being the case, he finally thanked all the participants for their attendance and the IAJ President and Secretariat-General for the assistance provided.

The meeting was closed at 12.30.

The Secretary-General
Giacomo Oberto

The President
Cagney Musi

Enclosures:

1. Budget 2016-2017 and expenses from 8th October 2016 to 29th April 2017.



INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI

PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

AFR budget Maputo

AFRICAN GROUP
Regional Group of the I.A.J.

BUDGET 2016-2017
and
EXPENSES FROM 8 OCTOBER 2016 TO 29 APRIL 2017

(in EURO)

		Total
A) Reserves	+ 16,996.32	
B) Contribution from the IAJ for the year 2016-17	+ 3,000.00	
C) Total availability for the year 2016-17 [A+B]		19,996.32
D) travel expenses of the rapporteur on the application of Guinea Bissau	- 700.36	-700.36
Availability on 29 April 2017 [C-D]		+ 19,295.96